

Regular Session - 1986
(1-8-86 through 4-16-86)

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SECOND SESSION

1986

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by

PATRICK J. O'DONNELL, CLERK

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William E. Nichol, Speaker	Scottsbluff
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LEGISLATURE

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2	Calvin F. Carsten.....	Avoca.....	Retired Farmer	Cass, Otoe*
3	Emil E. Beyer, Jr.	Gretna.....	Real Estate Investor	Sarpy*, Douglas*
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5	Bernice Labedz	Omaha.....	State Senator.....	Douglas*
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7	Timothy J. Hall.....	Omaha.....	Development Director	Douglas*
			U.C.S.S. (United Catholic Social Services)	
8	Vard R. Johnson.....	Omaha.....	Attorney.....	Douglas*
9	Marge Higgins.....	Omaha.....	State Senator.....	Douglas*
10	Carol McBride Pirsch	Omaha.....	Community Relations	Douglas*
			Supervisor	
11	Ernie Chambers	Omaha.....	Barber	Douglas*
12	Chris Abboud.....	Ralston.....	Attorney.....	Douglas*
13	Daniel C. Lynch.....	Omaha.....	Vice President, Consumer	Douglas*
			Affairs, Blue Cross/ Blue Shield of NE	
14	Ron Withem	Papillion.....	Executive Director	Sarpy*
			MCAO	
15	Lowell C. Johnson	North Bend.....	Retired Engineer/.....	Dodge*
			Farmer/Businessman	

Dist.	Name	Address	Occupation	Counties
16	James E. Goll.....	Tekamah	President-Tekamah Motors, Inc.	Burt, Cuming*, Thurston, Washington
17	Gerald A. Conway	Wayne	Finance Professor/ Consultant	Dakota, Dixon, Wayne*
18	Harry B. Chronister.....	Schuyler.....	Agri-Business	Colfax, Cuming*, Dodge*, Stanton
19	Elroy M. Hefner	Coleridge.....	Businessman.....	Cedar, Knox, Pierce, Wayne*
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21	Richard Peterson	Norfolk	Farmer/Beekeeper/ Businessman	Madison
22	Lee Rupp	Monroe	Public Relations/ Ag. Real Estate	Boone*, Nance, Platte*
23	Loran Schmit.....	Bellwood	Farmer	Butler, Platte*, Saunders
24	Harold F. Sieck.....	Pleasant Dale	Farmer	Polk*, Seward, York
25	Jerome Warner	Waverly.....	Livestock/Farming.....	Lancaster*
26	Don Wesely	Lincoln	Businessman.....	Lancaster*
27	Bill Harris	Lincoln	Oil Exploration	Lancaster*
28	Chris Beutler.....	Lincoln	Attorney/President of Beutler Title	Lancaster*
29	Shirley Marsh	Lincoln	State Senator.....	Lancaster*
30	Patricia S. Morehead	Beatrice	Homemaker/ State Senator	Gage, Jefferson*
31	Jerry Chizek	Omaha.....	Manager, Public Affairs.....	Douglas*
32	Donald Eret	Dorchester.....	Farmer	Fillmore, Jefferson*, Saline, Thayer
33	Jacklyn Smith.....	Hastings	Public Relations	Adams
34	Rod Johnson.....	Sutton.....	Farming/Cattle Feeding.....	Clay, Hall*, Hamilton, Merrick, Polk*
35	Arlene Nelson	Grand Island	Agri-Bookkeeper.....	Hall*
36	Ray E. Lundy	Kearney.....	Retired City Manager.....	Buffalo*, Hall*
37	Jerry D. Miller.....	Davenport	Farmer	Buffalo*, Franklin, Kearney, Nuckolls, Webster

Dist.	Name	Address	Occupation	Counties
38	Tom Vickers.....	Farnam.....	Farmer/Rancher.....	Frontier, Furnas, Gosper, Harlan, Lincoln*, Red Willow
39	William E. Barrett	Lexington	Real Estate/Insurance.....	Dawson, Phelps
40	John W. DeCamp	Neligh.....	Attorney/Real Estate	Antelope, Boone*, Boyd, Holt
41	Carson H. Rogers.....	Ord.....	Broker & Developer	Custer*, Garfield, Greeley, Hall*, Howard, Loup, Sherman, Valley, Wheeler
42	James E. Pappas	North Platte	Consultant.....	Lincoln*
43	Howard A. Lamb.....	Anselmo	Rancher.....	Blaine, Brown, Cherry, Custer*, Hooker, Keya Paha, Logan, McPherson, Rock, Thomas
44	Rex Haberman.....	Imperial.....	State Senator.....	Arthur, Chase, Deuel, Dundy, Grant, Hayes, Hitchcock, Keith, Lincoln*, Perkins
45	D. Paul Hartnett.....	Bellevue.....	College Professor	Sarpy*
46	David Landis	Lincoln	Teacher/State Senator.....	Lancaster*
47	Dennis Baack	Dix	Farmer	Banner, Cheyenne, Garden, Kimball, Morrill, Scotts Bluff*
48	William E. Nichol.....	Scottsbluff	Retired	Scotts Bluff*
49	Sandra K. Scofield.....	Chadron	Career Counselor/.....	Box Butte, Dawes, Sheridan, Sioux
			Consultant/Farmer	

Clerk

Patrick J. O'Donnell Lincoln

RULES OF THE NEBRASKA UNICAMERAL

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RULE 1--OFFICERS AND EMPLOYEES

A. Election of Officers

Section 1. Officers to be Elected. (a) At the commencement of each regular session in odd-numbered years the Legislature shall nominate from the floor and elect by secret ballot the following officers:

Speaker
Chairperson of Committee on Committees
Chairperson of Executive Board
Vice Chairperson of Executive Board
6 Members of Executive Board (See footnote)

Before the ballot is taken each person so nominated may make a public statement to the Legislature indicating what the Legislature may expect from him or her in the area of the responsibility of such office. The officers so elected shall hold such office for a period of two years.

The Legislature elects two from Legislative Districts 1, 2, 15, 16, 23 through 30, 32 through 35, and 46; two from Legislative Districts 3 through 14, 20, 31, and 45; and two from Legislative Districts 17 through 19, 21, 22, 36 through 44, and 47 through 49. Speaker is member of Board; Chairperson of Appropriations is nonvoting member. RRS 50-401.01.

(b) In the event a vacancy occurs on the Executive Board, the following shall apply:

(i) The Vice Chairperson shall serve as acting Chairperson upon the resignation or death of the Chairperson until the commencing of the next regular session of the Legislature, at which time the Legislature shall nominate from the floor and elect by secret ballot a Chairperson of the Executive Board for the balance of the original term.

(ii) Upon the resignation or death of the Speaker, during the interim, said position shall remain vacant until the next regular session or special session the Legislature convenes, at which time a Speaker shall be nominated from the floor and elected by secret ballot for the balance of the original term.

Upon the resignation or death of the Speaker during the session, a Speaker shall immediately be nominated from the floor and elected

RULE 1

by secret ballot for the balance of the term.

(iii) In the event there is a vacancy of the Vice Chairperson of the Executive Board, said vacancy shall be filled pursuant to Rule 3, Section 7(c).

(iv) During session, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Legislature. The individual so selected shall serve for the balance of the original term.

During the interim, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Executive Board. The individual so selected shall serve for the balance of the original term.

Sec. 2. Officers to be Approved. In addition, the Legislature shall advise and consent to the recommendations of the Executive Board of the Legislative Council for the following officers:

Chief Clerk of the Legislature
Assistant Clerk of the Legislature
Sergeant at Arms
Chaplain Coordinator

Officers and employees recommended by the Executive Board. RRS 50-111.

Sec. 3. Voting on and Removal of Officers. (a) A majority vote of the elected members shall be required for the election of all officers of the Legislature. All officers shall hold their office until a successor is chosen or they are removed.

(b) Any officer of the Legislature may be recalled upon a two-thirds majority vote of the members elected to the Legislature provided no such recall shall be voted on until five legislative days after the motion to do so is placed in the Journal. The vacancy thus created shall be filled by a majority vote of the members.

Sec. 4. Officer's Oath. Each permanent officer shall take an oath to support the Constitution of the United States, and the constitution of the State of Nebraska, and to discharge faithfully the duties of his or her office according to the best of his or her ability.

RULE 1

B. Presiding Officer

Sec. 5. President of the Legislature. The Lieutenant Governor shall preside as President of the Legislature. The Speaker shall serve as acting President and preside when the Lieutenant Governor shall be absent, incapacitated, or shall be acting as Governor. All references herein made to the President shall be construed as meaning also the Speaker whenever he or she may preside.

Prohibited from presiding when acting as Governor. Const. Art. III, Sec. 10.

Duties and powers. RRS 50-113.

Sec. 6. Presiding Officer, Order in Designating. In the absence of both the Lieutenant Governor and the Speaker, the order of the presiding officer of the Legislature shall be as follows:

- Chairperson of the Legislative Council
- Chairperson of Committee on Committees
- Chairperson of Committee on Judiciary
- Chairperson of Committee on Government, Military and Veterans Affairs
- Chairperson of Committee on Appropriations
- Chairperson of Committee on Revenue
- Chairperson of Committee on Education
- Chairperson of Committee on Banking, Commerce and Insurance
- Chairperson of Committee on Public Works
- Chairperson of Committee on Agriculture and Environment
- Chairperson of Committee on Public Health and Welfare
- Chairperson of Committee on Miscellaneous Subjects
- Chairperson of Committee on Business and Labor
- Chairperson of Committee on Urban Affairs
- Chairperson of Committee on Constitutional Revision and Recreation

Emergency succession. RRS 50-503(7).

Sec. 7. Powers of Presiding Officer, Restrictions. All the powers herein conferred on the President shall be exercised by the presiding officer, except the authority to sign bills or resolutions passed by the Legislature.

Const. Art. III, Sec. 14.

RULE 1

*Addressing the chair. Rule 2, Section 7.
Duties. RRS 50-113.*

Sec. 8. Alternate Presiding Officers. The President may name any member to perform the duties of the presiding officer, but such delegation shall not extend beyond adjournment.

Sec. 9. Convening of Legislature, Quorum. The President shall take the chair each legislative day at the hour to which the Legislature shall have adjourned at the last sitting. He or she shall call the Legislature to order, and a quorum being present, shall proceed in the manner and order prescribed by these Rules. A majority of the members elected to the Legislature shall constitute a quorum.

Const. Art. III, Sec. 10.

Sec. 10. Absence of Quorum. If the President finds that a number less than a quorum is present, he or she shall so state, and a majority of the members present, if five in number, may compel the presence of all members subject to a call of the house.

Sec. 11. Order and Decorum. The President shall preserve order and decorum, and in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared.

Consent to enter chamber. Rule 2, Section 3.

Sec. 12. Overrule Ruling of the Chair. The President may speak to a point of order in preference to members, and shall decide the questions or order, subject to a challenge to the Legislature by any member, on which challenge no member may speak more than once, unless by leave of the Legislature. In the event of a challenge to a ruling of the chair, the ruling shall be restated and the question shall be phrased: "Shall the Chair be overruled?" A majority of those present shall be required to overrule the chair.

Sec. 13. Signing of Bills and Resolutions. The President shall sign, in the presence of the Legislature, while the same is in session and capable of transacting business, all bills and resolutions passed by the Legislature. All writs, warrants, and subpoenas issued by order of the Legislature shall be under his or her hand and seal, and attested to by the Clerk.

RULE 1

Only Lieutenant Governor or Speaker may sign bills. Const. Art. III, Sec. 14.

Sec. 14. Lieutenant Governor Voting, When. The Lieutenant Governor, when presiding, shall vote only when the Legislature is equally divided.

Const. Art. III, Sec. 10.

C. Speaker

Sec. 15. Speaker, Presiding, Privilege. The Speaker shall preside over the Legislature at such times and circumstances as is above set forth. He or she shall be privileged to speak at any stage of proceedings at any time incident to the duties and responsibilities of his or her office.

Distribution of material by Clerk. Rule 2, Section 3f.

Excuse attendance at committee hearing. Rule 2, Section 4.

Power to refer bill back to committee. Rule 6, Section 3g.

Signing of bills. Const. Art. III, Sec. 14.

Sec. 16. Report Order of Bills. (a) The Speaker, with the approval of the Executive Board, shall report to the Legislature the order in which bills and resolutions shall be considered on General File. The Speaker's orders, as approved, are final unless changed by a three-fifths vote of the elected members of the Legislature. General appropriation bills shall be given precedence over all other bills.

(b) The Speaker may, when sound judgment would so dictate, postpone the scheduled reconvening of the Legislature for up to forty-eight hours when (1) an emergency exists due to adverse weather or other causes, or (2) a quorum cannot be assembled within one half hour after the time to which the Legislature was to have convened.

(c) The Speaker shall prepare a daily legislative agenda and shall make every effort possible to deliver the agenda to the members of the Legislature not less than one day prior to the day for which the agenda was prepared.

D. Clerk of the Legislature

Sec. 17. Duties, Journal, Report on Employees. (a) The Clerk of the

RULE 1

Legislature shall attend sessions, call the roll, and keep journal of proceedings.

(b) The Clerk of the Legislature shall print no paper or document, except bills and the daily Journal, unless authorized by a majority vote of the elected members of the Legislature, or by the Executive Board.

Preprinting of bills. Rule 5, Section 3.

(c) The Clerk of the Legislature shall make a detailed and itemized report to the Legislature each month concerning the number of employees and the amount paid for their services, especially setting out the amount of regular time and overtime, and to whom paid.

(d) The Clerk of the Legislature shall have general charge, except as may be provided by law or by rule, of such parts of the Capitol and its passages as are or may be set apart for the use of the Legislature and its officers and employees.

(e) No communications or letters shall be read by the Clerk of the Legislature unless authorized by the Speaker or the Reference Committee.

General duties. RRS 50-114.

Distribute material, when authorized. Rule 2, Section 3f.

Fiscal notes, attach to bills. Rule 5, Section 6d.

Lobby registration. RRS 50-308 through 50-318.

File administrative rules. RRS 84-904.

Sec. 18. Journal, Governor's Messages, Amendments. (a) The Clerk shall prepare a daily Journal of the proceedings of the Legislature, which shall be printed and placed each day upon the desks of the members, and the presiding officer shall call in the regular order of business for corrections thereof. After corrections, if any are made, the Journal shall stand approved without motion.

Order of business. Rule 7, Section 1b.

(b) The Clerk shall enter in the daily Journal messages of the Governor in full, titles of bills, every vote, including the yeas and nays, and a brief statement of the contents of each resolution, petition, memorial, or other paper presented for the consideration of

RULE 1

the Legislature.

Constitutional amendment, print in full. Const. Art. XVI, Sec. 1.

(c) The hour at which the Legislature adjourns shall be entered in the daily Journal.

(d) All amendments for which a vote is taken shall be entered in the daily Journal.

(e) Additional copies of the daily Journal, to be mailed at the Clerk's direction, shall be supplied for the use of each member in such manner as shall be provided by the Legislature.

(f) The bound Journal of the session shall be prepared from the corrected daily Journal.

(g) A verbatim record of all debate and questions on all bills and resolutions, and amendments offered thereto, shall be made, transcribed, and preserved under the direction of the Clerk.

(h) A list of lobbyists who are registered shall be set forth in the Journal.

On registration of lobbyists. RRS 49-1480 through 49-1492.

Sec. 19. Assistant Clerk, Duties. The Assistant Clerk shall, in the absence of the Clerk, be authorized to exercise all the duties herein prescribed for the Clerk of the Legislature, including the signing of those papers which may require the signature of the Clerk of the Legislature.

RRS 50-115.

E. Other Offices

Sec. 20. Sergeant at Arms. (a) The Sergeant at Arms shall attend the Legislature during its sittings, to execute the commands of the Legislature from time to time, together with all such processes issued by authority thereof as shall be directed to him or her by the presiding officer, and shall enforce strictly the rules as they relate to privileges of the legislative chamber.

RULE 1

RRS 50-116.

(b) The Assistant Sergeant at Arms shall assist the Sergeant at Arms and in the absence of the latter, shall perform all of the duties herein prescribed for the Sergeant at Arms.

(c) Such other security guards as may be necessary shall be under the direction of the Speaker.

Compel attendance at committee hearing. Rule 2, Section 4.

Sec. 21. Chaplain Coordinator. The Chaplain Coordinator shall work in conjunction with organized Nebraska groups of Clergy to arrange for prayer at the beginning of each day of the legislative session.

Sec. 22. Other Employees, Hiring of. The Executive Board of the Legislative Council shall hire all employees of the Legislature except those subject to the procedure in Rule 1, Section 2. The salaries of permanent employees shall be determined by the Executive Board subject to the limits of the appropriation bill. The Executive Board shall submit a salary schedule the first day of each session to the Legislature for all temporary employee positions. Such salary schedule shall be considered adopted unless rejected or amended by a majority of the elected members. No further adjustments in individual salaries for temporary employees need to be submitted to the Legislature for that session.

RRS 50-112.

RULE 2--RULES OF PROCEDURE

Section 1. Rules, Matters Not Covered. These rules shall be adopted at the commencement of each regular session and, as amended from time to time, shall govern the Legislature for a period of one year. In all matters not covered herein, the Legislature shall decide as to the procedure to be followed, the same to require the concurrence of a majority of the elected members.

*Overruling the chair. Rule 1, Section 12.
Presiding officer, duties. RRS 50-113.*

Sec. 2. Rules, Suspension, Amendment. These rules may only be suspended by a three-fifths majority of the elected members by a machine vote, and may be amended by a three-fifths majority vote of the members elected; Provided, any proposed amendment must first be referred to the Committee on Rules for consideration and report.

Sec. 3. Chamber, Guests, Distributions of Material. (a) The legislative chamber shall consist of the entire floor of the legislative chamber including the space under the balcony on either side adjacent thereto, or any other space designated by the Legislature or the Executive Board thereof.

(b) No person shall be admitted to the floor of the Legislature, as described in this rule, except the following:

- (i) Members of the Legislature and their immediate families.
- (ii) Officers and employees of the Legislature.
- (iii) Reporters of regularly accredited newspapers and broadcasting stations.

(c) The Governor, state officers, former legislators, and other distinguished visitors may be admitted to the floor upon permission from the chair.

State officials appearing before committees. Rule 3, Section 14.

(d) No one shall be permitted to be seated beside members of the Legislature except members of their immediate families upon permission from the chair. When bills are being read on Final Reading, no one shall be permitted to be seated beside members of the Legislature.

RULE 2

(e) No person, other than those hereinbefore excepted, shall be admitted to the members' cloak room or post office, unless accompanied by a member.

(f) No printed or written material of any nature may be placed on the desks of the members or distributed to them in the legislative chamber, unless such material clearly indicates on its face the person responsible for its distribution. The distribution must be approved by at least one member of the Legislature. The Speaker may authorize the Clerk to distribute material prepared by state agencies.

(g) Members shall remain in their seats during the Final Reading of a bill and until the vote thereon has been announced, except when excused by the President.

(h) No individual, other than a senator or officer of the Legislature, shall be allowed to address the Legislature except from the podium.

Sec. 4. Attendance at Sessions. (a) Every member shall be present within the legislative chamber during the meetings of the Legislature and shall attend the regular meeting of the standing committee of which he or she is a member, unless excused by the Legislature, the Speaker, or the committee chairperson. Members who have been excused by the Legislature or the Speaker shall notify their committee chairperson that they will be absent.

(b) The presence of any member may be compelled, if necessary, by sending the Sergeant at Arms, or such other person or persons as the membership present may authorize, at the expense of such absent member, unless such excuse for nonattendance is made as the Legislature may judge sufficient, and in that case the expense shall be paid out of the contingent fund.

Sec. 5. Absent Members, Explanation of Vote. Members who are shown as excused and not voting may have inserted into the Journal how he or she would have voted had he or she been present.

Sec. 6. Expulsion of Members. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense.

Const. Art. III, Sec. 10.

RULE 2

Sec. 7. Senator Desiring to Speak. (a) When a member desires to speak in debate or to deliver any matter to the Legislature, he or she shall rise from his or her seat and respectfully address himself or herself to "Mr. or Madame President." A member shall speak only when recognized and shall confine his or her remarks to the question before the Legislature.

(b) No member shall interrupt the business of the Legislature nor speak to another who has the floor, except when he or she may yield to a question. No guest will be introduced during the legislative session except dignitaries and such dignitaries shall only be introduced by the presiding officer, provided that the presiding officer can announce the presence of visiting groups or organizations at his or her discretion. Those individuals and groups not introduced may be inserted in the Journal by request. No member shall use profane or abusive language when speaking to or about another member.

Sec. 8. Transgression of Rules, Call Member to Order. If any member, in speaking or otherwise, transgresses the Rules of the Legislature, the presiding officer shall, or any member may, call such member to order, in which case he or she shall immediately sit down, unless permitted on motion of another member to explain, and the Legislature shall, if appealed to, decide the case without debate. If the decision be in favor of the member called to order, he or she shall be at liberty to proceed, but not otherwise, and if the case requires it, he or she shall be liable to censure or such punishment as the Legislature may deem proper.

Sec. 9. Words Excepted To. If a member is called to order for words spoken in debate, the member calling him or her to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the Legislature, but he or she shall not be held to answer, nor be subject to the censure of the Legislature therefore, if further debate or other business shall have intervened.

Sec. 10. Time Limit on Speaking. Each member shall be allowed to speak up to three times for not more than five minutes on each occasion, upon any one question in deliberation during the legislative day, without leave of the Legislature, unless he or she be the mover, proposer, or introducer of the matter pending in which case he or she shall be permitted to speak in reply, but not until every other member choosing to speak shall have spoken. Provided, however, the mover,

RULE 2

proposer, or introducer of the matter pending may speak for ten minutes when he or she first presents the matter to the Legislature.

Sec. 11. Personal Privilege. Personal privilege shall be, first, those affecting the rights, dignity, and integrity of the Legislature collectively; and second, the rights, reputation, and conduct of members individually. They shall have precedence over all other questions except motions to adjourn. Personal privilege shall not be used to permit any discussion or debate pertaining to any measure pending before the Legislature. All questions of privilege shall be channeled through the presiding officer, who shall determine their order of consideration.

RULE 3--COMMITTEES

Section 1. Committees in General. (a) Each committee of the Legislature is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Legislature, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, and to take such testimony, as it deems advisable. Each committee may make investigation into any matter within its jurisdiction, may report such hearings as may be had by it, and may present to the Legislature for its consideration any final reports and recommendations for action resulting from such investigations.

(b) A committee's subject-matter jurisdiction extends to all matters specified in the act creating the committee, or to all matters reasonably comprehended in the name of the committee. A committee's particular jurisdiction extends to any bill, resolution, or other measure referred to it by the Legislature, until final report of the measure has been made by the committee to the Legislature.

(c) No committee may exercise any of the above mentioned powers in a manner contrary to the Rules of the Legislature or in a manner which exceeds the scope of the act defining the purpose of the committee.

(d) A committee may adopt the Model Committee Rules (Appendix A to Rule 3) as the rules to be used in governing the committee's activities.

Model Committee Rules-Appendix A on file in the Clerk's office.

Sec. 2. Appointment of Committees. (a) At the commencement of each session, the Legislature shall elect a Committee on Committees to consist of thirteen members, one at large who shall be chairperson, and three from District Number 1 consisting of legislative districts Numbers 1 through 3, 25 through 30, 32, 45, and 46; three from District Number 2 consisting of legislative districts Numbers 4 through 14, 20, and 31; three from District Number 3 consisting of legislative districts Numbers 15 through 19, 21 through 24, 34, 35, and 40; and three from District Number 4 consisting of legislative districts Numbers 33, 36 through 39, 41 through 44, and 47 through 49.

(b) The Committee on Committees, by a majority vote of all its

RULE 3

members, shall recommend to the Legislature for its approval appointments to the standing and select committees, each with the number of members as hereinafter set forth, unless otherwise provided for by rule or by statute.

(c) The membership of all standing and select committees shall be appointed at the beginning of each session beginning in odd-numbered years and shall continue until the regular session in the next subsequent odd-numbered year.

(d) During session, all vacancies on standing or select committees created by the death or resignation of a member shall be filled by a majority vote of all members of the Committee on Committees unless otherwise provided for by rule or statute. A vacancy within the Committee on Committees shall be filled by a meeting of the caucus established pursuant to Rule 3, Section 2.

During the interim, all vacancies on standing or select committees created by the death or resignation of a member shall be filled by a majority vote of all members of the Executive Board.

Sec. 3. Standing Committees. (a) The standing committees of the Legislature shall be as follows:

Administrative Rules and Regulations Review	7 members
Agriculture and Environment	8 members
Appropriations	9 members
Banking, Commerce and Insurance	8 members
Business and Labor	7 members
Constitutional Revision and Recreation	7 members
Education	8 members
Government, Military and Veterans Affairs	8 members
Judiciary	8 members
Miscellaneous Subjects	8 members
Public Health and Welfare	7 members
Public Works	8 members
Revenue	8 members
Urban Affairs	8 members

(b) The Speaker shall not be a regular member of a standing committee.

Sec. 4. Select Committees. (a) The select committees of the Legislature shall be as follows:

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Committee on Committees	13 members
Enrollment and Review	1 member
Reference	9 members
Rules	5 members

(b) Select committees shall be subject to the same procedural rules as standing committees insofar as they are applicable. In addition, the following provisions shall apply:

(c) Committee on Committees.

(i) The Committee on Committees shall have authority to call before it a committee chairperson and discuss the workload of said committee. It shall hear and dispose of all written complaints filed with said committee by a senator against any committee chairperson. The Committee on Committees shall conduct said hearing in accordance with its own rules.

(d) Enrollment and Review.

(i) The Chairperson of Enrollment and Review shall report bills which have been engrossed for Final Reading and passage. In the absence of the Chairperson, the Vice Chairperson of the Judiciary Committee shall assume the duties of the Chairperson of the Enrollment and Review Committee.

(ii) The bill drafting service shall have supervision of and provide legal services for Enrollment and Review Committee.

(iii) The Chairperson of Enrollment and Review shall have authority, without being required to include the same specifically in his or her reports and recommendations to the Legislature, in accord with accepted usage:

- (A) To correct the spelling of words, to correct erroneous division and hyphenation of words, to capitalize or decapitalize words, to convert masculine or feminine referents to neutral gender when appropriate, and to change numbers from words to figures or from figures to words, in new and independent acts, in the new matter of amendatory acts, in standing committee reports, and in General File, Select File, and specific amendments.
- (B) To underscore or remove underscoring, as the case requires, in standing committee reports and in General File, Select File, and specific amendments.
- (C) When an amendment to add the emergency clause, the severability clause, or provide an operative date is adopted

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on Select File which does not spell out the standard clause or section and make the necessary change in the title, the Chairperson of Enrollment and Review shall also have the authority to add to the engrossed bill the standard clause or section, assigning to it the appropriate section number, and make the necessary change in the title as a matter of course without including such action in his or her reports and recommendations to the Legislature or making any special record thereof.

- (D) To add and/or delete names of introducers to reflect action on the bill while the bill remains in the possession of the Legislature at any stage of consideration.
- (E) To reflect votes on Final Reading as they may occur pursuant to Rule 6, Section 10 and Rule 6, Section 15.

(e) Reference Committee.

(i) The Executive Board shall constitute the Reference Committee. The Reference Committee shall review each bill and resolution and either refer the matter to the appropriate committee or to General File. The appropriate committee is that committee which has subject-matter jurisdiction over the issue or which has traditionally handled the issue.

(ii) All nominations made to the Legislature by the Governor, requiring confirmation by the Legislature shall be referred to the appropriate standing committee and the same procedure shall be followed as governs the handling of other matters before standing committees, unless the Legislature shall otherwise direct by unanimous vote.

(f) Rules Committee.

All proposed rules changes shall be set for public hearing within five legislative days after their referral to the committee. The hearing shall take place within fifteen legislative days after the referral, and the committee shall take final action on the proposal within ten legislative days after the hearing.

(g) Investigating Committees.

The Committee on Committees may appoint other select committees when authorized by the Legislature. No investigating committee of the Legislature shall be created except by resolution which shall set forth, with supporting statements, the reasons for and the purposes of the investigation, and no committee thus established shall function except during the interim between legislative sessions.

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Sec. 5. Special Committees. (a) Special committees shall include all authorized committees other than standing and select committees. Unless otherwise specifically provided, special committees shall not have jurisdiction over legislative bills, but shall be subject to the same procedural rules as standing committees, insofar as they are applicable.

(b) The special committees authorized by statute as of January 1, 1980 are as follows:

Building and Maintenance. RRS 81-185	4 members
Education Commission of the States. RRS 79-2504	4 members
Executive Board of the Legislative Council. RRS 50-401.01	9 members
Intergovernmental Cooperation. RRS 81-816	5 members
Law Enforcement and Justice Advisory, (Judiciary Committee). RRS 50-601	8 members
Nebraska Retirement Systems. RRS 50-416	6 members
Performance Review and Audit. RRS 50-701.02	6 members
Telecommunications. RRS 50-424	8 members

(c) The following special provisions shall be in force with regard to the following special committees:

(i) Intergovernmental Cooperation Committee.

In addition to the members of the Intergovernmental Cooperation Committee chosen in accordance with Section 81-816, the Executive Board may appoint alternate members to serve on such assignments as the chairperson shall direct.

(ii) Nebraska Retirement Systems Committee.

The Nebraska Retirement Systems Committee (RRS 50-416) shall have jurisdiction over all bills proposing new or amending existing retirement systems of the state and its political subdivisions.

Sec. 6. Meeting Times. (a) After consultation with the Speaker, the Committee on Committees shall publish a schedule of standing committee meetings, in such manner as to avoid, as far as possible, conflicts in the assignment of members to committees. Standing committees shall meet at 2:00 p.m. on weekdays, unless otherwise approved by the Legislature.

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(b) A standing committee deciding not to hold meetings on the appointed day must receive permission from the Reference Committee.

(c) Any legislative committee shall be subject to the call of its chairperson or to the call of a majority of its members, in accordance with the notice and procedural requirements set forth in its committee rules.

Sec. 7. Chairperson, Vice Chairperson. (a) The chairperson of each standing and select committee shall be selected by secret ballot on the floor of the Legislature.

(b) The chairperson of a special committee shall be selected in the manner provided by the act authorizing the committee, or if not specified, by the Executive Board.

(c) Each committee shall elect from its membership a vice chairperson to serve in the absence of the chairperson.

Sec. 8. Committee Quorum. A majority of the members of a committee shall constitute a quorum. A quorum must be present for the transaction of any committee business except a public hearing.

Sec. 9. Quorum at Committee Hearings. A quorum of committee members should be maintained throughout all committee hearings.

Sec. 10. Conduct During Committee Hearing. No member, staff, media representative, or individual shall smoke or otherwise consume tobacco products during a committee hearing or while the committee conducts an executive session within the hearing room assigned to that committee for such purpose, unless the committee by a vote of the majority, with all the members present, taken at least once a session, decides otherwise.

Sec. 11. Temporary Appointments. (a) When a member is unable to serve, the chairperson of the committee, after a majority vote of the remaining members, shall request that such vacancy be filled by the Committee on Committees. Such committee shall appoint either the Speaker or a member from a standing committee having eight members to fill each vacancy.

(b) A temporary appointment may be made by the Chairperson of the

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Committee on Committees for only one day when requested by a chairperson of a standing committee which lacks a quorum. When a member is appointed from an eight-member committee, the consent of the member to be appointed shall first be obtained. The temporary appointee shall have the right to vote only on the bill or bills that actually have been heard by the appointee and provided that the vote is taken on such bills on the day the bill or bills are heard. When such appointment is made in case of an incapacitated member, such appointee shall cease to be a member of such committee upon the return of the incapacitated member for whom he or she was appointed.

Sec. 12. Consideration and Correlation of Bills and Resolutions. (a) Committees shall consider and report without unnecessary delay all bills and resolutions referred to them. Committees shall be authorized to combine and to correlate the provisions of different bills and resolutions referred to them and related to the same subject under the number of one of the correlated bills or resolutions, and when reported out under one bill or resolution number, the remaining bills or resolutions will be reported out as indefinitely postponed. Committees may, before taking final action on any bill or resolution, adopt amendments thereto, for the consideration of the Legislature.

(b) The chairperson of each committee shall set for hearing all bills and resolutions referred to the committee.

Sec. 13. Public Hearing, Notice. Before taking final action on a bill or resolution, a committee shall hold a public hearing thereon and shall give at least seven calendar days' notice, after the bill shall have been printed, by publication in the Legislative Journal. No bill having been set for public hearing shall be withdrawn nor the hearing cancelled within seven calendar days of the date set for said public hearing.

Sec. 14. State Officials Appearing Before Committees. State officials and department heads or their designees and state employees are encouraged to appear before any legislative committee to comment upon bills having an impact on the operations of the administrative agency or department for which they work.

Sec. 15. Executive Sessions and Closed Meetings. (a) Executive session shall mean any meeting or portion of a meeting which is closed to the general public, and the proceedings of which are not electronically

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recorded and transcribed, unless the committee so provides, but the records of which shall be available for public inspection. Executive sessions shall be open to members of the news media who may report on action taken and on all discussions in executive session.

(b) All other meetings of a committee shall be public unless the committee, by a majority vote of all of its members, determines that a meeting should not be open to the public, including members of the news media, in a particular instance, due to rare and extraordinary circumstances. The meeting shall be reconvened in open session before any formal action may be taken.

Sec. 16. Report of Bill to Legislature. (a) In reporting a bill to the Legislature, whether with or without amendments, a committee shall by vote of a majority of its members, recommend that the bill be placed on General File or that the bill be indefinitely postponed. Such action shall be taken at regularly scheduled meetings only.

(b) A report on a bill or resolution must be made to the Legislature within eight calendar days after the committee has taken final action upon the particular measure.

(c) No bill shall be reported by the committee to be placed on General File unless the amendments, if any, are approved as to form and draftsmanship by the Bill Drafter.

Sec. 17. Indefinitely Postponed Bills. If the committee action on a bill be to postpone indefinitely, the bill shall stand indefinitely postponed; except that such bill may be placed on General File or referred back to the committee by a three-fifths vote of the elected members upon motion made within three legislative days after the committee makes its report to the Legislature, or by a two-thirds vote of the elected members upon motion made more than three legislative days after such committee report. Not more than one bill shall be raised from committee on any one motion. A motion to raise cannot be amended to include any other bill or subject matter. A motion to raise must be disposed of by the Legislature within five legislative days after the motion is available for consideration or it shall be deemed defeated.

Sec. 18. Committee Statement. (a) The chairperson of each committee with the assistance of the legislative staff shall, when reporting a bill, submit with such bill a committee statement which shall contain, but need not be limited to, the following information:

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- (1) the one-line title and number of the bill;
- (2) a roll call vote of final committee action taken on the bill;
- (3) the date of the public hearing on the bill;
- (4) a list of all individuals testifying for and against the bill and any organization they represent;
- (5) a summary of the bill's purpose and a description of all major provisions for change in the bill as written and as amended by the committee;
- (6) if committee amendments are to be introduced, a copy of the amendments and an explanation thereof.

(b) A copy of the proposed statement shall be distributed to each committee member within five days after final action on the bill has been taken by the committee. A minority or concurring statement bearing the signature or signatures of its proponents and setting forth objections to the bill, to proposed amendments, or to the majority statement may be filed by its author(s) with the Clerk of the Legislature at any time prior to the first hearing of the bill on General File.

(c) A copy of the committee statement and any minority statements submitted shall be distributed to each senator after filing with the Clerk of the Legislature. Copies of such statements shall be made available to the public.

Sec. 19. Request From Committee, Bills Held. (a) Except for the general appropriation bills necessary for the support of the state government for the biennium, the Legislature may, by vote of a majority of the elected members, request a status report from any committee at any time after said committee shall have been in possession of a bill or resolution for twenty legislative days.

(b) Any senator may move that a bill be placed on General File twenty calendar days or more after the committee hearing, if the committee has not taken final action on the bill, and by a vote of a majority of the elected members, said bill shall be placed on General File. If, at the expiration of eight calendar days from the date final action was taken, the chairperson has not reported the bill, any senator may file with the Speaker a motion that the chairperson be compelled to submit a report. After determining that final action on the bill has been taken at least eight calendar days prior to the date the motion was submitted, the Speaker shall accept the motion and

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compel the chairperson to file the committee's report on the matter.

(c) Any time any member attempts to take a bill from committee to be placed on General File, the bill shall stand indefinitely postponed and shall not be subject to reconsideration if the motion fails to receive a majority vote of the members elected to the Legislature. The introducer of the bill must concur with any motion offered under this rule.

Sec. 20. Subpoena Procedure. It is within the inherent power of any legislative committee to gather information pursuant to its regular functions, and to conduct investigations of matters within its subject-matter jurisdiction.

A committee's power of subpoena should not be exercised unless the committee has determined that no other method of securing the desired information would be successful or practicable, and that the matter is of primary importance to the welfare of the State of Nebraska.

A committee of the Legislature conducting an investigation and gathering information, whether pursuant to legislative direction or pursuant to its regular functions of oversight and bill preparation, shall observe the following procedures in addition to regular committee procedures whenever subpoenas are issued:

(A) Issuance of Subpoenas.

(i) A committee may, by a majority vote of all of its members taken at a meeting properly called, issue a subpoena requiring a person to appear before the committee and be examined in reference to any matter within the scope of the inquiry or investigation being conducted by the committee, but only when the committee has received prior approval by a majority vote of the Executive Board to issue subpoenas in connection with the specific inquiry or investigation in question.

(ii) The committee may, in the same manner, issue a subpoena or subpoena duces tecum requiring any person to appear before the committee and bring with him or her any books, papers, or other documents pertinent thereto.

(iii) While the Legislature is in session, a committee deciding to issue subpoenas must promptly report each issuance to the Legislature. A record shall be made in the Journal reflecting the date the subpoena was issued, to whom it was issued, for what purpose it was issued, and the date on which testimony or production of documents is to take place. Under extraordinary circumstances, the identity of the person subpoenaed may be withheld from publication

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if necessary to protect the safety of an individual or the confidentiality of the matters to be heard.

(iv) A person subpoenaed to attend a hearing of a committee shall receive the same fees and allowances as a person subpoenaed to give testimony in an action pending in a court of record.

(B) Notice to Witnesses.

(i) Service of a subpoena requiring the attendance of a person at a hearing of a committee shall be made in the manner provided by law for the service of subpoenas in civil actions at least seven days prior to the date of the hearing unless a shorter period of time is authorized by a majority vote of all of the members of the committee in a particular instance when, in their opinion, the giving of seven days' notice is not practicable; but if a shorter period of time is authorized, the person subpoenaed shall be given reasonable notice of the hearing, consistent with the particular circumstances involved.

(ii) Any person who is served with a subpoena to attend a hearing of a committee shall also be served with a copy of the act defining the purpose of the committee, a copy of the rules under which the committee functions, a general statement informing him or her of the subject matter of the committee's investigation or inquiry, and a notice that he or she may be accompanied at the hearing by counsel of his or her own choosing.

(C) Conduct of the Hearing.

(i) No committee which has issued a subpoena directing a witness to appear at a hearing shall question the witness unless a quorum is present throughout the questioning.

(ii) The hearing shall be public unless the committee, by a majority vote of all of its members, determines that a hearing should not be open to the public in a particular instance, due to rare and extraordinary circumstances consistent with Legislative Rule 3, Section 15(b) regarding closed meetings.

(iii) The chairperson of the committee shall preside at all hearings and shall conduct the examination of witnesses himself or herself or supervise the examination by other members of the committee. The committee may, by a majority vote of all its members, authorize the questioning of a witness by the committee's counsel or by special counsel.

(D) Right to Counsel and Submission of Questions.

(i) Every witness at the hearing may be accompanied by counsel of his or her own choosing, who may advise the witness of his or her rights, subject to reasonable limitations which the committee may prescribe to prevent obstruction of or interference with the orderly conduct of the hearing.

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(ii) Any witness at the hearing, or a witness' counsel, may submit to the committee proposed questions to be asked of the witness or any other witness relevant to the matters upon which there has been any questioning or submission of evidence, and the committee shall ask such of the questions as it deems appropriate and relevant to the subject matter of the hearing.

(E) Testimony.

(i) The committee shall cause a verbatim record to be made of all proceedings in which testimony or other evidence is demanded or offered, which record shall include rulings of the chair, questions of the committee and its counsel, the testimony or responses of witnesses, sworn written statements submitted to the committee and read into the record, and such other matters as the committee or its chair may direct.

(ii) All testimony given or offered at the hearing shall be under oath or affirmation if the witness has been subpoenaed, and in other cases if a majority of the committee members present at the hearing so decide.

(iii) The presiding member at the hearing may direct a witness to answer any relevant question or furnish any relevant book, paper, or other document, the production of which has been required by subpoena duces tecum. Unless the direction is overruled by a majority vote of the committee members present, disobedience shall constitute a contempt.

(iv) A witness at the hearing or his or her counsel, with the consent of a majority of the committee's members present at the hearing, may file with the committee for incorporation into the record of the hearing sworn written statements relevant to the purpose, subject matter, and scope of the committee's investigation or inquiry.

(v) Testimony and other evidence given or offered at a hearing closed to the public shall not be made public unless authorized by a majority vote of all of the members of the committee, which authorization shall also specify the form and manner in which the testimony or other evidence may be released.

(vi) A witness at a closed hearing, upon request and at his or her own expense, shall be furnished a transcript of his or her testimony at the hearing.

(F) Interested Persons.

(i) Any person whose name is mentioned or who is otherwise identified during the hearing and who, in the opinion of the committee, may be adversely affected thereby, may, upon his or her request or upon the request of any member of the committee, appear personally before the committee and testify in his or her own behalf,

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or, with the committee's consent, may file a sworn written statement of facts or other documentary evidence for incorporation into the record thereof.

(ii) Upon the consent of a majority of its members, a committee may invite any other person to appear at a hearing or submit a sworn written statement of facts or other documentary evidence for incorporation into the record thereof. No invitation to appear, and no request to appear, appearance, or submission of evidence shall limit in any way the committee's power of subpoena.

(iii) Any person who appears before a committee pursuant to this section shall have all the rights, privileges, and responsibilities of a witness provided to all other witnesses.

(G) Contempt.

A person shall be in contempt if he or she:

(i) Fails or refuses to appear in compliance with a subpoena or, having appeared, fails or refuses to testify under oath or affirmation;

(ii) Fails or refuses to answer any relevant question or fails or refuses to furnish any relevant book, paper, or other document subpoenaed by or on behalf of a committee; or

(iii) Commits any other act or offense against a committee which, if committed against the Legislature, would constitute a contempt.

The chairperson of a committee may apply to the Legislature or, during the interim, to the district court of any county to compel obedience by proceedings for contempt.

(H) Penalties.

(i) A person guilty of contempt under the provision of these rules shall be subject to punishment pursuant to RRS 50-105 and 50-106 during the session, or to RRS 50-407 when the Legislature is not in session.

(ii) If a committee fails in any material respect to comply with the requirements of these rules, any person subject to a subpoena or a subpoena duces tecum who is injured by such failure shall be relieved of any requirement to attend the hearing for which the subpoena was issued or, if present, to testify or produce evidence therein; and such failure shall be a complete defense in any proceeding against such person for contempt or other punishment.

(iii) Any member or employee of the Legislature, other than the witness concerned or his or her counsel who knowingly violates subsections of these rules concerning the publication of testimony taken at a closed hearing, shall be in contempt of the Legislature or, if a member of the Legislature, shall be subject to sanction or suspension according to the statutes governing the Legislature. The speaker on his or her own motion or on the application of any person

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claiming to have been injured or prejudiced by an unauthorized disclosure may institute proceedings for the determination of the issue and for the imposition of penalties provided herein. Nothing in this subsection shall limit any power which the Legislature may have to discipline a member or employee or to impose a penalty in the absence of action by a prosecuting officer or court.

(I) Limitation of Rules.

Nothing contained in this section shall be construed to limit or prohibit the acquisition of evidence or information by any committee by any lawful means not provided for herein.

RULE 4--RESOLUTIONS

Section 1. Identification. A resolution shall be designated as Legislative Resolution _____. All resolutions shall be numbered consecutively for each Legislature. All resolutions shall be introduced and read by the Clerk upon introduction and shall be printed in the Legislative Journal.

73-74 Attorney General Opinion No. 13--Resolutions must be printed and read before a vote is taken.

Sec. 2. When Considered as a Bill. Resolutions which propose amendments to the state constitution, propose the ratification or rejection of amendments to the federal Constitution, or memorialize the Congress with regard to amendments to the U.S. Constitution, or the rejection, change, alteration, amendment, or modification of rules under the provisions of Section 84-904, Reissue Revised Statutes of Nebraska, 1943, shall be considered and adopted in the same manner as bills.

*Const. Art. III, Secs. 13, 14; Art. IV, Sec. 15; Art. XVI, Sec. 1.
Cannot appropriate funds by resolution. Const. Art. III, Sec. 25.*

Sec. 3. Study Resolution. Resolutions which propose that studies be made by the Legislative Council shall be first referred to the Executive Board of the Legislative Council, this Board to submit a report with each resolution recommending that the proposed study be made or rejected. The Executive Board of the Legislative Council shall determine the time and number of interim studies. All such studies authorized by the Legislature shall be referred to the appropriate permanent standing or special committee by the Executive Board. The chief introducer of a study resolution shall, if not otherwise a member of the committee to which the resolution is assigned, be an ex officio member of said committee, but such membership shall not extend beyond the convening of the next legislative session and shall be limited to a study of that resolution only.

RRS 50-404.

Sec. 4. Enrollment and Review, Amended Resolutions. All resolutions, if amended, shall pass through the process of Enrollment and Review in the regular course of their consideration.

Sec. 5. Vote Required for Adoption. All resolutions shall be adopted

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by an affirmative vote of a majority of the elected members except for those specified in Section 2 which shall be considered and adopted in the same manner as bills.

Sec. 6. Resolutions, Lay Over Requirement. Resolutions shall lay over for consideration at least one legislative day after introduction.

Sec. 7. Engrossed Resolutions. Only those resolutions specified in Sections 2 and 3 of this rule shall be engrossed unless otherwise ordered by the Legislature or unless the Clerk determines the nature of the resolution is such that upon its adoption it must be engrossed to properly achieve the purpose for which it was presented. All resolutions which are engrossed shall be enrolled and signed by the Lieutenant Governor or Speaker and certified to by the Clerk as to the date of final passage.

Const. Art. III, Sec. 14.

Sec. 8. Reference to Committee. Resolutions other than those covered by Sections 2 and 3 of this rule shall be referred to the Reference Committee for referencing to the appropriate committee upon the recommendation of the Speaker of the Legislature.

Sec. 9. Reviving Resolution Killed by Committee. If the standing committee report on a resolution be to postpone indefinitely, the resolution shall stand indefinitely postponed; Provided, that such resolution may be considered by the members of the Legislature if a majority vote of the elected members so direct, provided the motion is made within three legislative days after the committee makes its report to the Legislature. A motion to raise cannot be amended to include any other resolution or subject matter.

Sec. 10. Committee Statement. A committee, when reporting out a resolution, shall attach thereto a statement setting forth what is sought to be accomplished and the committee vote. The statement shall be set out in full in the Journal.

Emergency seat of government; Resolution proving for, must be signed by Governor. RRS 23-2103.

RULE 5--BILLS--GENERAL PROVISIONS

Section 1. Drafting of Bills. The Bill Drafter shall prepare all bills and amendments in proper form when requested by members of the Legislature, newly elected members of the Legislature, or heads of executive departments. No bills or major amendments shall be introduced or considered unless the same has been approved as to form and draftsmanship by the Bill Drafter. In order to shorten the length of sections, the Bill Drafter shall, in the drafting of new sections, make each paragraph a separate section except when to do so would be contrary to sound bill drafting practice. The Bill Drafter shall make available a continuing compilation of sections to which amendments are proposed so as to reduce unnecessary duplication of bills. This section index of bills drafted shall be available to all senators, newly elected senators, and other persons entitled to have bills drafted. After January 1 of each year no bill shall be drafted by the Bill Drafter unless requested or authorized by a member of the Legislature.

Sec. 2. Content and Form of Bills. A bill shall be designated as Legislative Bill ____.

Style of bill. Const. Art. III, Sec. 13.

(b) No bill shall contain more than one subject and the same shall be clearly expressed in the title. No law shall be amended, unless the new act contains the section or sections as amended, and the section or sections so amended shall be repealed.

Const. Art. III, Sec. 13.

(c) An amendatory bill or constitutional provision shall be so prepared and printed as to show the new matter proposed, old matter to be retained, and old matter to be omitted from the statutes or constitution.

Sec. 3. Revisor Correctional Bills, Preprinting. (a) Preceding each legislative session, the Chairperson or any member of the Executive Board of the Legislative Council, or if the Executive Board so requests, the senator who, in the preceding session served as Chairperson of the Judiciary Committee, shall sign as introducer the Revisor of Statutes' correctional bills. The Clerk of the Legislature shall number these bills consecutively beginning with number 1 and shall show the committee reference to be General File. The Clerk of the Legislature shall have these bills printed before the convening of

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the next regular session.

(b) In addition to causing to be printed the revisor bills, the Clerk shall number and cause to be printed all bills delivered to him or her by the Executive Board, provided said Board has referred said bills to a standing committee. No bill so printed shall be withdrawn until after the Legislature convenes.

Sec. 4. Introducers Signing Bills. (a) Members shall introduce only such bills as they are willing to endorse and support personally. The last name and district shall be used, unless an initial or name is necessary to identify the introducer.

(b) A standing committee or special committee may introduce a bill for any purpose, including at the request of another senator, provided said bill receives the endorsement of a majority of the committee members whose names shall be on the bill.

(c) No bill shall be introduced after the tenth legislative day of any session, except:

1. "A" bills, appropriation bills, and bills introduced at the request of the Governor may be introduced at any time;

2. A standing committee or special committee may request that the Legislature consider introduction of a bill. A vote of three-fifths of the elected members of the Legislature shall be required for such bill to be introduced, and a copy of the statement of intent for such bill must be placed on each member's desk before introduction of the bill is voted upon;

3. A special committee as created by the Executive Board on December 10, 1983, regarding the Commonwealth investigation and matters related thereto, may introduce bills at any time during the course of the 1984 Legislative Session. Said bills to be introduced must receive endorsement of a majority of the committee members whose names shall appear on the bill in order to fall within the purview of this section.

(d) Individual members shall not be limited as to bill introduction. Each committee shall be limited to 8 bills each session. Bills introduced as a result of an interim study of the Legislative Council shall be included within the limitations prescribed by this section. Bills introduced under Rule 5, Section 3(a) and bills introduced at the request of the Governor will not be included in the limitation.

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(e) The introducers of all bills must submit a statement of intent for each bill to the appropriate committee chairperson at least 24 hours prior to the bill's hearing. The statement of intent should discuss clearly and completely the purposes and effects of the bill.

Sec. 5. Scheduling of Bills, Priority Bills. (a) Each senator may designate one bill as a priority bill. Such priority bill need not be the designator's bill, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(b) Each chairperson of those committees which are authorized to hold public hearings on bills may designate two of the committee's bills as priority bills.

(c) The Speaker may designate up to 25 additional priority bills.

(d) Priority bill designations may be made at any time prior to the annual designation deadline which shall be set each year by the Speaker. The designation deadline shall be prior to the 45th legislative day in the ninety day session and prior to the 30th legislative day in the sixty day session.

(e) A senator or committee may withdraw a priority designation at any time, but will not be allowed to designate another bill as a priority bill in its place. The Speaker may withdraw a priority designation made by the Speaker.

(f) All committees shall schedule priority bills for public hearing ahead of all unscheduled, nonpriority bills unless the person or committee making the priority designation shall otherwise agree.

(g) All bills not designated as priority bills shall be heard on General File in the order in which they are reported to the floor by the committees, unless the introducer of the bill and the Speaker agree to delay the hearing of a particular bill. This provision shall not be construed to prevent the Speaker from placing bills reported out of committee with two or less dissenting votes on a consent calendar. Any bill placed on consent calendar shall be removed at the written request of three or more senators.

(h) Priority bills shall generally be considered ahead of all other bills at each stage of debate, except that priority bills requiring the

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expenditure of appropriated funds shall be held on Final Reading until such time as the annual appropriations bills have been passed. A priority bill which fails to advance after two votes on General File, or after one vote on Select File, shall return to nonpriority status.

(i) No priority bill designated under this rule shall have priority over appropriations bills.

Sec. 6. Fiscal Analyst. (a) A copy of every bill introduced shall be transmitted by the Clerk to the Legislative Fiscal Analyst. The Legislative Fiscal Analyst shall review each bill and make an estimate of the anticipated change in state, county, or municipal expenditures or revenue under the provisions of the bill. The Legislative Fiscal Analyst shall prepare a statement to be known as a fiscal note to be attached to each bill prior to its public hearing by a committee, or its first consideration on General File if the bill is referred directly to General File. The fiscal note shall set forth the fiscal impact of the bill and the governmental subdivision affected by the fiscal impact as determined by the Legislative Fiscal Analyst. No bill which has a fiscal impact shall be heard by a committee or considered on General File unless the fiscal note is attached.

(b) In determining the fiscal impact of any bill, the Legislative Fiscal Analyst shall request the appropriate department or other entity of state government or subdivision thereof, or appropriate association which will be affected by the bill, to prepare the fiscal note within five calendar days.

(c) The Legislative Fiscal Analyst shall review the fiscal note so prepared and shall also request a review of such fiscal note by the Budget Division of the Department of Administrative Services. The statement by the Budget Division of the Department of Administrative Services shall be attached to and become a part of the fiscal note. The Legislative Fiscal Analyst shall include in the fiscal note any exceptions to the conclusions of the department or other entity and of the Budget Division of the Department of Administrative Services.

(d) The fiscal note shall be delivered by the Legislative Fiscal Analyst to the Clerk within ten calendar days of receipt of a copy of the bill for analysis. The Clerk shall attach the fiscal note to the bill and to all copies prepared for members.

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(e) When amendments to a bill are adopted by the Legislature and such amendments would change the fiscal impact of the bill, the appropriate changes shall be made in the fiscal note each time the bill is advanced to Enrollment and Review or upon the written request of a member of the Legislature.

(f) When any bill proposes adoption of a new program or change of an existing program either of which would require an appropriation to implement in the ensuing fiscal year, an appropriation bill for the purposes of funding the provisions of such bill shall be prepared from the information contained in the fiscal note. Such appropriation bill shall be prepared at the direction of the Chairperson of the Appropriations Committee. Such bill shall be placed on General File and considered as introduced by the introducer of the original bill or by the committee which offered the amendments creating the expenditure, and shall bear the number of the original bill with the letter "A" added, and shall accompany the original bill through all stages of the legislative process. All bills for which an "A" bill is prepared shall be bracketed on Final Reading until the "A" bill is advanced to Final Reading.

(g) The authorization bill shall first be considered and if it should be passed on Final Reading then the "A" bill shall be read and voted on for final passage.

(h) The note shall be factual in nature, as brief and concise as may be, and shall, if possible, provide a reliable estimate in dollars and, in addition, it shall include both the immediate effect and, if determinable or reasonably foreseeable, the long range effect of the measure. If, after investigation, it is determined that no dollar estimate is possible, the note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given.

(i) No comment or opinion shall be included in the fiscal note with regard to the merits of the measure for which the note is prepared, however, technical or mechanical defects may be noted.

(j) The subject matter of bills submitted to boards, commissions, departments, agencies, or other entities of the state by the Fiscal Analyst shall be kept in strict confidence by said agencies and by the office of Fiscal Analyst together with the content of the fiscal note itself and no information relating thereto shall be divulged by any official or employee prior to its introduction in the Legislature.

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(k) To implement the provisions of and assure compliance with Art. III, Sec. 22 of the Nebraska Constitution (deficiency appropriations), and Art. IV, Sec. 7 of the Nebraska Constitution (appropriations in excess of Governor's request), the Appropriations Committee shall advise the Legislature of the number of votes required to assure passage of the same.

For creation of position. RRS 50-418.

For duties of position. RRS 50-419.

Sec. 7. Governor's Budget Bill. The budget bill prepared by the Governor shall be shown as introduced by the Speaker of the Legislature at the request of the Governor.

Governor's budget message. Const. Art. IV, Sec. 7.

Sec. 8. Reading Title of Bills, Printing. Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member, and the bill and all amendments thereto shall be printed and read at large before the vote is taken upon its final passage.

Const. Art. III, Sec. 14.

Sec. 9. Engrossment of Bills. All bills, before being advanced to Final Reading and passage, shall be engrossed, and copies thereof showing new and stricken matter shall be made available to members.

Sec. 10. Expenditure of Legislative Funds. Those expenditures on which the Legislature votes shall require the approval of the majority of the elected members.

Salaries of employees. Rule 1, Section 22.

Sec. 11. Withdrawal of Bills. No bill, having been introduced, may be withdrawn except upon motion of the first introducer with the consent of his or her co-introducers. Such motion, when made, shall not be considered prior to the next succeeding legislative day, and, for its adoption, shall require the affirmative vote of a majority of those voting upon the question.

Withdrawal of bills set for hearing. Rule 3, Section 13.

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Sec. 12. Division of Bills, Prohibited. No bill shall be divided into two or more bills.

Sec. 13. Holding of Bills. Unless otherwise disposed of, all bills on which no final action has been taken by the time of adjournment of the regular session in odd-numbered years shall be held over for consideration at the regular session convening in even-numbered years.

RULE 6--BILLS--STAGES OF CONSIDERATION

Section 1. Introduction of Bills. Starting with regular sessions in odd-numbered years, bills shall be numbered consecutively starting with the number 1. Bills introduced in regular sessions in even-numbered years shall start with the number following the number of the last bill introduced in the preceding regular session of an odd-numbered year, (bills introduced in any special session shall start with the number 1) and shall be numbered consecutively as read by the Clerk. After introduction, bills requiring reference shall be delivered to the Reference Committee.

Sec. 2. Objection to Reference of Bills. (a) Any member may object to the reference of any bill or other proposition, and correction in case of error in reference may be made by the Legislature by unanimous consent, or by the vote of a majority of the elected members.

(b) Those bills and resolutions placed on General File by the Reference Committee will be bracketed for five calendar days, and if one senator requests a public hearing on one or more of these matters, they will then be referred to a committee. Bills on General File for which public hearings have not been requested will be handled as all bills on General File.

Sec. 3. General File. (a) The Clerk of the Legislature shall read the number and the title of the bill and the name of the principal introducer as it comes up for consideration on General File. A bill will not be read section by section unless requested by a member of the Legislature.

(b) Each section shall be open to amendment. The amendments, if any, recommended by standing committees, shall first be considered. The introducer's amendments, if any, shall next be considered, after which he or she may move to advance and explain the bill. Other amendments and motions permitted by these rules may then be offered and shall be considered after the introducer has explained the bill in the order in which they are filed with the Clerk, subject to the provisions of Rule 7, Section 3.

(c) Bills shall be listed and considered on General File in the order in which they shall be reported from the standing committees, except as modified by the Speaker; Provided, that any bill that comes up for debate for a second time, with the introducer present, shall be placed by the Clerk at the bottom of General File if said introducer asked

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for further time, unless otherwise directed by the Speaker.

Speaker determine order of bills. Rule 1, Section 16.

(d) During consideration of bills on either General or Select File, any member may move that the bill be passed over once and if the motion is carried by a majority of those voting, the bill shall be passed over and shall retain its place on the file.

(e) At any stage of consideration of a bill, a motion to bracket or to bracket to a day certain or to unbracket shall, if made by the primary introducer of the bill, require a majority of those voting. If made by other than the primary introducer, there shall then be required a majority vote of the elected membership. In any event, such motions shall alternatively be passed by unanimous consent of the body.

(f) In the event a motion to indefinitely postpone a bill is made before the bill is read on General File, such motion shall require the affirmative vote of a majority of the elected members.

(g) In the event a bill has become substantially a new and different bill by reason of amendments having been adopted, the Speaker may refer said bill to the Reference Committee who must refer the said bill to a proper committee for a public hearing; Provided, that a majority of the elected members may overrule the decision of the Speaker.

(h) If, in the opinion of the Speaker, the bill is in such form that it should properly be referred back to committee for further action, he or she may by order direct the same; Provided, that a majority of the elected members may overrule the decision of the Speaker. Any rule to the contrary, notwithstanding any motion to amend a bill, shall require a majority vote of the elected members. Any motion to amend an appropriation bill or a motion to amend an amendment to an appropriation bill shall require a majority vote of the elected members.

(i) Any bill failing to receive 25 votes to be advanced to Enrollment and Review Initial after three attempts shall be indefinitely postponed.

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The following votes shall be required to adopt the following motions affecting bills on General File:

*UC--Unanimous Consent; MEM--Majority of Elected Members;
MTV--Majority of Those Voting.*

GENERAL FILE

		Rule- Sec.
On introduction of bill		
Withdraw bill	MTV	5-11
On consideration of bill on General File		
Move to pass over	MTV	6-3d
Move to change order	3/5	1-16
Move to indefinitely postpone before bill is read	MEM	6-3f
Move to indefinitely postpone after bill is read	MTV	
Move to advance to E & R Review	MEM	6-4
Move to return to committee	MEM	
Move to reconsider		
(within one legislative day thereafter)	MEM	7-7a
(if after one legislative day, by suspension of the rules only)	3/5	7-7a
Move to amend	MEM	6-3h
Move to amend the amendment	MTV	
Move to withdraw bill by first introducer	MTV	5-11
If returned from Select File		
Motion to return to Select File	MEM	6-5d
Motion to amend	MEM	6-5f
Motion to advance	MEM	6-4
Defeated bill, motion to reconsider	MEM	7-7

Sec. 4. Enrollment and Review. Bills when advanced to Enrollment and Review shall be reviewed for recommendations relative to arrangement, phraseology, and correlation. Advancement to Enrollment and Review from General File for such purpose shall require a majority of the elected members. A motion to return to General File from Enrollment and Review shall, for adoption, require the concurrence of a majority of the elected members.

Sec. 5. Select File. When the Legislature considers bills on Select File,

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any of the following motions shall be in order.

(a) A motion to approve or reject any or all of the changes recommended by the Chairperson of Enrollment and Review.

(b) A motion to adopt an amendment which shall require a majority of the elected members.

(c) A motion to recommit to the proper standing committee.

(d) A motion to recommit to General File for one or more amendments. If the motion to return is adopted, the bill shall be considered first on General File. Any motion may be made the same as when the bill was first on General File. If the bill is readvanced, it shall be given priority consideration by Enrollment and Review. If the bill is not altered, it may be advanced to Enrollment and Review for engrossment.

(e) A motion to postpone indefinitely.

(f) Motions made pursuant to subsections b, c, d, and e hereof may be adopted only upon the affirmative vote of a majority of the elected members.

(g) Amendments recommended by Enrollment and Review shall not be read by the Clerk except upon the request of a member of the Legislature.

(h) Notwithstanding any other provision contained in this section, if the Enrollment and Review Committee returns a bill to Select File from engrossment, then only the specific Enrollment and Review Committee amendments may be considered.

(i) Any bill failing to receive 25 votes to be advanced to Enrollment and Review Final after two attempts shall be indefinitely postponed.

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The following votes shall be required to adopt the following motions affecting bills on Select File:

SELECT FILE

		Rule- Sec.
Motion to advance to E & R for Engrossing if machine vote requested	MEM	
Motion to act on E & R amendment	MTV	6-5a
Motion to amend	MEM	6-5b
Motion to recommit to a standing committee	MEM	6-5c
Motion to return to General File for amendment	MEM	6-5d
Motion to indefinitely postpone	MEM	6-5e
On bill returned from E & R Engrossing & Final Reading		
Motion to return for specific amendment	MEM	6-6
Motion to adopt specific amendment	MEM	6-6

Sec. 6. Return to Select File. On a motion to return a bill to Select File for a specific amendment, a majority of the elected members must concur. No other amendment shall be considered when the bill is so returned. Such amendment when considered may be adopted by a majority of the elected members.

Sec. 7. Final Reading. No bill shall be voted on for final passage until:

- (a) After five legislative days following the introduction of the bill.
- (b) Two legislative days after its reference to Final Reading.
- (c) Printed copies of the bill in its final form, as amended, shall have been available to members and on their desks for at least one legislative day.

Const. Art. III, Sec. 14.

Sec. 8. Final Reading, Motions. On Final Reading the bill shall be read at large with all amendments thereto before the vote is taken. At any time before the roll call shall have begun on Final Reading of the bill, it shall be in order to move:

- (a) To recommit the bill to Enrollment and Review to correct an error

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and for re-engrossment.

(b) To recommit the bill to the proper standing committee, with or without instructions.

(c) To recommit the bill to Select File for specific amendment, which amendment may be adopted by a vote of a majority of the elected members.

(d) Any bill returned to Select File for a specific amendment, may if the amendment is rejected, be readvanced to Final Reading without going through Enrollment and Review. A motion to so advance shall require the concurrence of a majority of the elected members.

Members to remain in their seat. Rule 2, Section 3g.

No one to be seated beside member during Final Reading. Rule 2, Section 3d.

The following votes shall be required to adopt the following motions affecting bills on Final Reading:

FINAL READING

		Rule- Sec.
To return to standing committee	MEM	6-8
To return to E & R to correct an error	MEM	6-8
To return to Select File for specific amendment	MEM	6-6
Unless to add the emergency clause	2/3	6-8
To pass on Final Reading	MEM	6-9
With emergency clause attached	2/3	6-10
Creation of state office	2/3	
<i>Const. Art. IV, Sec. 27</i>		
Motion to reconsider (when failed on Final Reading)	3/5	7-7
Override Governor's veto	3/5	6-11
"A" bills considered		5-6

Sec. 9. Question on Final Reading. The question after the Final Reading of a bill shall be: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'" If the emergency clause is contained in the bill, the words "with the emergency clause attached" shall be added to the question.

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Majority of elected members required. Const. Art. III, Sec. 13.

Sec. 10. Emergency Clause, Votes Required. When a bill containing the emergency clause does not receive the required two-thirds constitutional majority on Final Reading, then the emergency clause shall be considered stricken, and the bill without the emergency clause shall be pending on Final Reading, and the question then shall be, "Shall the bill pass with the emergency clause stricken?"

Const. Art. III, Sec. 27.

Sec. 11. Governor's Veto, Further Legislative Action. Upon the day of receipt of a message from the Governor announcing his or her veto of a bill, or on any of the next five legislative days in the same annual session, any member may move that the bill so vetoed be taken up for passage in the form presented to the Governor. Whereupon the question shall be, "Shall the bill pass notwithstanding the objections of the Governor?" No bill vetoed by the Governor shall be taken up by the Legislature for any purpose other than passage of the bill notwithstanding the objections of the Governor or for override of a line-item veto.

Three-fifths vote of the elected members required to pass bill over Governor's veto. Const. Art. IV, Sec. 15. See also Art. IV, Sec. 7.

The Governor may disapprove any item or items of appropriation contained in bills passed by the Legislature, and the item or items so disapproved shall be stricken therefrom, unless repassed in the manner prescribed in case of disapproval of bills.

Const. Art. IV, Sec. 15.

Sec. 12. Bills, Passed Over Governor's Veto. Should the Legislature pass a bill over the objections of the Governor by the necessary constitutional majority, it shall so certify and deposit the same with the Secretary of State.

RRS 84-503.

Sec. 13. Certificates. Whenever the Legislature shall override a line-item veto, on any bill as provided for in Article 10, Section 15, the Clerk of the Legislature shall cause to be placed on such bill a certificate in content and form as provided for in RRS 84-503 and

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shall list the items so overridden by section, page, and line.

In addition to such certificate, the Clerk of the Legislature shall note on each line, when the Legislature votes to override, a stamp reading "line-item veto overridden" and place thereon the date and his or her initials.

Sec. 14. Appropriations Bills, Procedure After Veto. (a) Whenever the Governor shall have vetoed more than one item in an appropriation bill, the Appropriations Committee shall review said veto and the Chairperson of the Appropriations Committee shall report within one legislative day to the Legislature on its fiscal implications, and affect on operations. If the Appropriations Committee by majority vote decides to recommend to the Legislature an override of the veto on any portion of such an appropriation bill, the Chairperson of the Appropriations Committee or his/her designee shall first be permitted an opportunity to move that the entire bill become law notwithstanding the line-item veto therein.

(b) If such motion fails or is not offered, the Chairperson of the Appropriations Committee or his/her designee shall then introduce motions to override selected portions of the vetoed bill.

(c) Any member of the Legislature may then offer a motion to override the veto of the bill or any portion thereof if the Appropriations Committee by majority action decides not to recommend overriding the veto of the bill or the veto of that portion of the bill.

(d) It shall require 30 votes of the elected members to amend a veto override motion that includes another line-item veto.

Sec. 15. Constitutional Amendments, Votes Required. When a proposed constitutional amendment does not receive the required four-fifths constitutional majority necessary to submit such proposed amendment to the electors at a special election, then the special election language of the bill shall be stricken, and the bill shall be pending on Final Reading, and the question shall be, "Shall the bill pass providing for the submission of such proposition at the next general election?"

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Constitutional Amendment. If proposition is to submit amendment to electorate at special election fails to receive 4/5 plurality, then amend bill to provide for general election when adoption is by 3/5 plurality. RRS 49-236.

RULE 7--PROCEEDINGS AND MOTIONS

(A) Order of Business

Section 1. Meeting Time, Restrictions. (a) The Legislature shall meet annually at 10:00 a.m. on the first Wednesday after the first Monday in January of each year and thereafter on each legislative day at 9:00 a.m., and adjourn not later than 1:00 p.m., unless otherwise ordered by a majority vote of its members present and voting thereon. The Legislature shall in odd-numbered years, after the period allowed for the introduction of bills, recess for four (4) calendar days. During such recess committees shall prepare, for public distribution, a calendar of hearing dates. No committee hearings shall be held until after the recess provided for in this section. The Legislature shall remain in session until it shall adjourn sine die, but in no event shall it remain in session for longer than ninety (90) legislative days in odd-numbered years or sixty (60) legislative days in even-numbered years. This limitation may be suspended by a four-fifths vote of the elected senators. Each day the Legislature convenes shall be considered a legislative day.

Const. Art. III, Sec. 10.

(b) The order of business of the Legislature shall be as follows; except as otherwise provided by the Speaker.

- a. Prayer by the Chaplain
- b. Roll call
- c. Call for correction of the Journal
- d. Petitions and memorials
- e. Notice of committee hearings and reports
- f. Bills on Final Reading
- g. Resolutions
- h. Introduction of bills and reading by title
- i. Consideration of bills on Select File
- j. Motions to reconsider
- k. Motions to advance bills from committee
- l. Other pending motions
- m. Unfinished business, including messages on President's desk
- n. Consideration of bills on General File
- o. Miscellaneous business

(c) Messages from the Governor may be received at any stage of the proceedings.

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(d) When a bill shall have been made a special order for a definite time and an adjournment shall intervene for a time beyond the time fixed for such special order, then in that event the bill so made a special order shall be placed in its order on General File. The unfinished business in which the Legislature was engaged at the adjournment of the last preceding sitting shall have preference in the special order of the day.

(e) Upon call for the introduction of bills, any member or any standing committee to which bills are referred for consideration may introduce one or more bills.

Introduction of bills. Rule 6, Section 1.

(B) Voting Machine

Sec. 2. Voting, Electric Roll Call. (a) All votes shall be taken viva voca unless otherwise provided for herein. Questions shall be distinctly put in this form, to wit: "Those who are in favor of the question say 'aye'; those who are opposed to the question say 'nay.'"

(b) If a machine vote is called for or if the presiding officer is in doubt, he or she shall cause the result to be obtained by means of the electric roll call system, and in such event shall accept only machine tallied votes except that voice votes shall be accepted on a motion before the house while the house is under call. The presiding officer may vote by voice. Only the totals shall be printed in the Journal. Once having voted aye or nay, senators may call in a change to not voting prior to the locking of the voting board.

(c) Upon the final passage of a bill, or of a resolution if the same required the same consideration as a bill, the vote shall be by yeas and nays, and the electric roll call system shall be used. Voice votes shall be accepted on Final Reading.

(d) Whenever the "ayes" and "nays" are taken by machine vote, no member shall be permitted to vote after the decision is announced by the presiding officer or the Clerk. Votes not registered on the electric roll call system shall not be counted for or against a proposition. In announcing such vote, the Clerk shall announce the ayes, the nays, those present and not voting, those absent and not voting, and those excused and not voting, and on any action to advance or amend bills,

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these totals shall be set forth in the Journal. Voice votes shall be accepted on roll call or record votes.

(e) Only senators physically in the legislative chamber may vote.

(C) Motions

Sec. 3. Motion, in Writing, Withdrawal. (a) A motion shall be either stated by the presiding officer or read by the Clerk before a vote is taken. All motions shall be submitted in writing if requested by the presiding officer or any senator.

Once motions are stated they may be withdrawn or modified by the mover before a decision, amendment, or ordering of a vote has been made. A motion to reconsider may be withdrawn only with unanimous consent or a majority vote of the elected members.

When a question is under debate, no motion shall be considered except one of the following, which motions shall take precedence in the order stated.

- a. To adjourn
- b. For the previous question
- c. To postpone to a time certain
- d. To recommit to a committee
- e. To amend
- f. To postpone indefinitely

Such motions shall have precedence in the order in which they are arranged, except that motions to postpone indefinitely and amend do not yield to each other.

When any of the following motions shall be made, any action on such motion shall be delayed at least one legislative day and the motion shall be printed in the Legislative Journal:

- a. Motion to postpone indefinitely on General File or Select File, unless the introducer(s) of the bill, or the committee chairperson in the case of committee bills, request(s) that the motion to postpone indefinitely be considered immediately without the one day delay.
- b. Motion to advance bills from committee.
- c. Motion to place bills on General File, notwithstanding the

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action of a standing committee.

(b) When a motion or other proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order.

(c) Amendments to the title shall be made by the Enrollment and Review Committee.

(d) No motion, proposition, or subject, different from that under consideration, shall be admitted under color of amendment. Any amendment that is not germane is out of order. Germane amendments relate only to details of the specific subject of the bill and must be in a natural and logical sequence to the subject matter of the original proposal. A nongermane amendment includes one that relates to a substantially different subject or accomplishes substantially different purpose than that of the original bill to which it is proposed.

(e) Any member may call for the division of a question, which shall be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Legislature. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall not preclude an amendment or a motion to strike out or insert.

(f) When motions are made for reference of the same subject to a select committee and to a standing committee, the question on reference to the standing committee shall be considered first.

Sec. 4. Shall the Debate Cease. The previous question shall be in this form, "Shall the debate now close?"

The previous question shall be made only in the normal course of speaking order and shall be in order when demanded by five or more members, and must be sustained by the vote of a majority of the elected members, and until decided shall, except as provided in this section of this rule, preclude further debate and all amendments and motions, except one motion to adjourn. The presiding officer may rule the previous question out of order if in the presiding officer's opinion a full and fair debate has not been afforded, due to the complexity of the subject matter. The ruling of the presiding officer shall be subject to overrule in accordance with Rule 1, Section 12 of

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these rules.

On a previous question there shall be no debate. All incidental questions of order, arising after a motion is made for a previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

When the previous question shall have been ordered on a proposition under debate, the mover, proponent, or introducer of such proposition shall be given the right to close the debate thereon.

Sec. 5. Call of the House. A call of the house may be made by any member in the manner following: "I move for a call of the house." The presiding officer shall direct that the board be cleared and the members shall then vote on placing themselves under call. If a majority of the senators present and voting, vote in favor of such a motion, then the Legislature shall be deemed to be under call. Each member present shall indicate his or her presence upon the electric roll call system and shall remain in his or her seat during the call. After the Clerk shall note the names of the absentees, proceedings under the call may be suspended at any time by a majority vote of the members then present, and when so suspended shall not again be ordered on the proposition pending, except by a majority vote of the members elected. If all absentees were to vote on one side of the question, and if their combined vote would be insufficient to change the result of the vote, the President shall declare the call raised.

*Lieutenant Governor votes only when Legislature equally divided.
Rule 1, Section 14.*

Voice vote while house under call. Rule 7, Section 2b.

Sec. 6. Postpone to Time Certain. No motion to postpone to a time certain, to commit, or to postpone indefinitely being decided, shall again be allowed on the same day at the same stage of the bill or proposition.

Sec. 7. Reconsideration. (a) When a question has been decided, it shall be in order for any member voting with the prevailing side, or not voting, to move for a reconsideration thereof. A motion to reconsider must be made on the same day the original question was decided or on the next legislative day, except when it be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading. In such case, it must be made on the same day the original question

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was decided or on one of the next three legislative days. A motion to reconsider must be disposed of by the Legislature within five legislative days after making the same or it shall be deemed defeated. If the Legislature shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent.

Motion to reconsider cannot be withdrawn without leave. Rule 7, Section 3.

(b) Every motion to reconsider shall take preference over all other questions, except a motion to adjourn.

(c) For its adoption, a motion to reconsider shall require the vote of a majority of the elected members, except:

- i Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading, then a three-fifths vote shall be required for adoption.
- ii Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading with the emergency clause attached, but which received the constitutional majority with the emergency clause stricken and the purpose of the motion is to again add the emergency clause, then a two-thirds vote of the elected members shall be required for adoption.

(d) For a bill on General File, no motion to reconsider shall be in order until the bill has failed to advance three times; for a bill on Select File, no motion to reconsider shall be in order until the bill has failed to advance two times; for a bill passed on Final Reading, no motion to reconsider shall be in order except by the introducer of the bill, for technical or clarifying amendments.

(e) Whenever a bill is returned from the Governor for further action pursuant to the Legislature's request for such return, motions for reconsideration necessarily incident to opening a bill for further action shall be admitted regardless of the time limitation otherwise imposed by this rule.

Sec. 8. Strike the Enacting Clause. A motion to strike the enacting clause, if adopted, is equivalent to rejection of the bill. It shall not have precedence over a motion to amend nor a motion to indefinitely

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postpone.

Sec. 9. Motion to Adjourn. A motion to adjourn shall be in order, except:

- a. While a member is speaking.
- b. When a motion to adjourn has just been defeated.
- c. After the Final Reading of a bill and during roll call thereon.

A motion to adjourn to a time certain shall have precedence over a motion to adjourn. A motion to recess shall take precedence over either of such motions.

When a motion to adjourn has been made, the Speaker shall be privileged to speak to the motion prior to any vote on such motion, otherwise a motion to adjourn is not debatable.

A motion to adjourn shall be adopted if approved by a majority of members voting.

RULE 8--APPROPRIATIONS PROCESS

Section 1. Purpose. The purpose of this rule is to provide a procedure for the Legislature to develop appropriations for all state agencies, boards, and commissions. Such procedure shall consider the need to (1) continue the services and financial assistance provided by state agencies and programs, and (2) restrict the growth in state appropriations.

Sec. 2. Appropriations Committee Report. The Legislature's Appropriations Committee, by majority vote of its members, shall annually prepare a report summarizing the recommended total General Fund appropriation for each year of the following biennium. Such report shall include information based upon the committee's initial review of (1) state agency, board, and commission budget requests, (2) the Governor's budget, (3) the estimated revenue receipts for each year of the following biennium, (4) General Fund reserve requirements, (5) express obligations, and (6) economic conditions affecting the State of Nebraska.

Sec. 3. Report, When Required. The report required in Section 2 of this rule shall be printed in the Legislative Journal and presented to each member of the Legislature by the Chairperson of the Appropriations Committee between twenty and thirty legislative days after the Governor presents his or her budget during sessions in odd-numbered years and between fifteen and twenty legislative days after the Governor's budget presentation during session in even-numbered years.

Sec. 4. Bills, Held on Final Reading. The report of the Appropriations Committee shall include a recommended dollar amount of the General Fund biennium appropriation which shall be allocated for the funding of "A" bills, bills that result in the net reduction of revenue to the General Fund, tax expenditure bills, and amendments to the appropriations bills as reported to General File by the Appropriations Committee. All "A" bills which, when considered with their companion bill, appropriate general funds resulting in a net loss; all bills resulting in the reduction of revenue to the General Fund; and all tax expenditure bills shall not be read on Final Reading until the appropriations bills are passed by the Legislature. Provided the Appropriations Committee shall place appropriations bills on General File no later than the 70th legislative day in a 90 day session and the 40th legislative day in a 60 day session. If this deadline is not met, the Legislature shall consider the appropriations bills as introduced by the Governor. The appropriations bills shall be passed

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no later than the 80th legislative day in a 90 day session and the 50th legislative day in a 60 day session. The appropriation provided for in an "A" bill shall be for not less than two fiscal years.

Sec. 5. Bill, Setting Tax Rates. The Legislature's tax rate bill shall be passed no later than the 85th legislative day in a 90 day session and the 55th legislative day in a 60 day session.

RULE 9--SPECIAL SESSIONS

Section 1. Purpose. The purpose of this rule is to establish special procedures for the Legislature to utilize during a special session. This rule recognizes the necessity of the Legislature to address the business for which it is called together in an expeditious and fair fashion and provides that certain legislative procedures established for regular sessions shall not unduly burden the activities of the Legislature during a special session.

Sec. 2. Convening of the Legislature. Pursuant to the directive contained in the proclamation issued by the Governor, either upon the concurrence of two-thirds of the members of the Legislature according to the procedure established by section 50-125 or upon the call of the Governor under the authority of Article IV, section 8, of the Nebraska Constitution, the Legislature shall convene in special session. The first item of business shall be the introduction of bills and resolutions, both of which shall be numbered consecutively beginning with the number one. Bills and resolutions offered by the Speaker at the request of the Governor or offered pursuant to the statement filed with the Secretary of State and agreed to by two-thirds of the members of the Legislature shall be introduced ahead of all other proposals. After introduction, all bills and resolutions shall be handled in the manner provided in this rule. Bills and resolutions shall be introduced only during the first three days of the session.

Sec. 3. Committee Hearings. Within one legislative day following the introduction of bills and resolutions, the Reference Committee shall review each bill and resolution and refer the matter to the appropriate standing committee. The committee to which the bill or resolution is referred shall provide as much public notice of the time and place of the hearing on the matter as is reasonable under the circumstances by publication in the Legislative Journal, but in no case shall the hearing be more than five calendar days after the date the bill or resolution has been referred to the committee.

Sec. 4. Report of Bill or Resolution to Legislature. The committee to which a bill or resolution has been referred shall make a report on the bill or resolution to the Legislature within twenty-four hours after the committee has taken final action on the matter. If, at the expiration of twenty-four hours from the time final action was taken, the chairperson has not reported the bill or resolution, any senator may file with the Speaker a motion that the chairperson be compelled to

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submit a report. After determining that final action on the bill or resolution has been taken at least twenty-four hours prior to the time the motion was submitted, the Speaker shall accept the motion and compel the chairperson to file the committee's report on the matter.

Sec. 5. Indefinitely Postponed Bills and Resolutions. If the committee action on a bill or resolution is to postpone indefinitely, the bill shall stand indefinitely postponed, except that such bill or resolution may be placed on General File or referred back to the committee by a majority vote of the elected members. Not more than one bill or resolution shall be raised from committee on any one motion. A motion to raise shall not be amended to include any other bill, resolution, or subject matter. A motion to raise shall take precedence in order over all other motions, except a motion to adjourn.

Sec. 6. Bills and Resolutions Held by Committee. If the committee has not taken final action on a bill or resolution within two days after the committee hearing, any senator may move that the bill or resolution be placed on General File. If a majority of the elected members vote in favor of the motion, the bill shall be placed on General File.

Sec. 7. Pending Proposals Indefinitely Postponed. At the conclusion of a special session, all bills and resolutions which have not been enacted shall stand indefinitely postponed and shall not carry over to the next legislative session.

Sec. 8. Rules Controlling When Conflict Exists. When a conflict exists between the provisions of this rule and other provisions of the Rules of the Nebraska Legislature, the provisions of this rule shall apply.

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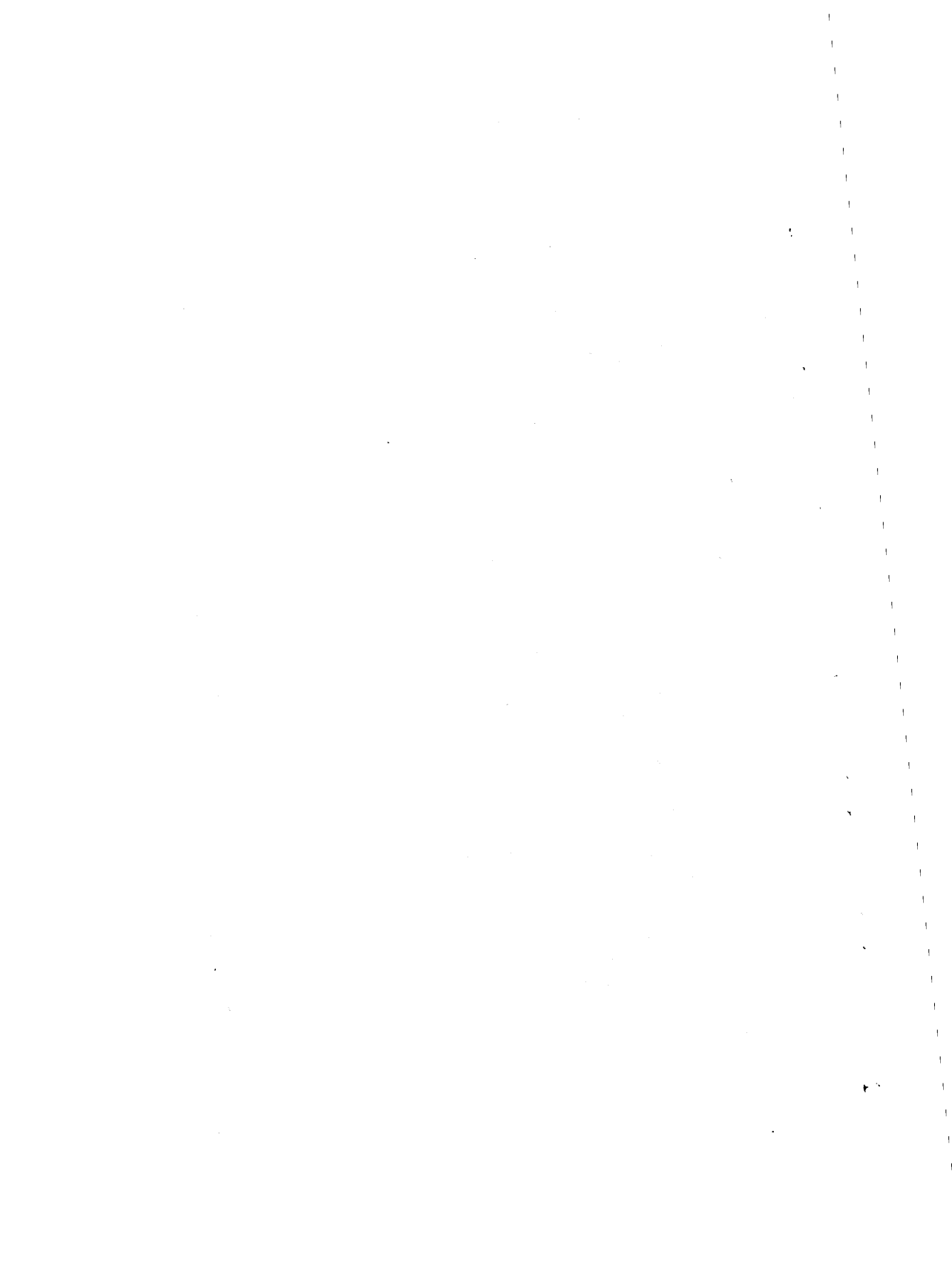
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STATUS OF CARRYOVER

BILLS

AND

RESOLUTIONS

Introduced in the
 Eighty-Ninth Legislature of Nebraska, First Session, 1985
 and pending before the
 Eighty-Ninth Legislature of Nebraska, Second Session, 1986

GENERAL FILE: 32 38A 43 43A 44 50 57 59 68 70 71 72 72A 74
 78 79 82 82A 84 88 90 92 95 105 107 110 122 123 124 125 135 136
 137 144 144A 153 153A 161 172 174 177 190 194 205 212 217 217A
 219 230 237 239 248 248A 251 251A 258 262 275 276 288 289 290 296
 297 298 300 301 302 305 314 316 325 351 362 367 367A 370 374 376
 377 379 380 394 396 411 415 415A 419 425 428 431 433 434 436 437
 440 448 452 453 459 464 468 471 476 480 481 483 484 490 491 494
 499 504 507 511 512 520 521 522 525 526 528 529 530 531 534 540
 543 546 548 550 558 561 573 575 584 584A 593 594 595 596 599 603
 604 604A 613 621 623 626 631 631A 635 636 640 641 642 643 643A
 644 645 645A 647 654 654A 664 671 674 685 691 712 716 LR7CA
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LEGISLATIVE BILL 31. By Warner, 25th District.

A BILL FOR AN ACT relating to appropriations; to amend section 81-137, Revised Statutes Supplement, 1984; to change provisions relating to the Governors appropriation bill; and to repeal the original section.

LEGISLATIVE BILL 32. By Warner, 25th District.

A BILL FOR AN ACT relating to fees; to amend section 33-117, Reissue Revised Statutes of Nebraska, 1943; to change certain fees charged by sheriffs as prescribed; and to repeal the original section.

LEGISLATIVE BILL 35. By Warner, 25th District.

A BILL FOR AN ACT relating to funds; to amend sections 19-3909.01, 39-847.01, 39-1323.01, 39-1804, 39-2215, 39-2401, 60-302, 60-326.01, 66-421, 66-424, 66-473, 66-479, 66-480, 66-605, and 66-605.02, Reissue Revised Statutes of Nebraska, 1943, and section 77-27,132, Revised Statutes Supplement, 1984; to change provisions relating to deposits and allocations to and transfers from the Highway Trust Fund, Highway Allocation Fund, and Highway Cash Fund; to create the Highway Cash Fund; to eliminate the City and County Road Fund; to harmonize provisions; to provide duties for the Revisor of Statutes; to provide an operative date; and to repeal the original sections, and also sections 39-2402 and 39-2403, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 38A. By Lamb, 43rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 38, Eighty-ninth Legislature, First Session, 1985; and to declare an emergency.

LEGISLATIVE BILL 43. By Warner, 25th District.

A BILL FOR AN ACT relating to constitutional officers; to amend sections 84-201.01 and 84-721, Reissue Revised Statutes of Nebraska, 1943, and sections 24-201.01 and 75-104, Revised Statutes Supplement, 1984; to change the salaries of constitutional officers as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 43A. By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out

the provisions of Legislative Bill 43, Eighty-ninth Legislature, First Session, 1985.

LEGISLATIVE BILL 44. By Barrett, 39th District; Rogers, 41st District; Lamb, 43rd District; Higgins, 9th District.

A BILL FOR AN ACT relating to firefighters; to amend section 35-107, Reissue Revised Statutes of Nebraska, 1943; to limit the liability of emergency medical technicians when administering first aid as prescribed; and to repeal the original section.

LEGISLATIVE BILL 45. By Warner, 25th District.

A BILL FOR AN ACT relating to elections; to amend section 32-517, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to objections to certificates of nomination as prescribed; and to repeal the original section.

LEGISLATIVE BILL 46. By Warner, 25th District.

A BILL FOR AN ACT relating to handicapped persons; to amend sections 18-1738, 18-1740, and 60-311.14, Reissue Revised Statutes of Nebraska, 1943, and section 18-1739, Revised Statutes Supplement, 1984; to provide for issuance of handicapped parking permits to persons with temporary physical handicaps; and to repeal the original sections.

LEGISLATIVE BILL 50. By Rogers, 41st District.

A BILL FOR AN ACT relating to school districts; to amend sections 21-1903 and 79-4,154, Reissue Revised Statutes of Nebraska, 1943; to prohibit school districts from performing certain activities; and to repeal the original sections.

LEGISLATIVE BILL 54. By Sieck, 24th District.

A BILL FOR AN ACT relating to schools; to amend sections 57-705, 72-1237.01, 79-1331, 79-1333.02, 79-1368, and 79-1369, Reissue Revised Statutes of Nebraska, 1943, and section 79-4,102, Revised Statutes Supplement, 1984; to adopt the Public Education Income Tax Act; to eliminate the School Foundation and Equalization Fund; to eliminate provisions relating to equalization aid; to harmonize provisions; to provide operative dates; and to repeal the original sections, and also sections 79-1330, 79-1332, 79-1334 to 79-1340, and 79-1342 to 79-1344.01, Reissue Revised Statutes of Nebraska, 1943,

and sections 79-1332.01, 79-1333, and 79-1333.01, Revised Statutes Supplement, 1984.

LEGISLATIVE BILL 55. By Pappas, 42nd District.

A BILL FOR AN ACT relating to property; to adopt the Nebraska Marital Property Act; to provide an operative date; and to provide severability.

LEGISLATIVE BILL 57. By Pappas, 42nd District.

A BILL FOR AN ACT relating to schools; to amend section 79-201, Revised Statutes Supplement, 1984; to restrict school term opening and closing dates; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 58. By Pappas, 42nd District.

A BILL FOR AN ACT relating to motor vehicle fuels; to adopt the Motor Fuel Marketing Act; and to provide severability.

LEGISLATIVE BILL 59. By Pappas, 42nd District.

A BILL FOR AN ACT relating to state agencies; to amend sections 81-1111.01 and 81-1111.02, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to agency accounts payable; to allow creditors of state agencies to charge interest as prescribed; to provide for reporting of interest charged; and to repeal the original sections.

LEGISLATIVE BILL 63. By Eret, 32nd District; DeCamp, 40th District.

A BILL FOR AN ACT relating to banks; to amend section 8-187, Reissue Revised Statutes of Nebraska, 1943; to provide a criterion to be used in determining if a bank is in an unsafe or unsound condition; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 65. By R. Johnson, 34th District.

A BILL FOR AN ACT relating to schools; to state intent; to define a term; to appropriate funds; to provide duties; to create a fund; and to provide additional services for gifted children as prescribed.

LEGISLATIVE BILL 68. By Landis, 46th District.

A BILL FOR AN ACT relating to schools; to amend section 79-444, Reissue Revised Statutes of Nebraska, 1943; to authorize local support of before and after school services as prescribed; and to repeal the original section.

LEGISLATIVE BILL 69. By Landis, 46th District; Pirsch, 10th District; Lundy, 36th District.

A BILL FOR AN ACT relating to crimes and punishment; to amend sections 28-919 and 29-1301, Reissue Revised Statutes of Nebraska, 1943, and section 28-101, Revised Statutes Supplement, 1984; to prohibit the intimidation of victims and witnesses of crime; to redefine an offense; to change provisions relating to venue; to harmonize provisions; to provide penalties; and to repeal the original sections.

LEGISLATIVE BILL 70. By Chambers, 11th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-105, 28-303, 83-1,107, and 83-1,107.01, Reissue Revised Statutes of Nebraska, 1943, and section 24-342, Revised Statutes Supplement, 1984; to eliminate the death penalty; to repeal sections relating to special procedures in cases of homicide; to provide when this act shall apply; to limit provisions relating to parole and discharge from custody; to harmonize provisions; and to repeal the original sections, and also sections 29-2519 to 29-2521.04, 29-2523 to 29-2524.02, 29-2527, 29-2529 to 29-2538, and 29-2540 to 29-2546, Reissue Revised Statutes of Nebraska, 1943, and sections 29-2522, 29-2525, 29-2528, and 29-2539, Revised Statutes Supplement, 1984.

LEGISLATIVE BILL 71. By Chambers, 11th District.

A BILL FOR AN ACT relating to rules of the road; to amend sections 39-662 and 39-666, Reissue Revised Statutes of Nebraska, 1943; to change the speed limitations on freeways; and to repeal the original sections.

LEGISLATIVE BILL 72. By Chambers, 11th District.

A BILL FOR AN ACT relating to gambling; to amend section 2-219, Reissue Revised Statutes of Nebraska, 1943, and sections 28-1101, 28-1105, and 28-1113, Revised Statutes Supplement, 1984; to adopt the Sports Wagering Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 72A. By Chambers, 11th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 72, Eighty-ninth Legislature, First Session, 1985.

LEGISLATIVE BILL 73. By Chambers, 11th District.

A BILL FOR AN ACT relating to attorneys at law; to prescribe maximum fees for certain services.

LEGISLATIVE BILL 74. By Pappas, 42nd District.

A BILL FOR AN ACT relating to group insurance; to amend section 44-1620, Reissue Revised Statutes of Nebraska, 1943; to change the age for an insurance option for certain retired state employees; and to repeal the original section.

LEGISLATIVE BILL 78. By Pappas, 42nd District; Rupp, 22nd District; Chronister, 18th District; DeCamp, 40th District.

A BILL FOR AN ACT relating to regional development; to amend section 81-829.46, Reissue Revised Statutes of Nebraska, 1943; to define terms; to provide for regional councils; to provide for distribution of funds; to provide powers and duties; to harmonize provisions; and to repeal the original section, and also sections 84-142 to 84-150, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 79. By Marsh, 29th District.

A BILL FOR AN ACT relating to parental support and paternity; to amend sections 43-1406 and 43-1412, Reissue Revised Statutes of Nebraska, 1943; to provide for the award of court costs and attorneys fees in child support orders as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 82. By Lynch, 13th District.

A BILL FOR AN ACT relating to hospitals; to amend section 83-306, Reissue Revised Statutes of Nebraska, 1943; to expand the definition of a term as prescribed; and to repeal the original section.

LEGISLATIVE BILL 82A. By Lynch, 13th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 82, Eighty-ninth Legislature, First Session, 1985.

LEGISLATIVE BILL 84. By Wesely, 26th District.

A BILL FOR AN ACT relating to Class IV school districts; to amend sections 79-908 to 79-912, Reissue Revised Statutes of Nebraska, 1943; to provide for an associate superintendent of instruction and a school district treasurer; to eliminate the elections of certain officials; to eliminate election by ballot for certain officials; to harmonize provisions; to eliminate a duty of the city treasurer; and to repeal the original sections.

LEGISLATIVE BILL 88. By Nichol, 48th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704, Revised Statutes Supplement, 1984; to provide a sales and use tax exemption for nonprofit voluntary health organizations; and to repeal the original section.

LEGISLATIVE BILL 90. By Scofield, 49th District; Lundy, 36th District.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1905, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to certain depositions; and to repeal the original section.

LEGISLATIVE BILL 91. By Goodrich, 20th District.

A BILL FOR AN ACT relating to education; to authorize the Nebraska Coordinating Commission for Postsecondary Education to provide matching funds; to provide for an appropriation; and to declare an emergency.

LEGISLATIVE BILL 92. By Schmit, 23rd District.

A BILL FOR AN ACT relating to the judges retirement system; to amend section 24-706, Reissue Revised Statutes of Nebraska, 1943, and sections 24-701, 24-703, 24-707, 24-710, and 24-710.01, Revised Statutes Supplement, 1984; to redefine a term; to change provisions relating to certain contributions; to eliminate certain funds as prescribed; to change provisions relating to termination of service; to change provisions relating to certain retirement annuities as

prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 93. By Schmit, 23rd District.

A BILL FOR AN ACT relating to the judges retirement system; to amend section 24-706, Reissue Revised Statutes of Nebraska, 1943, and sections 24-701, 24-703, 24-707, 24-708, 24-710, and 24-710.01, Revised Statutes Supplement, 1984; to redefine terms; to change provisions relating to certain contributions; to eliminate certain funds as prescribed; to change provisions relating to termination of service; to provide an additional provision for voluntary retirement; to change provisions relating to certain retirement annuities as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 95. By Rupp, 22nd District; Marsh, 29th District.

A BILL FOR AN ACT relating to the state; to adopt an official state fish.

LEGISLATIVE BILL 105. By L. Johnson, 15th District; DeCamp, 40th District; Nichol, 48th District; Chronister, 18th District; Hartnett, 45th District; Lynch, 13th District; Labeledz, 5th District; Schmit, 23rd District; Higgins, 9th District; Rupp, 22nd District; Remmers, 1st District.

A BILL FOR AN ACT relating to infants; to provide for grandchildren and grandparent visitation as prescribed.

LEGISLATIVE BILL 107. By DeCamp, 40th District.

A BILL FOR AN ACT relating to business trusts; to adopt the Business Trust Act.

LEGISLATIVE BILL 110. By Wesely, 26th District; Scofield, 49th District; Hartnett, 45th District; Pirsch, 10th District.

A BILL FOR AN ACT relating to sales and income tax; to amend section 77-27,144, Reissue Revised Statutes of Nebraska, 1943; to reduce the administrative fee incident to sales and use tax collection; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 122. By Haberman, 44th District.

A BILL FOR AN ACT relating to the rules of the road; to amend section 39-6,181, Reissue Revised Statutes of Nebraska, 1943; to change the maximum weight limit for certain special permits; and to repeal the original section.

LEGISLATIVE BILL 123. By Haberman, 44th District.

A BILL FOR AN ACT relating to the rules of the road; to amend section 39-6,181, Reissue Revised Statutes of Nebraska, 1943; to eliminate special permits for certain vehicles; and to repeal the original section.

LEGISLATIVE BILL 124. By R. Johnson, 34th District.

A BILL FOR AN ACT relating to ground water; to amend sections 2-3213 and 46-634.01, Reissue Revised Statutes of Nebraska, 1943, and Laws 1981, LB 81, section 5; to extend the termination date for ground water conservation districts; and to repeal the original sections.

LEGISLATIVE BILL 125. By Hefner, 19th District.

A BILL FOR AN ACT relating to Small Claims Court; to amend section 24-524, Revised Statutes Supplement, 1984; to change provisions relating to claim forms; and to repeal the original section.

LEGISLATIVE BILL 131. By Carsten, 2nd District; Remmers, 1st District; Sieck, 24th District; Higgins, 9th District; Chronister, 18th District; Hartnett, 45th District; Chizek, 31st District.

A BILL FOR AN ACT relating to optometry; to amend sections 71-1,133, 71-1,135.02, and 71-1,135.04, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to change provisions relating to the use of topical ocular pharmaceutical agents; to change provisions on certain license renewals; to eliminate a definition; and to repeal the original sections, and also section 71-1,135.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 133. By Conway, 17th District; Vickers, 38th District.

A BILL FOR AN ACT relating to postsecondary education; to provide a work-study program; to provide duties for the Nebraska Coordinating Commission for Postsecondary Education; to define

terms; to provide for rules and regulations; and to provide for severability.

LEGISLATIVE BILL 135. By Lamb, 43rd District.

A BILL FOR AN ACT relating to the Uniform Fraudulent Conveyance Act; to amend section 36-609, Reissue Revised Statutes of Nebraska, 1943; to provide for the assertion of third party rights; and to repeal the original section.

LEGISLATIVE BILL 136. By Lamb, 43rd District.

A BILL FOR AN ACT relating to the State Claims Board; to amend section 81-8,220, Reissue Revised Statutes of Nebraska, 1943; to change the membership of the State Claims Board; and to repeal the original section.

LEGISLATIVE BILL 137. By Scofield, 49th District.

A BILL FOR AN ACT relating to warehouses; to amend section 88-517, Reissue Revised Statutes of Nebraska, 1943, and section 88-502, Revised Statutes Supplement, 1984; to create a fund for the surveillance of grain warehouses; and to repeal the original sections.

LEGISLATIVE BILL 142. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to criminal procedure; to create the Nebraska Sentencing Guidelines Commission; to provide powers and duties; and to create a sentencing hearing procedure as prescribed.

LEGISLATIVE BILL 143. By Pappas, 42nd District.

A BILL FOR AN ACT relating to interest, loans, and debt; to amend sections 45-101.04 and 45-338, Reissue Revised Statutes of Nebraska, 1943; to change the interest rate on installment contracts; to change the method of payment of installment contracts; and to repeal the original sections.

LEGISLATIVE BILL 144. By Pappas, 42nd District; V. Johnson, 8th District; Higgins, 9th District; Haberman, 44th District; Conway, 17th District; Hartnett, 45th District.

A BILL FOR AN ACT relating to gambling; to amend sections 9-124, 9-187, 9-195, 9-196, 9-199, 28-1101, 28-1105, 28-1113, 28-1115, 28-1116, and 28-1116.01, Revised Statutes Supplement, 1984; to

adopt the Nebraska Electronic Lottery Act; to harmonize provisions; to authorize certain electronic lotteries; to eliminate a prohibition on certain lotteries; and to repeal the original sections, and also section 28-1116.02, Revised Statutes Supplement, 1984.

LEGISLATIVE BILL 144A. By Pappas, 42nd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 144, Eighty-ninth Legislature, First Session, 1985.

LEGISLATIVE BILL 145. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to education; to amend section 85-122, Revised Statutes Supplement, 1984; to state intent; to provide an early retirement program for certain university faculty members; to create a fund; to provide for damages; to harmonize provisions; to provide an operative date; to repeal the original section; and declare an emergency.

LEGISLATIVE BILL 146. By Beutler, 28th District; Haberman, 44th District.

A BILL FOR AN ACT relating to dissolution of marriage; to amend sections 42-346, 42-348, 42-351, 42-352, 42-364, Reissue Revised Statutes of Nebraska, 1943, and section 24-517, Revised Statutes Supplement, 1984; to provide concurrent original jurisdiction in dissolution of marriage and related matters for the county and district courts; to provide for pleadings and records as prescribed; to provide for appeal; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 147. By Sieck, 24th District; Hefner, 19th District.

A BILL FOR AN ACT relating to health care; to state intent; to provide duties for the Director of Social Services as prescribed; and to declare an emergency.

LEGISLATIVE BILL 150. By Pappas, 42nd District.

A BILL FOR AN ACT relating to telephones and telegraphs; to provide for the submission of certain complaints as prescribed; and to provide a penalty.

LEGISLATIVE BILL 153. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to motor vehicles operators licenses; to amend section 60-426, Reissue Revised Statutes of Nebraska, 1943; to provide for suspension or revocation of licenses in certain instances; and to repeal the original section.

LEGISLATIVE BILL 153A. By V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 153, Eighty-ninth Legislature, First Session, 1985.

LEGISLATIVE BILL 156. By Vickers, 38th District.

A BILL FOR AN ACT relating to schools; to adopt the Time to Learn Act.

LEGISLATIVE BILL 159. By Schmit, 23rd District.

A BILL FOR AN ACT relating to judges; to amend section 24-201.01, Revised Statutes Supplement, 1984; to raise salaries; and to repeal the original section.

LEGISLATIVE BILL 161. By Pappas, 42nd District.

A BILL FOR AN ACT relating to safety inspections of railroads; to adopt the Railroad Inspection Act.

LEGISLATIVE BILL 164. By Withem, 14th District; Hartnett, 45th District; Hall, 7th District.

A BILL FOR AN ACT relating to retirement of county peace officers; to amend section 33-117, Reissue Revised Statutes of Nebraska, 1943, and sections 23-1118, 23-2301, and 84-1503, Revised Statutes Supplement, 1984; to adopt the County Peace Officers Retirement Act; to harmonize provisions; to increase fees; to provide operative dates; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 167. By Wesely, 26th District.

A BILL FOR AN ACT relating to mentally ill dangerous persons; to amend section 83-1020, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to confinement of such persons;

to provide duties for counties; and to repeal the original section.

LEGISLATIVE BILL 169. By Wesely, 26th District.

A BILL FOR AN ACT relating to the University of Nebraska; to appropriate funds to provide for the renovation of Morrill Hall; to provide authorization; and to declare an emergency.

LEGISLATIVE BILL 170. By Beutler, 28th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-105, Reissue Revised Statutes of Nebraska, 1943; to change a penalty; and to repeal the original section.

LEGISLATIVE BILL 172. By Abboud, 12th District; Labedz, 5th District; Hannibal, 4th District; V. Johnson, 8th District; Pappas, 42nd District; Lynch, 13th District; Chizek, 31st District; Hartnett, 45th District; Beyer, 3rd District; Hoagland, 6th District; Pirsch, 10th District; Withem, 14th District; Hall, 7th District.

A BILL FOR AN ACT relating to property tax; to provide duties for counties relating to property valuation and tax levies as prescribed; and to declare an emergency.

LEGISLATIVE BILL 174. By DeCamp, 40th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1510, Reissue Revised Statutes of Nebraska, 1943, and section 77-1502, Revised Statutes Supplement, 1984; to provide for notice of certain final decisions on property assessments; to change provisions relating to appeals from actions of a county board of equalization; and to repeal the original sections.

LEGISLATIVE BILL 177. By DeCamp, 40th District.

A BILL FOR AN ACT relating to civil rights; to amend section 20-201, Reissue Revised Statutes of Nebraska, 1943; to limit the right of privacy as prescribed; and to repeal the original section.

LEGISLATIVE BILL 178. By DeCamp, 40th District.

A BILL FOR AN ACT relating to elections; to amend section 32-532, Reissue Revised Statutes of Nebraska, 1943; to provide for runoff primary elections as prescribed; and to repeal the original section.

LEGISLATIVE BILL 179. By DeCamp, 40th District.

A BILL FOR AN ACT relating to streets, roads, and highways; to provide for payment of certain damages incurred by businesses due to construction and maintenance.

LEGISLATIVE BILL 189. By Peterson, 21st District.

A BILL FOR AN ACT relating to towing; to amend sections 39-671 and 60-2401 to 60-2411, Reissue Revised Statutes of Nebraska, 1943; to change provisions regarding liability; to adopt the Towing and Storage Lien Act; and to repeal the original sections.

LEGISLATIVE BILL 190. By Chronister, 18th District; Hoagland, 6th District; Smith, 33rd District; Eret, 32nd District; Goodrich, 20th District; Nichol, 48th District; Hartnett, 45th District; Barrett, 39th District; Nelson, 35th District; Miller, 37th District; Pappas, 42nd District; Lynch, 13th District; R. Johnson, 34th District; Withem, 14th District; Hefner, 19th District; Baack, 47th District; Sieck, 24th District; Scofield, 49th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2602 and 77-2602.03, Revised Statutes Supplement, 1984; to adopt the Nebraska Future Fund Act; to change provisions regarding the cigarette tax; to harmonize provisions; to provide operative dates; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 192. By DeCamp, 40th District.

A BILL FOR AN ACT relating to securities; to amend section 8-1109.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the registration of securities; and to repeal the original section.

LEGISLATIVE BILL 194. By DeCamp, 40th District.

A BILL FOR AN ACT relating to title insurance; to amend section 44-1907, Reissue Revised Statutes of Nebraska, 1943; to require title insurance agents to be licensed abstracters; and to repeal the original section.

LEGISLATIVE BILL 198. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to make deficiency appropriations; to amend Laws 1984, LB 761A, section 2, Laws 1984, LB 882, section 1, and Laws 1984, LB 1128, sections 1, 3, 4, 9, 11, 14, 17, 18, 19, 23, 24, 29, 35, 48, 49, 52, 61, 69, 74, and 82; to repeal the original sections, and also Laws 1984, LB 1129, section 12; and to declare an emergency.

LEGISLATIVE BILL 199. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to make appropriations for the expenses of Nebraska State Government, including capital construction and capital construction reaffirmations and reappropriations, for the year ending June 30, 1986; to provide an operative date; to provide severability; to repeal Laws 1984, LB 286A, Laws 1984, LB 403A, Laws 1984, LB 416A, Laws 1984, LB 457A, Laws 1984, LB 466A, Laws 1984, LB 470A, Laws 1984, LB 477A, Laws 1984, LB 478, Laws 1984, LB 516A, Laws 1984, LB 724A, Laws 1984, LB 751A, Laws 1984, LB 761A, Laws 1984, LB 767A, Laws 1984, LB 801A, Laws 1984, LB 825A, Laws 1984, LB 832A, Laws 1984, LB 833A, Laws 1984, LB 835A, Laws 1984, LB 845A, Laws 1984, LB 848A, Laws 1984, LB 867, Laws 1984, LB 880A, Laws 1984, LB 930A, Laws 1984, 931A, Laws 1984, LB 970A, Laws 1984, LB 976A, Laws 1984, LB 981A, Laws 1984, LB 990A, Laws 1984, LB 991A, Laws 1984, LB 994A, Laws 1984, LB 1001A, Laws 1984, LB 1089A, Laws 1984, LB 1106A, Laws 1984, LB 1125A, Laws 1984, LB 1126A, Laws 1984, LB 1127A, and Laws 1984, LB 1129, sections 18, 21, 26, 27, 29, 30, 37, 43, 44, 45, and 46; and to declare an emergency.

LEGISLATIVE BILL 201. By V. Johnson, 8th District; Wesely, 26th District; Chambers, 11th District.

A BILL FOR AN ACT relating to maternal and infant care; to state intent; to provide for funding of certain maternal and infant care; to establish a high-risk pregnancy support program; to define a term; to provide powers and duties; to create funds; to provide for rules and regulations; and to create a committee.

LEGISLATIVE BILL 201A. By V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 201, Eighty-ninth Legislature, First Session, 1985.

LEGISLATIVE BILL 202. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to elections; to amend sections 49-1401, 49-1403, and 49-1455, Reissue Revised Statutes of Nebraska, 1943; to define terms; to create a fund and provide for its use; to create a mechanism for the public financing of campaigns for election to the Legislature; to provide the Accountability and Disclosure Commission with certain powers and duties; to provide a penalty; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 205. By Vickers, 38th District.

A BILL FOR AN ACT relating to educational television; to amend section 79-2103, Revised Statutes Supplement, 1984; to provide additional powers and duties for the Nebraska Educational Television Commission; to prohibit certain acts; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 206. By Landis, 46th District; DeCamp, 40th District; Marsh, 29th District; Morehead, 30th District; Lynch, 13th District; Hartnett, 45th District; V. Johnson, 8th District; Higgins, 9th District; Labedz, 5th District; Hoagland, 6th District; Withem, 14th District; Vickers, 38th District; Chambers, 11th District.

A BILL FOR AN ACT relating to sex discrimination; to state intent; to define terms; to establish a committee; to provide duties; to provide for a study and reports; to provide a termination date; and to provide for severability.

LEGISLATIVE BILL 212. By Warner, 25th District.

A BILL FOR AN ACT relating to the Uniform Disposition of Unclaimed Property Act; to amend section 69-1317, Reissue Revised Statutes of Nebraska, 1943; to provide a date for the transfer of excess funds; to harmonize provisions; to provide for the investment of funds; and to repeal the original section.

LEGISLATIVE BILL 217. By Beutler, 28th District; Landis, 46th District.

A BILL FOR AN ACT relating to regulated substances; to adopt the Petroleum Products and Hazardous Substances Storage and Handling Act; to amend sections 81-526 and 81-551, Reissue Revised

Statutes of Nebraska, 1943, and sections 81-502 and 81-1504, Revised Statutes Supplement, 1984; to provide additional duties and clarify duties; to provide for enforcement; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 217A. By Beutler, 28th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 217, Eighty-ninth Legislature, First Session, 1985.

LEGISLATIVE BILL 219. By Haberman, 44th District; Remmers, 1st District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704, Revised Statutes Supplement, 1984; to provide a sales and use tax exemption for materials used to repair and maintain farm machinery as prescribed; and to repeal the original section.

LEGISLATIVE BILL 222. By Abboud, 12th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2786, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2715 and 77-2734.03, Revised Statutes Supplement, 1984; to adopt the Capital Companies Tax Credit Act; to provide for tax credits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 226. By Hefner, 19th District; Peterson, 21st District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-611, Revised Statutes Supplement, 1984; to change provisions relating to bad checks; and to repeal the original section.

LEGISLATIVE BILL 227. By Eret, 32nd District.

A BILL FOR AN ACT relating to ground water; to amend section 46-612.01, Reissue Revised Statutes of Nebraska, 1943; to require certain irrigation methods when applying fertilizers and chemical pesticides; and to repeal the original section.

LEGISLATIVE BILL 228. By Eret, 32nd District; Schmit, 23rd District; Sieck, 24th District.

A BILL FOR AN ACT relating to school funds; to amend section

79-1340, Reissue Revised Statutes of Nebraska, 1943; to provide for a reimbursement as prescribed; and to repeal the original section.

LEGISLATIVE BILL 230. By DeCamp, 40th District.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1474, Reissue Revised Statutes of Nebraska, 1943; to eliminate a provision relating to advertisements and false statement of material fact; and to repeal the original section.

LEGISLATIVE BILL 234. By Beutler, 28th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-204, 79-451, and 79-2011, Reissue Revised Statutes of Nebraska, 1943, and section 79-201, Revised Statutes Supplement, 1984; to change age limits relating to compulsory education as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 237. By Chambers, 11th District.

A BILL FOR AN ACT relating to penal and correctional institutions; to amend sections 83-4,122 and 83-4,123, Reissue Revised Statutes of Nebraska, 1943; to provide for tape recording certain hearings; to provide for judicial review as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 239. By Schmit, 23rd District.

A BILL FOR AN ACT relating to county attorneys; to amend section 23-1222, Reissue Revised Statutes of Nebraska, 1943, and section 81-1429, Revised Statutes Supplement, 1984; to create a fund and provide for its use; to provide for the payment of certain expenses as prescribed; to change a fee and provide for its distribution; and to repeal the original sections.

LEGISLATIVE BILL 243. By Pappas, 42nd District; Higgins, 9th District; Schmit, 23rd District; Hannibal, 4th District.

A BILL FOR AN ACT relating to health; to adopt the Dietician and Nutritionist Licensing Act; to provide an operative date; and to provide severability.

LEGISLATIVE BILL 246. By Landis, 46th District.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-910, Revised Statutes Supplement, 1984; to state intent; to create the Eminent Scholar Program; to create a fund; to provide procedures and criteria; to provide duties; and to repeal the original section.

LEGISLATIVE BILL 248. By Public Health & Welfare Committee, Wesely, 26th District, Chairperson; Withem, 14th District; Hall, 7th District; Peterson, 21st District.

A BILL FOR AN ACT relating to health services; to amend section 71-2017.01, Reissue Revised Statutes of Nebraska, 1943, and section 71-2017, Revised Statutes Supplement, 1984; to provide for standards for home health agencies; to provide a waiver; to provide for satellite clinics; to define terms; and to repeal the original sections.

LEGISLATIVE BILL 248A. By Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 248, Eighty-ninth Legislature, First Session, 1985.

LEGISLATIVE BILL 251. By Public Health & Welfare Committee, Wesely, 26th District, Chairperson; Withem, 14th District; Lynch, 13th District; Peterson, 21st District; Smith, 33rd District; Hall, 7th District.

A BILL FOR AN ACT relating to medical assistance; to require certain facilities to be certified as prescribed.

LEGISLATIVE BILL 251A. By Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 251, Eighty-ninth Legislature, First Session, 1985.

LEGISLATIVE BILL 256. By Chizek, 31st District.

A BILL FOR AN ACT relating to disability compensation; to amend sections 48-121 and 81-2026, Reissue Revised Statutes of Nebraska, 1943; to change compensation benefits for certain state employees as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 257. By Chizek, 31st District.

A BILL FOR AN ACT relating to the Department of Personnel; to amend section 81-1307, Reissue Revised Statutes of Nebraska, 1943; to provide duties for the Director of Personnel relating to labor-management relations; and to repeal the original section.

LEGISLATIVE BILL 258. By Warner, 25th District.

A BILL FOR AN ACT relating to appropriations; to provide for biennial appropriations.

LEGISLATIVE BILL 260. By Warner, 25th District.

A BILL FOR AN ACT relating to state colleges; to amend sections 85-954 to 85-956 and 85-958, Revised Statutes Supplement, 1984; to delete obsolete language; to change provisions relating to masters degree programs in business administration; and to repeal the original section.

LEGISLATIVE BILL 261. By Warner, 25th District.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-9,106, Revised Statutes Supplement, 1984; to change provisions relating to instructional program review; and to repeal the original section.

LEGISLATIVE BILL 262. By Pappas, 42nd District.

A BILL FOR AN ACT relating to health and sanitation; to require restrooms in retail establishments as prescribed; and to provide a penalty.

LEGISLATIVE BILL 267. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to dentistry; to amend sections 71-115, 71-193.13, and 71-193.14, Reissue Revised Statutes of Nebraska, 1943, and sections 71-113, 71-114, 71-116, and 71-183.01, Revised Statutes Supplement, 1984; to provide for the registration of dental assistants as prescribed; to define terms; to provide for an additional appointment to the Board of Examiners in Dentistry; to harmonize provisions; to provide penalties; and to repeal the original sections.

LEGISLATIVE BILL 275. By Pappas, 42nd District.

A BILL FOR AN ACT relating to personal property; to adopt the

American Indian Arts and Crafts Sales Act; to provide a penalty; and to provide severability.

LEGISLATIVE BILL 276. By Pappas, 42nd District; Labeledz, 5th District.

A BILL FOR AN ACT relating to group insurance; to amend sections 44-1636 to 44-1638, Reissue Revised Statutes of Nebraska, 1943; to provide for optional continuation of health insurance for a covered former spouse or retirees spouse; to provide duties; and to repeal the original sections.

LEGISLATIVE BILL 277. By DeCamp, 40th District; Chronister, 18th District.

A BILL FOR AN ACT relating to health care; to adopt the Respiratory Care Act.

LEGISLATIVE BILL 278. By DeCamp, 40th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to the Nebraska Investment Finance Authority Act; to amend sections 58-201 and 58-239, Reissue Revised Statutes of Nebraska, 1943; to state intent; to provide additional powers as prescribed; to provide for an expenditure, an appropriation, and rules and regulations; and to repeal the original sections.

LEGISLATIVE BILL 284. By Public Works Committee, Schmit, 23rd District, Chairperson; DeCamp, 40th District; Beyer, 3rd District; Lynch, 13th District; Lamb, 43rd District; Smith, 33rd District; Nelson, 35th District; and R. Johnson, 34th District.

A BILL FOR AN ACT relating to relating to irrigation; to amend section 46-612.01, Reissue Revised Statutes of Nebraska, 1943; to adopt the Nebraska Chemigation Act; to provide penalties; and to repeal the original section.

LEGISLATIVE BILL 284A. By R. Johnson, 34th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 284, Eighty-ninth Legislature, First Session, 1985.

LEGISLATIVE BILL 285. By Abboud, 12th District; Schmit, 23rd

District; V. Johnson, 8th District.

A BILL FOR AN ACT relating to certificate of need; to amend sections 71-5801, 71-5853, and 71-5858, Revised Statutes Supplement, 1984; to provide additional factors for issuance for a period of time as prescribed; to provide for a preference; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 286. By Morehead, 30th District; Marsh, 29th District; Scofield, 49th District; Hartnett, 45th District; Nichol, 48th District; Peterson, 21st District; Smith, 33rd District; Hall, 7th District.

A BILL FOR AN ACT relating to social work; to amend section 33-150, Reissue Revised Statutes of Nebraska, 1943; to adopt the Nebraska Social Work Licensing Act; to provide for the transfer of funds; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 288. By Miscellaneous Subjects Committee, Hefner, 19th District, Chairperson; Hartnett, 45th District; Haberman, 44th District; Higgins, 9th District; Conway, 17th District; V. Johnson, 8th District; Morehead, 30th District; Pappas, 42nd District; and Nichol, 48th District; Marsh, 29th District; Smith, 33rd District; Lundy, 36th District.

A BILL FOR AN ACT relating to libraries; to amend sections 24-523 and 51-214, Reissue Revised Statutes of Nebraska, 1943, and 24-524, Revised Statutes Supplement, 1984; to provide that certain acts are evidence of intent; to define a term; to provide a penalty; to restrict liability; to provide for restitution; to provide for posting of certain provisions; to permit libraries to bring claims in Small Claims Court; to exempt libraries from certain fees; to permit the recovery of certain costs; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 289. By Hannibal, 4th District.

A BILL FOR AN ACT relating to political subdivisions; to amend section 23-2420, Revised Statutes Supplement, 1984; to provide for suits against employees of political subdivisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 290. By Harris, 27th District.

A BILL FOR AN ACT relating to the University of Nebraska; to amend section 85-106.04, Reissue Revised Statutes of Nebraska,

1943; to change provisions relating to accumulation of retirement benefits; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 291. By Chronister, 18th District.

A BILL FOR AN ACT relating to ophthalmic dispensing; to adopt the Ophthalmic Dispensing Act; to provide an operative date; and to provide severability.

LEGISLATIVE BILL 296. By DeCamp, 40th District.

A BILL FOR AN ACT relating to energy conservation; to amend section 66-1037, Revised Statutes Supplement, 1984; to change the definition of active solar space heating systems; and to repeal the original section.

LEGISLATIVE BILL 297. By DeCamp, 40th District.

A BILL FOR AN ACT relating to energy conservation; to amend sections 66-1047 and 66-1055, Revised Statutes Supplement, 1984; to extend the termination date on certain tax credits; and to repeal the original sections.

LEGISLATIVE BILL 298. By Hall, 7th District.

A BILL FOR AN ACT relating to interest rates and loans; to amend section 45-103, Reissue Revised Statutes of Nebraska, 1943; to change certain interest rates on judgments or decrees; and to repeal the original section.

LEGISLATIVE BILL 300. By Schmit, 23rd District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 39-669.22, 39-669.34, 39-6,104, 39-6,104.04, 60-303, 60-407, 60-426, 60-505, 60-507, 60-511, 60-2304, and 60-2307, Reissue Revised Statutes of Nebraska, 1943; to eliminate a provision relating to assessment of points; to provide for the revocation of employment driving permits; to change a requirement for accident reports and security deposits; to require proof of payment of certain federal taxes; to provide an additional requirement to obtain a learners permit; to change a provision relating to license suspension or revocation; to provide an additional authorization for termination of suspension of a license and registration; to change provisions relating to odometer statements; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 301. By Schmit, 23rd District.

A BILL FOR AN ACT relating to motor carriers; to amend section 60-302, Reissue Revised Statutes of Nebraska, 1943; to adopt certain federal regulations concerning motor carrier safety; to provide for inspection of a motor carriers materials; to provide a penalty; to provide an operative date; to provide for severability; and to repeal the original section.

LEGISLATIVE BILL 302. By Schmit, 23rd District.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3213, Reissue Revised Statutes of Nebraska, 1943; to allow changes in the number of directors; and to repeal the original section.

LEGISLATIVE BILL 303. By Lynch, 13th District.

A BILL FOR AN ACT relating to employers; to prohibit certain actions by employers or their officers or agents as prescribed; to define terms; and to provide a penalty.

LEGISLATIVE BILL 305. By Nelson, 35th District; Higgins, 9th District.

A BILL FOR AN ACT relating to insurance; to amend section 44-3604, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to Medicare supplement and limited indemnity policies; and to repeal the original sections.

LEGISLATIVE BILL 309. By Schmit, 23rd District.

A BILL FOR AN ACT relating to ground water; to amend sections 46-684 and 46-687, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to a permit; to change a penalty; and to repeal the original sections.

LEGISLATIVE BILL 310. By Schmit, 23rd District.

A BILL FOR AN ACT relating to water; to amend section 46-602, Reissue Revised Statutes of Nebraska, 1943; to adopt the Water Well Contractors Licensing Act; to require additional information on a well registration form; to provide an operative date; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 311. By Wesely, 26th District.

A BILL FOR AN ACT relating to retirement; to amend sections 16-1008, 23-2315, and 79-1529, Reissue Revised Statutes of Nebraska, 1943, and sections 23-2319, 84-1317, 84-1320, and 84-1321, Revised Statutes Supplement, 1984; to authorize the establishment of early retirement incentive programs as prescribed; to provide for the establishment of a preretirement planning program by the Department on Aging; to change provisions relating to retirement options; to allow employees to choose early retirement; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 312. By Wesely, 26th District; Sieck, 24th District.

A BILL FOR AN ACT relating to environmental protection; to amend sections 81-1534, 81-1535, 81-1560, and 81-1561, Reissue Revised Statutes of Nebraska, 1943; to provide an additional legislative purpose; to change provisions relating to the calculation of a fee; to provide for the distribution of funds; to provide duties for the Revisor of Statutes; to eliminate a termination date for the Nebraska Litter Reduction and Recycling Act; and to repeal the original sections, and also section 81-1566, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 314. By Wesely, 26th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-5810, 71-5813, 71-5830, 71-5834, 71-5836, 71-5836.01, 71-5838, 71-5842, 71-5844, 71-5844.01, 71-5849, 71-5853, 71-5858, 71-5859, and 71-5867, Revised Statutes Supplement, 1984; to redefine a term; to change provisions relating to certificate of need; to change duties of the Department of Health and a committee as prescribed; to harmonize provisions; to change review procedures; to change a committee membership requirement; to provide for certain criteria; to eliminate provisions relating to certain public meetings and public hearings; to eliminate certain duties of a review committee; to eliminate an appeal panel; and to repeal the original sections, and also sections 71-5860 to 71-5863, Reissue Revised Statutes of Nebraska, 1943, and sections 71-5840, 71-5841, 71-5846 to 71-5848, 71-5850, and 71-5864 to 71-5866, Revised Statutes Supplement, 1984.

LEGISLATIVE BILL 316. By Wesely, 26th District.

A BILL FOR AN ACT relating to capital improvement projects; to state intent; to create a fund; and to provide for the financing of certain projects as prescribed.

LEGISLATIVE BILL 318. By Wesely, 26th District; Peterson, 21st District.

A BILL FOR AN ACT relating to cosmetology; to amend section 33-150, Reissue Revised Statutes of Nebraska, 1943; to adopt the Nebraska Cosmetology Act; to harmonize provisions; to repeal current provisions relating to cosmetology; to provide for severability; and to repeal the original section, and also sections 71-312.01 to 71-320, 71-321, 71-322, and 71-322.02 to 71-339, Reissue Revised Statutes of Nebraska, 1943, and section 71-320.01, Revised Statutes Supplement, 1984.

LEGISLATIVE BILL 320. By Wesely, 26th District; Smith, 33rd District; Marsh, 29th District; Morehead, 30th District.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-712 and 28-715, Reissue Revised Statutes of Nebraska, 1943, and sections 28-101, 28-710, 28-711, 28-713, 28-726, 71-2052, and 71-6039, Revised Statutes Supplement, 1984; to adopt the Adult Protective Services Act; to harmonize provisions; and to repeal the original sections, and also section 28-708, Revised Statutes Supplement, 1984.

LEGISLATIVE BILL 322. By Eret, 32nd District.

A BILL FOR AN ACT relating to contracts; to define a term; to prohibit certain deferred pricing contracts; and to provide remedies.

LEGISLATIVE BILL 325. By Goodrich, 20th District.

A BILL FOR AN ACT relating to retirement benefits; to amend sections 79-1565 and 81-1325, Reissue Revised Statutes of Nebraska, 1943, and sections 84-1307, 84-1317, 84-1319, 84-1320, 84-1321, and 84-1332, Revised Statutes Supplement, 1984; to provide an opportunity for certain employees to change retirement systems as prescribed; to change requirements for certain benefits; to change membership provisions; to change the early retirement age; to provide a lump sum plus annuity retirement option as prescribed; to eliminate a restriction on certain employees; and to repeal the original sections.

LEGISLATIVE BILL 330. By Lynch, 13th District; Hartnett, 45th District.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1823, Reissue Revised Statutes of Nebraska, 1943; to provide that the costs of commitment be paid by the state; and to repeal the original section.

LEGISLATIVE BILL 333. By Barrett, 39th District; Marsh, 29th District; Baack, 47th District; Chronister, 18th District; Beyer, 3rd District; Rupp, 22nd District; Scofield, 49th District; Withem, 14th District; Nelson, 35th District; Remmers, 1st District; Chizek, 31st District; Goodrich, 20th District; V. Johnson, 8th District; Labedz, 5th District; Conway, 17th District; R. Johnson, 34th District; Miller, 37th District; Smith, 33rd District.

A BILL FOR AN ACT relating to child abuse and neglect; to amend sections 24-532 and 33-126.05, Reissue Revised Statutes of Nebraska, 1943, and sections 71-612, 71-623, 71-627, and 71-628, Revised Statutes Supplement, 1984; to state intent; to define terms; to create a board; to provide powers and duties; to create a fund; to provide for funding; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 333A. By Barrett, 39th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 333, Eighty-ninth Legislature, First Session, 1985.

LEGISLATIVE BILL 348. By Nebraska Retirement Systems Committee, Harris, 27th District, Chairperson; Abboud, 12th District; Goodrich, 20th District; Vickers, 38th District; Warner, 25th District; Wesely, 26th District.

A BILL FOR AN ACT relating to retirement; to amend section 79-1528, Reissue Revised Statutes of Nebraska, 1943, and sections 23-2306, 79-1047, 84-1307, and 84-1503, Revised Statutes Supplement, 1984; to change provisions relating to membership in certain retirement systems; to change provisions relating to years of creditable service as prescribed; to provide a duty of the Public Employees Retirement Board; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 351. By Nebraska Retirement Systems

Committee, Harris, 27th District, Chairperson; Abboud, 12th District; Goodrich, 20th District; Vickers, 38th District; Warner, 25th District; Wesely, 26th District.

A BILL FOR AN ACT relating to judges retirement; to amend section 24-701, Revised Statutes Supplement, 1984; to redefine military service; and to repeal the original section.

LEGISLATIVE BILL 352. By Nebraska Retirement Systems Committee, Harris, 27th District, Chairperson; Abboud, 12th District; Goodrich, 20th District; Vickers, 38th District; Warner, 25th District; Wesely, 26th District.

A BILL FOR AN ACT relating to retirement; to amend sections 16-1001, 16-1002, 16-1013, 16-1015, 16-1026, 16-1033, and 16-1035, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to change provisions relating to the retirement benefits of certain police officers and firefighters; to provide for an actuarial report; to change provisions relating to membership on certain retirement committees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 355. By Goll, 16th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-2702 and 71-2802, Reissue Revised Statutes of Nebraska, 1943; to define terms; to create a board and procedures incident thereto; to require licensing of athletic trainers; to provide powers and duties; to provide licensing procedures; to provide exemptions; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 361. By Hoagland, 6th District.

A BILL FOR AN ACT relating to death; to amend sections 23-1820 and 71-605, Reissue Revised Statutes of Nebraska, 1943; to harmonize provisions; to provide for certain autopsies as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 362. By Wesely, 26th District; Hoagland, 6th District.

A BILL FOR AN ACT relating to accidents; to amend sections 39-6,104.06 to 39-6,104.08, and 39-6,104.11, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the filing and use of certain accident reports; to transfer certain duties from the Department of Motor Vehicles to the Department of Roads; and to

repeal the original sections.

LEGISLATIVE BILL 367. By Beutler, 28th District.

A BILL FOR AN ACT relating to the Attorney General; to require the establishment of a criminal prosecution division by the Attorney General; and to provide powers and duties.

LEGISLATIVE BILL 367A. By Beutler, 28th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 367, Eighty-ninth Legislature, First Session, 1985.

LEGISLATIVE BILL 370. By Beutler, 28th District.

A BILL FOR AN ACT relating to divorce and alimony; to amend section 42-363, Reissue Revised Statutes of Nebraska, 1943; to provide when a decree dissolving a marriage becomes final; and to repeal the original section.

LEGISLATIVE BILL 374. By Sieck, 24th District.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3218, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to per diem payments for members of the boards of directors; and to repeal the original section.

LEGISLATIVE BILL 376. By Pirsch, 10th District.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-518, Revised Statutes Supplement, 1984; to provide for the aggregation of amounts taken during a series of thefts as prescribed; and to repeal the original section.

LEGISLATIVE BILL 377. By Pirsch, 10th District.

A BILL FOR AN ACT relating to criminal procedure; to allow the prosecuting attorney discovery before trial as specified.

LEGISLATIVE BILL 379. By Pappas, 42nd District.

A BILL FOR AN ACT relating to the State Electrical Division; to amend section 81-2121, Revised Statutes Supplement, 1984; to apply the State Electrical Act to certain persons as prescribed; and to repeal

the original section.

LEGISLATIVE BILL 380. By Wesely, 26th District.

A BILL FOR AN ACT relating to state wastepaper products; to state intent; to provide powers and duties; to create a fund; to repeal the Nebraska Resource Conservation and Recovery act; to eliminate a fund; and to repeal sections 81-1140 to 81-1161, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 386. By Schmit, 23rd District.

A BILL FOR AN ACT relating to water resources; to amend section 2-1599, Reissue Revised Statutes of Nebraska, 1943, and sections 2-15,107, 2-15,110, and 2-15,113, Revised Statutes Supplement, 1984; to provide for an integrated water management systems plan; to change provisions relating to project review; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 388. By Vickers, 38th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-445 and 79-701, Revised Statutes Supplement, 1984; to change provisions relating to the admission of nonresident students; to change provisions relating to the reorganization of Class II school districts as prescribed; to provide a procedure for closing an attendance site as prescribed; to eliminate a provision relating to the setting off of certain land from certain school districts; to eliminate a provision relating to the transfer of property; and to repeal the original sections, and also sections 79-403 and 79-1108, Revised Statutes Supplement, 1984.

LEGISLATIVE BILL 390. By Wesely, 26th District; Warner, 25th District; L. Johnson, 15th District.

A BILL FOR AN ACT relating to group insurance; to amend section 44-1620.01, Reissue Revised Statutes of Nebraska, 1943; to provide for the establishment of medical expense accounts for state employees; to provide for the use and disposition of such accounts; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 394. By Morehead, 30th District.

A BILL FOR AN ACT relating to milk; to amend section 2-3901, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to

provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 396. By Wesely, 26th District; Eret, 32nd District.

A BILL FOR AN ACT relating to construction; to adopt the Building Construction Act; to provide an operative date; and to provide for severability.

LEGISLATIVE BILL 399. By Landis, 46th District.

A BILL FOR AN ACT relating to municipalities; to amend sections 15-106, 18-1306, and 19-916, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to platting; to change provisions relating to subdivisions; and to repeal the original sections.

LEGISLATIVE BILL 400. By Landis, 46th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2702, Revised Statutes Supplement, 1984; to define and redefine terms; to change sales and use tax provisions relating to mobile homes and manufactured housing units; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 402. By DeCamp, 40th District.

A BILL FOR AN ACT relating to school employees retirement; to amend section 79-1529, Reissue Revised Statutes of Nebraska, 1943, and sections 79-1522.01, 79-1522.02, 79-1531, and 79-1533, Revised Statutes Supplement, 1984; to authorize certain benefits after ninety years of combined age plus creditable service; to restrict eligibility; to increase certain required contributions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 403. By DeCamp, 40th District.

A BILL FOR AN ACT relating to school employees retirement; to amend section 79-1529, Reissue Revised Statutes of Nebraska, 1943, and sections 79-1522.01, 79-1522.02, 79-1531, and 79-1533, Revised Statutes Supplement, 1984; to authorize certain benefits after thirty-five years of service regardless of age; to restrict eligibility; to increase certain required contributions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 411. By Judiciary Committee, Hoagland, 6th District, Chairperson; Beutler, 28th District; Chambers, 11th District; Chizek, 31st District; Conway, 17th District; Rupp, 22nd District.

A BILL FOR AN ACT relating to civil liability; to amend section 25-1151, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to negligence; and to repeal the original section.

LEGISLATIVE BILL 414. By Education Committee, Vickers, 38th District, Chairperson; Baack, 47th District; Barrett, 39th District; R. Johnson, 34th District; Morehead, 30th District; Nelson, 45th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-2201.01, 79-2202, and 79-2203, Reissue Revised Statutes of Nebraska, 1943; to require all counties to be part of an educational service unit; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 415. By Education Committee, Vickers, 38th District, Chairperson; Baack, 47th District; Barrett, 39th District; Eret, 32nd District; R. Johnson, 34th District; Lamb, 43rd District; Morehead, 30th District; Nelson, 45th District.

A BILL FOR AN ACT relating to schools; to adopt the Vocational Education Incentive Funding Act.

LEGISLATIVE BILL 415A. By Vickers, 38th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 415, Eighty-ninth Legislature, First Session, 1985.

LEGISLATIVE BILL 416. By Vickers, 38th District.

A BILL FOR AN ACT relating to fire companies and firefighters; to amend section 35-302, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to a firefighters hours of duty; and to repeal the original section.

LEGISLATIVE BILL 418. By Education Committee, Vickers, 38th District, Chairperson; Baack, 47th District; Barrett, 39th District; Eret, 32nd District; Lamb, 43rd District; Nelson, 45th District.

A BILL FOR AN ACT relating to schools; to state intent; to provide

for the establishment of community education programs as prescribed; to provide duties; and to provide for an appropriation.

LEGISLATIVE BILL 419. By Education Committee, Vickers, 38th District, Chairperson; Baack, 47th District; Barrett, 39th District; Eret, 32nd District; Lamb, 43rd District; Morehead, 30th District; Nelson, 45th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-490 and 79-492, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to transportation allowances for pupils; and to repeal the original sections.

LEGISLATIVE BILL 425. By Warner, 25th District.

A BILL FOR AN ACT relating to bonds; to amend section 10-140, Reissue Revised Statutes of Nebraska, 1943; to provide exceptions to registration requirements; and to repeal the original section.

LEGISLATIVE BILL 426. By Goll, 16th District.

A BILL FOR AN ACT relating to employment security; to amend sections 48-624, 48-626, 48-627, 48-628.02, 48-630, and 48-631, Reissue Revised Statutes of Nebraska, 1943; to provide for consideration of certain wages as qualifying wages; to change provisions relating to determination of benefits; to redefine terms; to change provisions relating to claims; and to repeal the original sections.

LEGISLATIVE BILL 428. By Haberman, 44th District.

A BILL FOR AN ACT relating to weed control; to amend sections 2-946.02, 2-952 to 2-954, 2-955, 2-957 to 2-964, 2-966, 11-119, 23-922, 32-421.01, 72-240.09, and 85-163.04, Reissue Revised Statutes of Nebraska, 1943; to eliminate the county weed control authorities; to provide powers and duties for county boards; to repeal obsolete language; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also sections 2-946.01 and 2-965, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 431. By Wesely, 26th District.

A BILL FOR AN ACT relating to energy conservation; to amend section 57-705, Reissue Revised Statutes of Nebraska, 1943, and sections 66-1033, 66-1047, 66-1048, 66-1055, 77-2704, and 81-1634,

Revised Statutes Supplement, 1984; to create a fund; to state intent; to redefine terms; to provide powers and duties; to provide for rules and regulations; to provide for loans and grants; to change provisions relating to termination dates; to change provisions relating to tax exemptions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 433. By Wesely, 26th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-5001, 71-5002, and 71-5006, Reissue Revised Statutes of Nebraska, 1943; to state intent; to redefine a term; to provide powers and duties related to mental health services for children and youth; and to repeal the original sections.

LEGISLATIVE BILL 434. By Withem, 14th District.

A BILL FOR AN ACT relating to franchises; to amend sections 87-402 to 87-410, Reissue Revised Statutes of Nebraska, 1943; to provide for reimbursement for parts and merchandise as prescribed; to change internal references; and to repeal the original sections.

LEGISLATIVE BILL 436. By Withem, 14th District.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-663, Reissue Revised Statutes of Nebraska, 1943; to set and change speed limits during maintenance and construction; and to repeal the original section.

LEGISLATIVE BILL 437. By Withem, 14th District.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-629, Reissue Revised Statutes of Nebraska, 1943; to provide restrictions on following distances; and to repeal the original section.

LEGISLATIVE BILL 438. By Withem, 14th District.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Dental Anesthesia Act.

LEGISLATIVE BILL 440. By Chizek, 31st District.

A BILL FOR AN ACT relating to the Nebraska Arts Council; to create the Nebraska Henry Fonda Film and Television Office to be

under the direction of the Nebraska Arts Council; to provide duties; to make an appropriation; and to provide for the transfer of property as prescribed.

LEGISLATIVE BILL 443. By Eret, 32nd District.

A BILL FOR AN ACT relating to aeronautics; to amend section 3-152, Reissue Revised Statutes of Nebraska, 1943; to provide for the designation of restricted zones for aerial pesticide application as prescribed; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 448. By Hoagland, 6th District.

A BILL FOR AN ACT relating to the Protection From Domestic Abuse Act; to amend section 42-903, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 449. By Administrative Rules and Regulations Review Committee: Hannibal, 4th District, Chairperson; Lundy, 36th District; Peterson, 21st District; Rogers, 41st District; Sieck, 24th District.

A BILL FOR AN ACT relating to rules of administrative agencies; to amend sections 84-901 and 84-907, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to change certain notice requirements; to provide for regulatory analyses of proposed rules as prescribed; to provide requirements for adopted rules; to authorize requests for rulemaking proceedings; to require rulemaking records; to provide powers and duties; to harmonize provisions; to provide a limitation of action; to provide for the termination of certain statutes; and to repeal the original sections.

LEGISLATIVE BILL 451. By DeCamp, 40th District.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-140 and 8-409.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to loans to directors; to remove obsolete language; and to repeal the original sections.

LEGISLATIVE BILL 452. By DeCamp, 40th District; Schmit, 23rd District; Harris, 27th District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-902, Reissue Revised Statutes of Nebraska, 1943, and

section 8-903, Revised Statutes Supplement, 1984; to define terms; to change provisions relating to bank holding companies; and to repeal the original sections.

LEGISLATIVE BILL 453. By DeCamp, 40th District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-902, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to provide a restriction on bank holding companies; and to repeal the original section.

LEGISLATIVE BILL 454. By DeCamp, 40th District.

A BILL FOR AN ACT relating to relating to cities of the second class; to define terms; to establish a retirement system for police officers as prescribed; to create funds; to authorize a levy; and to provide an operative date.

LEGISLATIVE BILL 455. By Vickers, 38th District; Chizek, 31st District.

A BILL FOR AN ACT relating to teachers; to amend section 79-1247.05, Revised Statutes Supplement, 1984; to adopt the Career Teacher Incentive Act; to change provisions relating to teacher certification; and to repeal the original section.

LEGISLATIVE BILL 457. By Vickers, 38th District; Scofield, 49th District.

A BILL FOR AN ACT relating to employers and employees; to define terms; to provide duties for employers regarding hazardous materials; to provide protection for employees; to provide a penalty; and to provide for severability.

LEGISLATIVE BILL 459. By R. Johnson, 34th District.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-946.02, 2-954, 2-955, 2-957, and 2-960, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the Department of Agriculture's participation in noxious weed control programs as prescribed; to harmonize provisions; to repeal the original sections, and also section 2-964, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 461. By R. Johnson, 34th District; Vickers,

38th District; Scofield, 49th District; Withem, 14th District; Baack, 47th District; Conway, 17th District.

A BILL FOR AN ACT relating to educational telecommunications; to amend sections 79-2101, 79-2103, 79-2106.01, and 79-2109, Revised Statutes Supplement, 1984; to include radio satellite transmissions in telecommunications; to provide additional powers and duties; to eliminate a restriction on a fund; and to repeal the original sections, and also section 79-2108, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 463. By Beutler, 28th District; Pappas, 42nd District.

A BILL FOR AN ACT relating to ground water; to amend sections 2-1579 and 2-1590, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the use of certain funds; to state intent; to define terms; to provide powers and duties relating to nitrate-nitrogen contamination; to authorize a tax; and to repeal the original sections.

LEGISLATIVE BILL 464. By Beutler, 28th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-515, Revised Statutes Supplement, 1984; to define terms; to provide a penalty for unauthorized use of telecommunications services; and to repeal the original section.

LEGISLATIVE BILL 465. By Pappas, 42nd District; Schmit, 23rd District; Labedz, 5th District; Scofield, 49th District; Rupp, 22nd District.

A BILL FOR AN ACT relating to conservation officers; to state legislative intent; to provide for salary increases; to make an appropriation; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 466. By Lamb, 43rd District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-153, 71-154, 71-161.03, and 71-1,104.05, Reissue Revised Statutes of Nebraska, 1943, and sections 71-149, 71-155, and 71-171.01, Revised Statutes Supplement, 1984; to change procedures for the denial, revocation, limitation, or suspension of certain licenses; to change hearing and appeal procedures; to provide duties;

to harmonize provisions; and to repeal the original sections, and also sections 71-150 to 71-152 and 71-157 to 71-161, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 467. By DeCamp, 40th District.

A BILL FOR AN ACT relating to the state racing commission; to amend section 2-1201, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the members of the commission; and to repeal the original section.

LEGISLATIVE BILL 468. By DeCamp, 40th District.

A BILL FOR AN ACT relating to construction projects; to create a commission; to provide duties; to create a fund; and to provide appropriations.

LEGISLATIVE BILL 469. By DeCamp, 40th District; Pappas, 42nd District.

A BILL FOR AN ACT relating to exports; to adopt the Nebraska Export Finance Act; and to provide for termination.

LEGISLATIVE BILL 471. By Hannibal, 4th District; Withem, 14th District; Goodrich, 20th District; Barrett, 39th District.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend section 81-505.01, Revised Statutes Supplement, 1984; to change provisions relating to the assessment and collection of certain fees; and to repeal the original section.

LEGISLATIVE BILL 474. By Public Works Committee, Schmit, 23rd District, Chairperson; Beyer, 3rd District; Lamb, 43rd District; Lynch, 13th District; Nelson, 35th District.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-1576 and 2-1579, Reissue Revised Statutes of Nebraska, 1943; to adopt the Erosion and Sediment Control Act; to change legislative intent; to change provisions relating to grants; to eliminate certain provisions relating to conserving soil and water resources; and to repeal the original sections, and also sections 2-3244 to 2-3250, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 476. By Marsh, 29th District.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-646, Reissue Revised Statutes of Nebraska, 1943; to provide restrictions for walkers, joggers, and runners as provided; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 477. By DeCamp, 40th District; Conway, 17th District; Hall, 7th District.

A BILL FOR AN ACT relating to adoption; to amend sections 43-107, 43-109, 43-113, 43-119, 43-129, and 71-626.01, Reissue Revised Statutes of Nebraska, 1943; to provide duties; to place a condition on the granting of adoption decrees; to change certain forms; to change provisions governing access to certain information; to change requirements; to correct an internal reference; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 478. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to rehabilitation services; to amend sections 43-654, 79-1447 to 79-1449, 79-1451, 79-1452, and 83-210.01, Reissue Revised Statutes of Nebraska, 1943; to name an act; to define terms; to transfer powers and duties relating to services for the blind from the Department of Public Institutions to the Division of Rehabilitation Services; to create a fund; to harmonize provisions; to eliminate a committee; and to repeal the original sections, and also sections 83-210.02 to 83-212, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 480. By Landis, 46th District; Lynch, 13th District; Conway, 17th District.

A BILL FOR AN ACT relating to economic development; to amend sections 58-209.01, 58-219, 66-452, and 72-1263, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2704, 77-2708, 77-2715, 77-2734.03, 77-2734.04, 77-2734.07, and 81-1228, Revised Statutes Supplement, 1984; to adopt the Enterprise Zone Demonstration Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 481. By Haberman, 44th District.

A BILL FOR AN ACT relating to the Director of Correctional Services; to amend sections 83-173 and 83-939, Reissue Revised Statutes of Nebraska, 1943; to provide for notice of furlough as prescribed; to provide powers and duties; and to repeal the original

sections.

LEGISLATIVE BILL 483. By Withem, 14th District.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-735, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the election of trustees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 484. By Withem, 14th District.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-727.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the filing of information by newly created districts; and to repeal the original section.

LEGISLATIVE BILL 485. By Withem, 14th District.

A BILL FOR AN ACT relating to insurance; to provide the method of computation for workers compensation insurance premiums; to provide duties; and to provide an operative date.

LEGISLATIVE BILL 489. By Vickers, 38th District; Peterson, 21st District; Carsten, 2nd District; Hefner, 19th District; Rogers, 41st District.

A BILL FOR AN ACT relating to drainage; to amend section 31-201, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to liability for drainage of land; and to repeal the original section.

LEGISLATIVE BILL 490. By Judiciary Committee, Hoagland, 6th District, Chairperson; Abboud, 12th District; Beutler, 28th District; Chizek, 31st District; Conway, 17th District; Remmers, 1st District.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-101, 28-707, 28-708, and 28-710, Revised Statutes Supplement, 1984; to define and redefine terms; and to repeal the original sections, and also sections 38-115 to 38-117, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 491. By Chizek, 31st District.

A BILL FOR AN ACT relating to environmental protection; to

amend section 81-1528.01, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to jurisdiction to control pollution; and to repeal the original section.

LEGISLATIVE BILL 494. By Abboud, 12th District; L. Johnson, 15th District; Lundy, 36th District; Conway, 17th District.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-414, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to gas rate increases; and to repeal the original section.

LEGISLATIVE BILL 495. By Vickers, 38th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-328 and 79-1701, Revised Statutes Supplement, 1984; to change provisions relating to accreditation of certain schools; to change provisions relating to visitation of certain schools; to change provisions relating to testing in certain schools; to eliminate a requirement; to provide for the school term for certain schools; to provide for revocation of certain exemptions and appropriate procedures; and to repeal the original sections.

LEGISLATIVE BILL 497. By Wesely, 26th District

A BILL FOR AN ACT relating to amusement rides; to adopt the Amusement Ride Act; and to provide severability.

LEGISLATIVE BILL 499. By Chambers, 11th District.

A BILL FOR AN ACT relating to colleges and universities; to state legislative findings; to provide that football players at the University of Nebraska at Lincoln be treated as university employees.

LEGISLATIVE BILL 502. By Warner, 25th District.

A BILL FOR AN ACT relating to interexchange telecommunications services; to prohibit billing and collection as prescribed; to provide for enforcement; to provide for rules and regulations; to provide powers and duties; to provide a cause of action; and to establish reporting requirements.

LEGISLATIVE BILL 504. By Remmers, 1st District.

A BILL FOR AN ACT relating to crimes and punishment; to amend

section 29-2262, Reissue Revised Statutes of Nebraska, 1943, and section 28-416, Revised Statutes Supplement, 1984; to require mandatory conditions on probation as prescribed; to prohibit probation and suspension of sentence as prescribed; to provide an eligibility requirement for parole; and to repeal the original sections.

LEGISLATIVE BILL 506. By Nichol, 48th District; Baack, 47th District; Barrett, 39th District; Vickers, 38th District; Hefner, 19th District; Sieck, 24th District; Peterson, 21st District; Rupp, 22nd District.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-948, Reissue Revised Statutes of Nebraska, 1943; to eliminate associate degree programs in nursing from the University of Nebraskas sole responsibility; and to repeal the original section.

LEGISLATIVE BILL 507. By Miller, 37th District.

A BILL FOR AN ACT relating to inheritance tax; to amend section 77-2018.04, Reissue Revised Statutes of Nebraska, 1943; to change a deduction as prescribed; and to repeal the original section.

LEGISLATIVE BILL 511. By Chizek, 31st District; Schmit, 23rd District.

A BILL FOR AN ACT relating to impoundments; to prohibit the construction of certain impoundments in certain counties.

LEGISLATIVE BILL 512. By Chizek, 31st District; Labedz, 5th District.

A BILL FOR AN ACT relating to county government and officers; to amend sections 23-1901, 32-308, and 39-1506, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to county engineers and surveyors as prescribed; to eliminate an obsolete provision; and to repeal the original sections.

LEGISLATIVE BILL 513. By Rogers, 41st District.

A BILL FOR AN ACT relating to labor; to amend sections 48-225 to 48-228, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to provide employment preferences for certain veterans and spouses; and to repeal the original sections.

LEGISLATIVE BILL 514. By Beutler, 28th District.

A BILL FOR AN ACT relating to public defenders; to amend sections 83-1008, 83-1050, 83-1052, and 83-1119, Reissue Revised Statutes of Nebraska, 1943, and sections 29-1804 and 29-1804.03, Revised Statutes Supplement, 1984; to adopt the State Defender Act; to redefine terms; to harmonize provisions; to eliminate existing provisions relating to county public defenders and judicial district public defenders; and to repeal the original sections, and also sections 29-1804.04, 29-1804.08 to 29-1804.13, and 29-1805.01 to 29-1805.11, Reissue Revised Statutes of Nebraska, 1943, and sections 29-1804.05, 29-1804.07, and 29-1804.14, Revised Statutes Supplement, 1984.

LEGISLATIVE BILL 515. By Beutler, 28th District.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1474 and 49-1474.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to advertisement, false statement of material fact, and political material as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 516. By Beutler, 28th District.

A BILL FOR AN ACT relating to judges; to amend sections 5-105, 24-301, 24-312, 24-505.01 and 24-516, Reissue Revised Statutes of Nebraska, 1943, and sections 24-503 and 24-810, Revised Statutes Supplement, 1984; to change district and county judicial districts; to provide for subdistricts and primary service locations; to authorize the interchange of county and district judges; to change provisions relating to judicial vacancies; to provide an operative date; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 517. By Beutler, 28th District.

A BILL FOR AN ACT relating to specific conveyances; to provide for the acceptance of certain real property by the Game and Parks Commission; and to provide conditions.

LEGISLATIVE BILL 519. By Beutler, 28th District.

A BILL FOR AN ACT relating to industrial development; to amend sections 18-1615 and 18-1618, Reissue Revised Statutes of Nebraska, 1943, and section 18-1614, Revised Statutes Supplement, 1984; to define and redefine terms; to change provisions relating to the issuance of bonds; to harmonize provisions; to repeal the original

sections; and to declare an emergency.

LEGISLATIVE BILL 520. By Beutler, 28th District.

A BILL FOR AN ACT relating to arbitration; to amend section 77-2407, Reissue Revised Statutes of Nebraska, 1943; to adopt the Uniform Arbitration Act; to harmonize provisions; to provide severability; and to repeal the original section, and also sections 25-2103 to 25-2120, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 521. By Beutler, 28th District.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2204, Reissue Revised Statutes of Nebraska, 1943; to change, eliminate, and transfer provisions relating to sentencing of offenders; and to repeal the original section, and also section 83-1,105, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 522. By Hoagland, 6th District.

A BILL FOR AN ACT relating to claims; to amend section 81-8,214, Reissue Revised Statutes of Nebraska, 1943, and section 23-2416, Revised Statutes Supplement, 1984; to change provisions relating to certain limitations; to provide for jurisdiction as prescribed; and to repeal the original sections. criminal procedure; to amend section 29-2204, Reissue Revised Statutes of Nebraska, 1943; to change, eliminate, and transfer provisions relating to sentencing of offenders; and to repeal the original section, and also section 83-1,105, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 524. By Hoagland, 6th District.

A BILL FOR AN ACT relating to motorcycles and mopeds; to amend section 39-669.26, Reissue Revised Statutes of Nebraska, 1943; to require the wearing of a protective helmet as prescribed; to provide duties for the Department of Motor Vehicles; to provide for enforcement; to change provisions relating to a point system; and to repeal the original section.

LEGISLATIVE BILL 525. By Hoagland, 6th District.

A BILL FOR AN ACT relating to marriage; to amend sections 24-511, 33-110, 33-126.05, 42-104 to 42-108, 42-112, 42-113, 42-115, 42-121, and 71-614, Reissue Revised Statutes of Nebraska, 1943; to transfer the issuance of marriage licenses and related duties from

county judges to county clerks; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 526. By Hoagland, 6th District.

A BILL FOR AN ACT relating to foster care; to amend section 43-1314, Reissue Revised Statutes of Nebraska, 1943; to change the method of providing notice; and to repeal the original section.

LEGISLATIVE BILL 527. By Judiciary Committee, Hoagland, 6th District, Chairperson; Beutler, 28th District; Chambers, 11th District; Conway, 17th District; Rupp, 22nd District; and DeCamp, 40th District.

A BILL FOR AN ACT relating to district courts; to amend sections 11-119, 11-125, 11-126, 23-102, 23-1114.03 to 23-1114.06, 23-2504, 23-2518, 25-1625, 32-1044, and 33-106.02, Reissue Revised Statutes of Nebraska, 1943, and section 23-120, Revised Statutes Supplement, 1984; to change the status of clerks and employees of the district courts as prescribed; to provide for salaries and benefits; to change duties; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also section 32-307, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 528. By Judiciary Committee, Hoagland, 6th District, Chairperson; Abboud, 12th District; Chizek, 31st District; Remmers, 1st District; Rupp, 22nd District; Conway, 17th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 29-2262 and 48-115, Reissue Revised Statutes of Nebraska, 1943; to provide for community service as a sentencing alternative; to provide the length of community service required; and to repeal the original sections.

LEGISLATIVE BILL 529. By Hoagland, 6th District.

A BILL FOR AN ACT relating to courts; to amend sections 24-507 to 24-509, 24-511, 24-519, and 24-520, Reissue Revised Statutes of Nebraska, 1943, and sections 24-513 and 24-701, Revised Statutes Supplement, 1984; to provide for clerk magistrates rather than associate county judges; to provide duties for clerk magistrates; to eliminate pro tempore associate county judges; to eliminate a provision relating to county clerks as ex officio clerks of the county court; to harmonize provisions for retirement; to provide a duty for the Revisor of Statutes; and to repeal the original sections, and also

sections 24-510, 24-513.01, and 24-518, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 530. By Judiciary Committee, Hoagland, 6th District, Chairperson; Abboud, 12th District; Chambers, 11th District; Chizek, 31st District; Conway, 17th District; Remmers, 1st District; Rupp, 22nd District.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1912, Revised Statutes Supplement, 1984; to allow reduction of sentences as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 531. By Withem, 14th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1801, 77-1802, 77-1804, and 77-1918, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to collection of delinquent real estate taxes; and to repeal the original sections.

LEGISLATIVE BILL 534. By Smith, 33rd District.

A BILL FOR AN ACT relating to schools; to amend section 79-12,111, Revised Statutes Supplement, 1984; to provide for annual evaluations of certain probationary certificated employees; and to repeal the original section.

LEGISLATIVE BILL 536. By Haberman, 44th District.

A BILL FOR AN ACT relating to state agencies; to provide that agencies send copies of rules and regulations to committees of the Legislature as prescribed.

LEGISLATIVE BILL 539. By Revenue Committee, V. Johnson, 8th District, Chairperson; Hartnett, 45th District; Hefner, 19th District; Landis, 46th District; Miller, 37th District; Pirsch, 10th District; Rogers, 41st District; Sieck, 24th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.01 and 77-2701.02, Revised Statutes Supplement, 1984; to change provisions relating to sales and income tax rates; and to repeal the original sections.

LEGISLATIVE BILL 540. By Pirsch, 10th District.

A BILL FOR AN ACT relating to the Nebraska Commission on Law Enforcement and Criminal Justice; to amend sections 81-1423, 81-1801 to 81-1821, 81-1823 to 81-1825, 81-1827, 81-1830 to 81-1837, 81-1839, 81-1842, 81-1843, 81-1847, and 83-183.01, Reissue Revised Statutes of Nebraska, 1943, and section 81-1822, Revised Statutes Supplement, 1984; to abolish the Crime Victims Reparations Board; to create the Crime Victims Reparations Committee; to harmonize provisions; to provide powers and duties; to provide for members, terms of office, vacancies, and expenses; to change provisions regarding hearings; to change provisions regarding compensation; and to repeal the original sections.

LEGISLATIVE BILL 543. By Pirsch, 10th District.

A BILL FOR AN ACT relating to seized property; to amend section 29-820, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the disposition of such property as prescribed; and to repeal the original section.

LEGISLATIVE BILL 544. By Pirsch, 10th District.

A BILL FOR AN ACT relating to public improvements; to amend sections 14-3,117 and 14-3,121, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to petitions and protests as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 546. By Landis, 46th District.

A BILL FOR AN ACT relating to school employees retirement; to amend section 79-1516, Reissue Revised Statutes of Nebraska, 1943, and section 79-1522.01, Revised Statutes Supplement, 1984; to specify the method for crediting part-time service; to change a provisions relating to calculation of the monthly formula annuity; and to repeal the original sections.

LEGISLATIVE BILL 548. By Landis, 46th District.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1401, 49-14,124, and 49-14,135, Reissue Revised Statutes of Nebraska, 1943, and section 17-209.02, Revised Statutes Supplement, 1984; to change provisions prohibiting certain contracts involving certain officers of governing bodies as prescribed; to provide for the disclosure, recording, and storage of certain information; to provide

exceptions; to change and provide penalties as prescribed; to eliminate provisions relating to certain contracts involving officers and officials of political subdivisions as prescribed; to harmonize provisions; and to repeal the original sections, and also sections 2-3216.01 to 2-3216.04, 2-2316.06, 18-301.01 to 18-301.04, 18-301.06, 23-180 to 23-183, 23-185, and 79-4,208 to 79-4,213, Revised Statutes Supplement, 1984.

LEGISLATIVE BILL 549. By Peterson, 21st District; Chronister, 18th District; Hefner, 19th District.

A BILL FOR AN ACT relating to the Nebraska Comprehensive Community Mental Health Services Act; to amend section 71-5004, Reissue Revised Statutes of Nebraska, 1943; to require briefing sessions for new regional governing board members; and to repeal the original section.

LEGISLATIVE BILL 550. By Peterson, 21st District; Wesely, 26th District; Chronister, 18th District; Hefner, 19th District.

A BILL FOR AN ACT relating to the Nebraska Comprehensive Community Mental Health Services Act; to amend section 71-5007, Reissue Revised Statutes of Nebraska, 1943; to prohibit program administrators from engaging in a private practice which provides mental health services; and to repeal the original section.

LEGISLATIVE BILL 555. By Eret, 32nd District.

A BILL FOR AN ACT relating to agricultural products; to amend sections 2-3801, 2-3803, 2-3808 to 2-3810, and 2-3812, Reissue Revised Statutes of Nebraska, 1943; to harmonize provisions; to provide for the establishment of a commodity pricing directory; to provide duties for the Department of Agriculture; and to repeal the original sections.

LEGISLATIVE BILL 556. By Labedz, 5th District; Hall, 7th District.

A BILL FOR AN ACT relating to homesteads; to amend sections 77-3507 and 77-3508, Revised Statutes Supplement, 1984; to change certain tax exemptions as prescribed; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 556A. By Labedz, 5th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 556, Eighty-ninth Legislature, First Session, 1985; and to declare an emergency.

LEGISLATIVE BILL 558. By Rupp, 22nd District.

A BILL FOR AN ACT relating to game and parks; to amend section 37-713, Reissue Revised Statutes of Nebraska, 1943; to provide duties; to provide for permits for keeping wild birds or animals in captivity; and to repeal the original section.

LEGISLATIVE BILL 561. By Hannibal, 4th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704, Revised Statutes Supplement, 1984; to provide an exemption for certain oxygen equipment; and to repeal the original section.

LEGISLATIVE BILL 563. By Hoagland, 6th District.

A BILL FOR AN ACT relating to historical properties; to state legislative findings; and to provide for preservation, maintenance, and restoration of certain state-owned structures as prescribed.

LEGISLATIVE BILL 565. By Wesely, 26th District.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Confidentiality of Patient Care Information Act; and to provide severability.

LEGISLATIVE BILL 566. By Wesely, 26th District.

A BILL FOR AN ACT relating to economic development; to adopt the Nebraska Science and Technology Authority Act; to establish the Center for Educational Technology; and to provide powers and duties.

LEGISLATIVE BILL 567. By Wesely, 26th District.

A BILL FOR AN ACT relating to retirement benefits; to amend sections 50-417 and 81-2027, Reissue Revised Statutes of Nebraska, 1943, and sections 24-703, 79-1540, and 81-2017, and 84-1331, Revised Statutes Supplement, 1984; to provide for cost-of-living increases for certain retirement systems; to provide for a certain level of funding for certain retirement systems; to create funds; to provide

for a report relating to retirement systems; and to repeal the original sections.

LEGISLATIVE BILL 571. By R. Johnson, 34th District.

A BILL FOR AN ACT relating to insurance; to provide an exemption for the Mennonite Church as prescribed.

LEGISLATIVE BILL 572. By Marsh, 29th District; Lundy, 36th District; Hannibal, 4th District; Vickers, 38th District; Goll, 16th District; Warner, 25th District; Rupp, 22nd District.

A BILL FOR AN ACT relating to dentistry; to amend section 71-184, Reissue Revised Statutes of Nebraska, 1943, and section 71-183.0', Revised Statutes Supplement, 1984; to change provisions relating to exceptions to dental practice, dental hygienists, and dental auxiliaries; and to repeal the original section, and also sections 71-193.09 and 71-193.13, Reissued Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 573. By Lynch, 13th District; DeCamp, 40th District.

A BILL FOR AN ACT relating to insurance; to amend section 60-509, Reissue Revised Statutes of Nebraska, 1943; to adopt the Underinsured Motorist Insurance Coverage Act; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 574. By Lynch, 13th District.

A BILL FOR AN ACT relating to money and financing; to amend sections 58-202, 58-203, 58-219, and 58-239, Reissue Revised Statutes of Nebraska, 1943; to state intent; to provide authority; to redefine a term; to provide for financing for political subdivisions as prescribed; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 575. By Lynch, 13th District.

A BILL FOR AN ACT relating to motor vehicles; to change provisions relating to the issuance of certain licenses as prescribed.

LEGISLATIVE BILL 578. By Lynch, 13th District.

A BILL FOR AN ACT relating to public health and welfare; to

provide for the licensure of certain pharmacies as prescribed; and to provide for rules and regulations.

LEGISLATIVE BILL 578A. By Lynch, 13th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 578, Eighty-ninth Legislature, First Session, 1985.

LEGISLATIVE BILL 579. By Scofield, 49th District.

A BILL FOR AN ACT relating to professional counseling; to amend section 33-150, Reissue Revised Statutes of Nebraska, 1943; to adopt the Licensed Professional Counselor Act; to provide for the disposition of certain fees; and to repeal the original section.

LEGISLATIVE BILL 581. By Morehead, 30th District; Lundy, 36th District; Chronister, 18th District; Beutler, 28th District; Carsten, 2nd District.

A BILL FOR AN ACT relating to the Nebraska Investment Finance Authority Act; to amend sections 58-201 to 58-203, 58-207, 58-219, 58-239, and 58-267, Reissue Revised Statutes of Nebraska, 1943; to state intent; to define and redefine terms; to authorize the authority to purchase certain municipal bonds; to allow the financing of municipal projects; to provide powers, duties, and restrictions; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 584. By Schmit, 23rd District; Labedz, 5th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-311.11, Reissue Revised Statutes of Nebraska, 1943; to increase the maximum characters on prestige plates; and to repeal the original section.

LEGISLATIVE BILL 584A. By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 584, Eighty-ninth Legislature, First Session, 1985.

LEGISLATIVE BILL 586. By Withem, 14th District.

A BILL FOR AN ACT relating to emergency medical services; to amend sections 35-107, 39-602, 39-608, 39-6,135, 39-6,148, 39-6,149, 39-6,151, and 71-5111, Reissue Revised Statutes of Nebraska, 1943, to state intent; to define and redefine terms; to provide for the establishment of emergency medical services regions and councils; to provide duties; to provide for funding; to create a fund; to provide for the treatment of certain information; to change provisions relating to emergency vehicles; to change provisions relating to liability; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 593. By Barrett, 39th District.

A BILL FOR AN ACT relating to insurance; to amend sections 44-127.01, 44-127.03, 44-2701 to 44-2704, 44-2707 to 44-2711, 44-2713, 44-2717, and 44-2720, Reissue Revised Statutes of Nebraska, 1943; to restate purposes; to define and redefine terms; to change provisions relating to the kinds of insurance covered; to change provisions relating to the powers and duties of the association and the director; to change provisions relating to liability on covered policies; to prohibit inducements; to provide reciprocity as prescribed; to provide for examination expenses as prescribed; to change internal references; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 594. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1704.01, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the information required on tax notices; and to repeal the original section.

LEGISLATIVE BILL 595. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to the civil service system; to amend section 23-2515, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to an appeal; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 596. By Sieck, 24th District.

A BILL FOR AN ACT relating to agriculture; to state intent; to provide for development of certain programs; and to create a multi-agency task force.

LEGISLATIVE BILL 599. By Lamb, 43rd District.

A BILL FOR AN ACT relating to the State Treasurer; to authorize a petty cash fund; and to declare an emergency.

LEGISLATIVE BILL 600. By Judiciary Committee: Hoagland, 6th District, Chairperson; Abboud, 12th District; Beutler, 28th District; Chizek, 31st District; Conway, 17th District; Remmers, 1st District; Rupp, 22nd District.

A BILL FOR AN ACT relating to children; to amend sections 42-347, 42-348, 42-358, 42-358.02, 42-358.05, 42-358.07, 42-358.08, 42-364, 42-364.13, 42-371, 42-821, 43-2,113, 43-512, 43-512.02, 43-512.03, 43-512.05, 43-512.07, 43-512.08, 43-1406, and 43-1411, Reissue Revised Statutes of Nebraska, 1943, and section 77-27,161, Revised Statutes Supplement, 1984; to state intent; to provide for the use of masters in matters relating to support and visitation; to define and redefine terms; to change provisions relating to the establishment, collection, and enforcement of support for children; to provide powers and duties; to provide for liens on certain real and personal property; to adopt the Income Withholding for Child Support Act; to change fee provisions; to extend the time for filing a paternity action; to establish the State Office for Child Support Enforcement; to harmonize provisions; to eliminate provisions relating to the withholding and transmittal of earnings; and to repeal the original sections, and also sections 42-364.01 to 42-364.12 and 42-364.14, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 600A. By Hoagland, 6th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 600, Eighty-ninth Legislature, First Session, 1985.

LEGISLATIVE BILL 601. By DeCamp, 40th District; Pappas, 42nd District.

A BILL FOR AN ACT relating to telecommunications; to amend section 75-604, Reissue Revised Statutes of Nebraska, 1943; to authorize intrastate long-distance telecommunication services as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 603. By Schmit, 23rd District; Labedz, 5th District; Beyer, 3rd District; Pappas, 42nd District; DeCamp, 40th District; Higgins, 9th District; Haberman, 44th District.

A BILL FOR AN ACT relating to secured transactions; to amend sections 1-101, 9-101, 9-401 to 9-406, and 9-412 to 9-414, Uniform Commercial Code; to provide for statutory construction; to change provisions relating to filing; to harmonize fee provisions; to provide duties; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 604. By DeCamp, 40th District.

A BILL FOR AN ACT relating to the Uniform Commercial Code; to amend section 9-414, Uniform Commercial Code; to provide duties for county clerks, registers of deeds, and Uniform Commercial Code Filing Council as prescribed; and to repeal the original section.

LEGISLATIVE BILL 604A. By DeCamp, 40th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 604, Eighty-ninth Legislature, First Session, 1985.

LEGISLATIVE BILL 607. By Education Committee, Vickers, 38th District, Chairperson; Nelson, 35th District; Morehead, 30th District; Baack, 47th District; R. Johnson, 34th District; Barrett, 39th District.

A BILL FOR AN ACT relating to school funds; to amend sections 79-1335, 79-1336, and 79-1340, Reissue Revised Statutes of Nebraska, 1943, and section 79-1333.01, Revised Statutes Supplement, 1984; to state intent; to change provisions relating to equalization and incentive payments including funding for gifted children; and to repeal the original sections, and also section 79-1337, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 610. By Schmit, 23rd District.

A BILL FOR AN ACT relating to child support; to amend sections 42-358 and 42-364.01, Reissue Revised Statutes of Nebraska, 1943; to state intent; to provide duties for the Supreme Court relating to the collection of child support; to authorize withholding of earnings on motion of the court; and to repeal the original sections.

LEGISLATIVE BILL 613. By Schmit, 23rd District.

A BILL FOR AN ACT relating to investment; to amend section 77-2307, Reissue Revised Statutes of Nebraska, 1943, and section

72-1268, Revised Statutes Supplement, 1984; to authorize the state investment officer to require the pledging of assets as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 617. By Schmit, 23rd District.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-1505, Revised Statutes Supplement, 1984; to provide for certain air pollution emission standards; and to repeal the original section.

LEGISLATIVE BILL 621. By Goodrich, 20th District.

A BILL FOR AN ACT relating to independent boards and commissions; to amend section 81-8,119.01, Revised Statutes Supplement, 1984; to change a provision relating to the renewal of certificates for land surveyors; and to repeal the original section.

LEGISLATIVE BILL 623. By Chronister, 18th District.

A BILL FOR AN ACT relating to rabies; to amend sections 71-4401 to 71-4410 and 71-4412, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to provide for certain domestic animals to have a vaccination for rabies as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 626. By Judiciary Committee, Hoagland, 6th District, Chairperson; Chambers, 11th District; Conway, 17th District; Remmers, 1st District; Beutler, 28th District.

A BILL FOR AN ACT relating to employment driving permits; to amend sections 39-669.07, 39-669.08, 39-669.16, and 39-669.34, Reissue Revised Statutes of Nebraska, 1943; to provide for employment driving permits as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 631. By Hoagland, 6th District.

A BILL FOR AN ACT relating to criminal offenses; to amend sections 39-669.07, 39-669.08, 60-403, 60-427, and 60-430.01, Reissue Revised Statutes of Nebraska, 1943, and sections 28-106 and 29-2260, Revised Statutes Supplement, 1984; to redefine a misdemeanor classification; to change provisions relating to driving while intoxicated as prescribed; to change provisions relating to operators

licenses as prescribed; to harmonize provisions; to provide penalties; to eliminate a provision relating to operation of a vehicle for which an operators license is not required; to repeal the original sections, and also section 60-430.04, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 631A. By Hoagland, 6th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 631, Eighty-ninth Legislature, First Session, 1985; and to declare an emergency.

LEGISLATIVE BILL 632. By V. Johnson, 8th District; Chambers, 11th District; Goodrich, 20th District.

A BILL FOR AN ACT relating to children; to amend section 43-512, Reissue Revised Statutes of Nebraska, 1943; to increase certain payments for dependent children; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 632A. By V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 632, Eighty-ninth Legislature, First Session, 1985.

LEGISLATIVE BILL 635. By Landis, 46th District.

A BILL FOR AN ACT relating to insurance; to amend section 44-320, Reissue Revised Statutes of Nebraska, 1943; to permit certain transactions between an official and his or her domestic insurance company; and to repeal the original section.

LEGISLATIVE BILL 636. By Education Committee, Vickers, 38th District, Chairperson; Morehead, 30th District; R. Johnson, 34th District; Baack, 47th District; Barrett, 39th District.

A BILL FOR AN ACT relating to educational service units; to amend section 79-1254.02, Revised Statutes Supplement, 1984; to provide a method in which certain employees become tenured; to provide procedures for termination of certain employees; and to repeal the original section.

LEGISLATIVE BILL 638. By Eret, 32nd District.

A BILL FOR AN ACT relating to agriculture; to state intent; to prohibit the sale of certain commodities below a minimum price; to provide powers and duties; to provide penalties; and to provide for excess stocks as prescribed.

LEGISLATIVE BILL 639. By Conway, 17th District; Landis, 46th District; Scofield, 49th District.

A BILL FOR AN ACT relating to adoption; to state intent; to provide for adoption as prescribed; to define terms; to provide for agreements; and to provide for enforcement.

LEGISLATIVE BILL 640. By Hartnett, 45th District; Withem, 14th District.

A BILL FOR AN ACT relating to highways and bridges; to amend section 39-869, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to membership on the bridge commission; and to repeal the original section.

LEGISLATIVE BILL 641. By Vickers, 38th District.

A BILL FOR AN ACT relating to state educational institutions; to amend section 85-501, Reissue Revised Statutes of Nebraska, 1943; to provide an exception to the requirement that nonresidents be charged a nonresident fee; to provide for termination; and to repeal the original section.

LEGISLATIVE BILL 642. By Scofield, 49th District.

A BILL FOR AN ACT relating to schools; to amend section 79-4,157, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to access to a students school records or files; to provide for fees; and to repeal the original section.

LEGISLATIVE BILL 643. By Pappas, 42nd District; L. Johnson, 15th District.

A BILL FOR AN ACT relating to burial; to amend section 68-129, Revised Statutes Supplement, 1984; to adopt the Burial Pre-Need Sale Act; to harmonize provisions; to provide an operative date; to provide for severability; to eliminate provisions relating to prearranged funeral agreements; and to repeal the original section, and also section 71-1343, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1342 and 71-1344, Revised Statutes Supplement,

1984.

LEGISLATIVE BILL 643A. By Pappas, 42nd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 643, Eighty-ninth Legislature, First Session, 1985.

LEGISLATIVE BILL 644. By Nelson, 35th District; Labeledz, 5th District; Hall, 7th District.

A BILL FOR AN ACT relating to elections; to amend section 32-216, Reissue Revised Statutes of Nebraska, 1943; to provide for the appointment of deputies to assist in registering voters; and to repeal the original section.

LEGISLATIVE BILL 645. By L. Johnson, 15th District; Goodrich, 20th District.

A BILL FOR AN ACT relating to the State Real Estate Commission; to amend section 81-885.21, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to trust account deposits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 645A. By L. Johnson, 15th District; Goodrich, 20th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 645, Eighty-ninth Legislature, First Session, 1985.

LEGISLATIVE BILL 647. By Higgins, 9th District; Morehead, 30th District; Labeledz, 5th District; Carsten, 2nd District; Chronister, 18th District; Lundy, 36th District.

A BILL FOR AN ACT relating to insurance; to state findings; to define terms; to require certain insurers to provide group long-term-care insurance policies; to provide standards; to provide powers and duties for the Director of Insurance; and to provide severability.

LEGISLATIVE BILL 650. By Haberman, 44th District.

A BILL FOR AN ACT relating to a compact on education; to amend section 79-2504, Reissue Revised Statutes of Nebraska, 1943; to

change the membership of the Education Commission as prescribed; and to repeal the original section.

LEGISLATIVE BILL 654. By Public Health and Welfare Committee, Wesely, 26th District, Chairperson; Lynch, 13th District; Smith, 33rd District; Hall, 7th District; Withem, 14th District.

A BILL FOR AN ACT relating to nursing home administration; to amend sections 71-2041.01, 71-2042, and 71-2045.02 to 71-2045.06, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to provide for rules and regulations; to change provisions regarding license suspension and revocation; to provide for biennial licensure; to provide for renewal of licenses; to provide for inactive status licenses; to provide for reinstatement of licenses; to change fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 654A. By Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 654, Eighty-ninth Legislature, First Session, 1985.

LEGISLATIVE BILL 655. By Wesely, 26th District.

A BILL FOR AN ACT relating to retirement; to provide for retirement systems for combined paid police and fire department employees as prescribed; and to declare an emergency.

LEGISLATIVE BILL 657. By Conway, 17th District.

A BILL FOR AN ACT relating to liquors; to amend section 53-169, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to prohibited discounts to retailers as prescribed; and to repeal the original section.

LEGISLATIVE BILL 661. By Vickers, 38th District.

A BILL FOR AN ACT relating to railroads; to provide an opportunity for the Public Service Commission to settle certain disputes.

LEGISLATIVE BILL 663. By Labedz, 5th District; Higgins, 9th District; Schmit, 23rd District; Nelson, 35th District; L. Johnson, 15th District; Hefner, 19th District; Smith, 33rd District; Hall, 7th District; Lynch, 13th District; Pirsch, 10th District; Remmers, 1st

District; Sieck, 24th District; Rogers, 41st District; Beyer, 3rd District; Hartnett, 45th District; Peterson, 21st District; Chronister, 18th District; Rupp, 22nd District; Chizek, 31st District; Carsten, 2nd District; Barrett, 39th District; Lamb, 43rd District; Goodrich, 20th District; Conway, 17th District; Pappas, 42nd District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-326, Revised Statutes Supplement, 1984; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 664. By Abboud, 12th District; Hoagland, 6th District.

A BILL FOR AN ACT relating to public meetings; to amend sections 84-1410 and 84-1411, Revised Statutes Supplement, 1984; to change provisions relating to public meetings as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 667. By Higgins, 9th District; Eret, 32nd District; Labeledz, 5th District; Chambers, 11th District.

A BILL FOR AN ACT relating to real estate sales; to amend section 81-885.24, Revised Statutes Supplement, 1984; to adopt the Real Estate Consumer Rights Act; to harmonize provisions; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 667A. By Higgins, 9th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 667, Eighty-ninth Legislature, First Session, 1985.

LEGISLATIVE BILL 669. By Pirsch, 10th District.

A BILL FOR AN ACT relating to insurance; to provide reciprocal insurance exchanges with powers as prescribed.

LEGISLATIVE BILL 670. By Barrett, 39th District.

A BILL FOR AN ACT relating to educational service units; to amend sections 73-101 and 79-2201.01, Reissue Revised Statutes of Nebraska, 1943; to provide that educational service units follow certain public letting procedures; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 671. By Chambers, 11th District.

A BILL FOR AN ACT relating to gasohol; to require labeling of gasohol pumps as prescribed; and to provide a penalty.

LEGISLATIVE BILL 674. By Wesely, 26th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-5020, 71-5024, 71-5025, 71-5026, 83-159, 83-161.02, 83-163, and 83-164, Reissue Revised Statutes of Nebraska, 1943; to create the State Alcoholism and Drug Abuse Advisory Committee; to eliminate the State Alcoholism Advisory Committee and the State Drug Abuse Advisory Committee; to provide duties; to authorize a task force; to harmonize provisions; and to repeal the original sections, and also section 83-161.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 675. By Wesely, 26th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-5008 and 71-5014, Reissue Revised Statutes of Nebraska, 1943; to create the State Mental Health Advisory Committee; to provide duties; to change provisions relating to fees; and to repeal the original sections.

LEGISLATIVE BILL 676. By Marsh, 29th District.

A BILL FOR AN ACT relating to health services; to amend section 44-513, Reissue Revised Statutes of Nebraska, 1943; to change provisions regarding reimbursement of insured services as prescribed; and to repeal the original section.

LEGISLATIVE BILL 681. By V. Johnson, 8th District; Vickers, 38th District.

A BILL FOR AN ACT relating to school lands and funds; to amend section 72-202, Revised Statutes Supplement, 1984; to provide for the purchase of agricultural lands as prescribed; and to repeal the original section.

LEGISLATIVE BILL 685. By DeCamp, 40th District.

A BILL FOR AN ACT relating to mental health; to state legislative findings; to state intent; to provide funding for the development of certain community programs and facilities as alternatives to

institutionalization; and to declare an emergency.

LEGISLATIVE BILL 686. By DeCamp, 40th District.

A BILL FOR AN ACT relating to dental services; to amend section 44-3808, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to deposit securities or surety bond; to provide certain requirements; and to repeal the original section.

LEGISLATIVE BILL 691. By DeCamp, 40th District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-1,102, Reissue Revised Statutes of Nebraska, 1943; to provide for the release of certain real estate owned by insolvent banks from certain taxes or assessments as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 695. By Pappas, 42nd District.

A BILL FOR AN ACT relating to education; to state intent; to provide purposes; to provide for the reorganization of public postsecondary education in Nebraska; and to provide for implementation.

LEGISLATIVE BILL 701. By Pappas, 42nd District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-4701 to 71-4704 and 71-4706 to 71-4716, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to rename a board and change its membership; to change provisions relating to hearing aids or instruments and dispensers of such aids or instruments; to eliminate a provision relating to issuing a license without examination; to harmonize provisions; and to repeal the original sections, and also section 71-4705, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 706. By Pappas, 42nd District.

A BILL FOR AN ACT relating to education; to state intent; to provide an early retirement program for certain state college faculty members; to create a fund; to provide for damages; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 710. By Lamb, 43rd District; Eret, 32nd District.

A BILL FOR AN ACT relating to education; to amend section 79-1247.05, Revised Statutes Supplement, 1984; to authorize substitutions for required courses; to provide for a waiver of standards for guidance and counseling and library services teachers; to change provisions relating to teacher certifications; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 712. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3506.01, Revised Statutes Supplement, 1984; to change the amount of the homestead exemption; and to repeal the original section.

LEGISLATIVE BILL 714. By Education Committee: Vickers, 38th District, Chairperson; Baack, 47th District; Barrett, 39th District; Eret, 32nd District; R. Johnson, 34th District; Lamb, 43rd District; Morehead, 30th District; Nelson, 35th District.

A BILL FOR AN ACT relating to infants; to amend sections 43-643, 43-646.08, and 43-648, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to special education programs; to change provisions relating to plans for services for handicapped children; to delete obsolete language; to provide for rules and regulations; to provide for annual reviews and studies as prescribed; to provide for use of funds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 716. By Judiciary Committee, Hoagland, 6th District, Chairperson; Conway, 17th District; Rupp, 22nd District; Abboud, 12th District; Remmers, 1st District.

A BILL FOR AN ACT relating to procedure; to amend sections 8-1401 and 29-302.03, Reissue Revised Statutes of Nebraska, 1943, and sections 24-541.01 to 24-541.03, 25-1912, 25-1916, and 29-611, Revised Statutes Supplement, 1984; to change a provision relating to disclosure of certain information; to change provisions relating to appeals as prescribed; to provide for venue in transitory actions; to provide for residence of corporations, partnerships, and associations for purposes of venue; to harmonize provisions; to eliminate certain provisions relating to commencement of actions and minor offenses; to provide operative dates; and to repeal the original sections, and also sections 25-404, 25-405, 25-407, 25-408, 25-409, and 29-612, Reissue Revised Statutes of Nebraska, 1943, and sections 25-406,

29-613, and 29-614, Revised Statutes Supplement, 1984.

LEGISLATIVE BILL 719. By Business & Labor Committee, Barrett, 39th District, Chairperson; Chronister, 18th District; Eret, 32nd District; Hall, 7th District; Labedz, 5th District; Vickers, 38th District; Wesely, 26th District.

A BILL FOR AN ACT relating to disallowed claims against the state.

LEGISLATIVE BILL 720. By Warner, 25th District.

A BILL FOR AN ACT relating to the Commission of Industrial Relations; to amend sections 48-817, 48-818, and 48-819, Reissue Revised Statutes of Nebraska, 1943; to require legislative approval of certain commission orders; to harmonize provisions; and to repeal the original sections.

CARRYOVER RESOLUTIONS

LEGISLATIVE RESOLUTION 7CA.

Introduced by Wesely, 26th District.

A Resolution to propose an amendment to Article XIII, section 3, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article XIII, section 3, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 3. The credit of the state shall never be given or loaned in aid of any individual, association, or corporation, except that the state may guarantee or make (1) long-term, low-interest loans to Nebraska residents seeking adult or post high school education at any public or private institution in this state and (2) loans to Nebraska electric ratepayers and consumers for the purchase and installation of energy conservation or renewable energy measures or devices. Qualifications for and the repayment of such loans shall be as prescribed by the Legislature."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to permit the state to guarantee or make loans for certain energy conservation or renewable energy measures or devices.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 8CA.

Introduced by Beutler, 28th District.

A Resolution to propose an amendment to Article I of the Constitution of Nebraska by adding a new section thereto.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article I of the Constitution of Nebraska by adding a new section 28, which is hereby proposed by the Legislature:

"Sec. 28. Equality of rights under the law shall not be abridged or denied by the State of Nebraska or any of its political subdivisions on account of sex.

Nothing in this section shall be construed to grant, secure, or deny any right relating to abortion or the funding thereof. The Legislature may enforce this section by appropriate legislation."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to prohibit abridgment or denial of rights on account of sex.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 9CA.

Introduced by Vickers, 38th District; DeCamp, 40th District.

A Resolution to propose an amendment to Article VII, section 1, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VII, section 1, of the Constitution of Nebraska, which is hereby proposed by the

Legislature:

"Sec. 1. The Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years. The Legislature shall establish a system of public schools in the state which shall provide a basic and substantially equal educational opportunity to all such persons regardless of the size, wealth, or geographic location of the school district in which such persons reside. The Legislature may provide for the education of other persons in educational institutions owned and controlled by the state or a political subdivision thereof."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to require the Legislature to provide educational opportunities as prescribed.

For

Against"

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 11CA.

Introduced by V. Johnson, 8th District.

A Resolution to propose an amendment to Article XIII, section 3, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article XIII, section 3, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 3. (1) Public funds, property, or credit shall be used only for public purposes.

(2) The state, units of local government, and school districts shall incur obligations for payment or make payments from public funds only by law or ordinance.

(3) Reports and records of the obligation and the receipt and use of public funds of the state, units of local government, and school districts shall be public records available for inspection by the public according to law. ~~The credit of the state shall never be given or loaned in aid of any individual, association, or corporation, except that the state may guarantee or make long term, low interest loans to Nebraska residents seeking adult or post high school education at any public or private institution in this state. Qualifications for and the repayment of such loans shall be as prescribed by the Legislature."~~

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to authorize the giving or loaning of the credit of the state for public purposes.

For

Against"

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 12CA.

Introduced by V. Johnson, 8th District; DeCamp, 40th District; Beutler, 28th District; Hoagland, 6th District.

A Resolution to propose an amendment to Article III, section 17, and Article IV, section 5, and by adding a new section 5A thereto, and the repeal of Article XV, section 3, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 17, and Article IV, section 5, and by adding a new section 5A thereto, and the repeal of Article XV, section 3, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Article III, Sec. 17. The Legislature shall have the sole power of impeachment, but a majority of the members elected must concur

therein. Impeachment proceedings may be initiated against any civil officer of the state for acts or omissions committed by such officer while he or she is in such state office or any other state office. Proceedings may be initiated in either a regular session or a special session of the Legislature. Upon the adoption of a resolution of impeachment, which resolution shall give reasonable notice of the acts or omissions alleged to constitute impeachable offenses but need not conform to any particular style, a notice of an impeachment of any officer, other than a Judge of the Supreme Court, shall be forthwith served upon the Chief Justice, by the Clerk of the Legislature, who shall thereupon call a session of the Supreme Court to meet at the Capitol in an expeditious fashion within ten days after such notice to try the impeachment. A notice of an impeachment of the Chief Justice or any Judge of the Supreme Court shall be served by the Clerk of the Legislature, upon the clerk any Judge of the judicial district within which the Capitol is located, and he or she thereupon shall ~~notify all the~~ choose, at random, seven Judges of the District Court in the State to meet with him within thirty days at the Capitol, to sit as a Court to try such impeachment, which Court shall organize by electing one of its number to preside. The case against the impeached civil officer shall be brought in the name of the Legislature and shall be managed by two senators, appointed by the Legislature, who may make technical or procedural amendments to the articles of impeachment as they deem necessary. The trial shall be conducted in the manner of a civil proceeding and the impeached civil officer shall not be allowed to invoke a privilege against self-incrimination, except as otherwise applicable in a general civil case. No person shall be convicted without the concurrence of two-thirds of the members of the Court of impeachment that clear and convincing evidence exists indicating that such person is guilty of one or more impeachable offenses, but judgment in cases of impeachment shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, profit, or trust, in this State, but the party impeached, whether convicted or acquitted, shall nevertheless be liable to prosecution and punishment according to law. No officer shall exercise his or her official duties after he or she shall have been impeached and notified thereof, until he or she shall have been acquitted. No impeachment conviction shall be set aside by pardon.

Article IV, Sec. 5. All civil officers of this state shall be liable to impeachment for any impeachable offense committed misdemeanor in office. An impeachable offense shall be an offense which, because of its nature or consequence, is subversive of an essential principle of government or highly prejudicial to public interest. Such offense may consist of, but shall not be limited to, a violation of the

Constitution, a violation of a law, a violation of an official oath, a violation of a duty, an abuse of discretionary powers, or the existence of a physical or mental condition that renders the officeholder incapable of performing his or her duties in a competent fashion. An impeachable offense shall not require monetary or other damage to the state. Impeachment or the trial thereof shall not be precluded by the resignation or the end of the term of office of a civil officer after the initiation of impeachment proceedings against such officer. Impeachment shall be precluded if such civil officer leaves office prior to the initiation of impeachment proceedings and is not holding any other state office.

Article IV, Sec. 5A. Any civil officer of this state shall have the duty to act as a fiduciary for the State of Nebraska and as a fiduciary shall observe the standards in dealing with the public interest that would be observed by a prudent person dealing with the interests of another. If such officer has special skills, he or she shall be under a duty to exercise such skills to the extent that such skills can be expected to assist him or her in the performance of his or her duties. The fiduciary duty imposed in this section shall not be construed to prohibit a civil officer from engaging in private dealings which do not place him or her in a position of conflict of interest between his or her duties as a civil officer of this state and his or her private dealings.

That Article XV, section 3, of the Constitution is repealed.”.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

“A constitutional amendment to provide changes in the impeachment procedure, to define an impeachable offense, to impose a fiduciary duty on civil officers of this state as prescribed, and to eliminate a cause for impeachment.

For

Against”.

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 13CA.

Introduced by DeCamp, 40th District.

A Resolution to propose an amendment to Article III, sections 7 and 19, of the Constitution of Nebraska and the further amendment

to Article XV of the Constitution of Nebraska by adding a new section 19 thereto.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, sections 7 and 19, of the Constitution of Nebraska and the further amendment to Article XV of the Constitution of Nebraska by adding a new section 19 thereto, which is hereby proposed by the Legislature:

"Article III, Sec. 7. At the general election to be held in November, 1964, one half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years, and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature; PROVIDED, that when the Legislature is redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive compensation to be established in the manner provided by Article XV, section 19. ~~a salary of not to exceed four hundred dollars per month during the term of his office. In addition to his salary, each member shall receive an amount equal to his actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than said salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.~~

Article III, Sec. 19. The Legislature shall never grant any extra compensation to any public officer, agent, or servant after the services have been rendered nor to any contractor after the contract has been entered into, except that retirement benefits of retired public officers and employees may be adjusted to reflect changes in the cost of living and wage levels that have occurred subsequent to the date of retirement. Except as provided in Article XV, section 19, ~~nor shall~~ the compensation of any public officer, including any officer whose compensation is fixed by the Legislature, ~~shall not~~ be increased or diminished during his or her term of office, except that, ~~when there are members elected or appointed to the Legislature or officers~~

elected or appointed to a court, board, or commission having more than one member and the terms of one or more members commence and end at different times, the compensation of all members of the Legislature or of such court, board, or commission may be increased or diminished at the beginning of the full term of any member thereof. Nothing in this section shall prevent local governing bodies from reviewing and adjusting vested pension benefits periodically as prescribed by ordinance.

The surviving spouse of any retired public officer, agent, or servant, who has retired under a pension plan or system, shall be considered as having pensionable status and shall be entitled to the same benefits which may, at any time, be provided for or available to spouses of other public officers, agents, or servants who have retired under such pension plan or system at a later date, and such benefits shall not be prohibited by the restrictions of this section or of Article XIII, section 3, of the Constitution of Nebraska.

Article XV, Sec. 19. There is hereby created a commission consisting of seven members to be known as the Legislative Compensation Commission. The members of the commission, each representing a different geographical area, shall be appointed by the Governor subject to the approval of the Legislature. Members shall serve for terms of four years, except that three of the members first appointed shall be appointed for terms of two years. The members of such commission shall receive no compensation for the performance of their duties, but may be reimbursed for their actual and necessary expenses. The commission shall review salaries and expenses for members of the Legislature, and before the beginning of each regular session of the Legislature, recommend to the Legislature any adjustments in compensation it deems appropriate. In no event shall the salary received by members of the Legislature exceed the median family income in the state. The Legislature may approve, reject, or reduce any recommendation of the commission. Compensation recommended by the commission shall not become effective until approved by the Legislature and when so approved shall become effective at the beginning of the next regular session of the Legislature following the session in which such compensation was approved."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to create the Legislative Compensation Commission which shall have the authority to recommend certain changes in salaries and allowable expenses

for members of the Legislature.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 16CA.

Introduced by DeCamp, 40th District; Baack, 47th District.

A Resolution to propose an amendment to Article XII, section VIII, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the repeal of Article XII, section VIII, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"That Article XII, section VIII, is hereby repealed."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to repeal Article XII, section VIII, which was added to the Constitution of this state by initiative 300. Article XII, section VIII prohibits non-family farm corporations from further purchase of Nebraska farm and ranch land. Article XII, section VIII also prohibits further establishment of non-family corporate crop and livestock operations.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 18CA.

Introduced by Schmit, 23rd District.

A Resolution to propose an amendment to Article XIII, section 1, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article XIII, section 1, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 1. The state may, to meet casual deficits, or failures in the revenue, contract debts never to exceed in the aggregate one hundred thousand dollars, and no greater indebtedness shall be incurred except for the purpose of repelling invasion, suppressing insurrection, or defending the state in war, and provision shall be made for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue, which law providing for the payment of such interest by such tax shall be irrevocable until such debt is paid, ~~except~~ ~~;~~ ~~PROVIDED~~, that if the Legislature determines by a three-fifths vote of the members elected thereto that (1) the need for construction of highways in this state requires such action, it may authorize the issuance of bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge any tolls to be received from such highways or it may irrevocably pledge for the term of the bonds all or a part of any state revenue closely related to the use of such highways, such as motor vehicle fuel taxes or motor vehicle license fees and (2) projects for the development, preservation, and maintenance of Nebraska's water and related land resources ~~the construction of water retention and impoundment structures for the purposes of water conservation and management~~ will promote the general welfare of the state, it may (a) authorize the issuance of revenue bonds for such ~~construction~~ projects, and for the payment of the interest and the retirement of such bonds it may pledge all or any part of any state revenue derived from the use of such ~~structures~~; ~~AND PROVIDED FURTHER~~, that the projects, (b) authorize the issuance of state general obligation bonds for such projects, and for the payment of the interest and the retirement of such bonds it may pledge the full faith and credit of the state, (c) authorize the issuance of state limited obligation bonds for such projects, and for the payment of the interest and retirement of such bonds it may pledge all or any part of any state revenue designated therefor by the Legislature, and (d) authorize the state guarantee of general obligation bonds, limited obligation bonds, and

revenue bonds issued by political subdivisions of the state for such projects, and for the payment of the interest and the retirement of such bonds it may pledge the full faith and credit of the state or all or any part of any state revenue designated therefor by the Legislature. The Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, and the State Board of Education may issue revenue bonds to construct, purchase, or otherwise acquire, extend, add to, remodel, repair, furnish, and equip dormitories, residence halls, single or multiple dwelling units, or other facilities for the housing and boarding of students, single or married, and faculty or other employees, buildings and structures for athletic purposes, student unions or centers, and for the medical care and physical development and activities of students, and buildings or other facilities for parking, which bonds shall be payable solely out of revenue, fees, and other payments derived from the use of the buildings and facilities constructed or acquired, including buildings and facilities heretofore or hereafter constructed or acquired, and paid for out of the proceeds of other issues of revenue bonds, and the revenue, fees, and payments so pledged need not be appropriated by the Legislature, and any such revenue bonds heretofore issued by either of such boards are hereby authorized, ratified, and validated. Bonds for new construction shall be first approved as the Legislature shall provide."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to expand the scope of water projects for which the state may issue bonds and to allow the issuance and guarantee of certain general obligation bonds and limited obligation bonds.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 19CA.

Introduced by Withem, 14th District; DeCamp, 40th District; Vickers, 38th District; Hartnett, 45th District; Marsh, 29th District; Lynch, 13th District.

A Resolution to propose an amendment to Article VII, section 1, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the primary election in May 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VII, section 1, of the Constitution of Nebraska, which is hereby proposed by the Legislature: Legislature shall provide for the free instruction

“Sec. 1. The Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years. The Legislature may provide for the education of other persons in educational institutions owned and controlled by the state or a political subdivision thereof. The Legislature shall assure that all public elementary and secondary schools in Nebraska shall have the financial resources necessary to provide an education of sufficient quality and quantity to allow all persons of school age to progress and develop to the maximum of their ability and potential.”.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

“Constitutional amendment to assure that all public elementary and secondary schools in Nebraska have the financial resources necessary to provide all persons of school age with an opportunity for an appropriate educational program.

For

Against”.

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 26CA.

Introduced by Withem, 14th District.

A Resolution to propose an amendment to Article III, section 14, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 14, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 14. Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member, and the bill and all amendments thereto shall be printed and a thorough summary shall be read ~~at large~~ before the vote is taken upon its final passage. No such vote upon the final passage of any bill shall be taken, however, until five legislative days after its introduction nor until it has been on file for final reading and passage for at least one legislative day. No bill shall contain more than one subject, and the same shall be clearly expressed in the title. And no law shall be amended unless the new act contain the section or sections as amended and the section or sections so amended shall be repealed. The Lieutenant Governor, or the Speaker if acting as presiding officer, shall sign, in the presence of the Legislature while the same is in session and capable of transacting business, all bills and resolutions passed by the Legislature."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment changing provisions governing the reading of a bill upon its final passage.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 29CA.

Introduced by Beutler, 28th District.

A Resolution to propose an amendment to Article III, section 7, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 7, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 7. At the general election to be held in November, 1964, one half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years, and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature, except ~~;~~ **PROVIDED**, that when the Legislature is redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary ~~of not to exceed four hundred dollars per month during the term of his office~~ as provided by law in an amount not to exceed one-third of the salary received by the Governor. In addition to his or her salary, each member shall receive an amount equal to his or her actual and necessary expenses ~~in traveling by the most usual route once to and returning from each regular or special session of the Legislature~~ incurred in carrying out his or her duties. Members of the Legislature shall receive no pay nor perquisites other than said salary and ~~said~~ expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to provide that members of the

Legislature shall receive a salary not to exceed one-third of the Governor's salary plus actual and necessary expenses.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 30CA.

Introduced by Chambers, 11th District.

A Resolution to propose an amendment to Article XV of the Constitution of Nebraska, by adding a new section 20 which is hereby proposed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article XV of the Constitution of Nebraska, by adding a new section 20, which is hereby proposed by the Legislature:

"Sec. 20. There shall be no requirement that a person who has graduated from an accredited law school located in this state, as a condition to practice law, (1) join any bar association, or (2) pay any dues to any organization."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to provide that graduates from accredited law schools located in this state need not join any bar association in order to practice law in this state.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 32CA.

Introduced by Speaker Nichol, 48th District, at request of Governor.

A Resolution to propose an amendment to Article VII, section 10, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VII, section 10, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 10. The general government of the University of Nebraska shall, under the direction of the Legislature, be vested in a board of not less than six nor more than eight regents to be designated the Board of Regents of the University of Nebraska, who, until 1988, shall be elected from and by districts as herein provided and three students of the University of Nebraska who shall serve as nonvoting members. Such nonvoting student members shall consist of the student body president of the University of Nebraska at Lincoln, the student body president of the University of Nebraska at Omaha, and the student body president of the University of Nebraska Medical Center. The terms of office of elected members shall be for six years each. The terms of office of student members shall be for the period of service as student body president. Their duties and powers shall be prescribed by law; and they shall receive no compensation, but may be reimbursed their actual expenses incurred in the discharge of their duties.

The Legislature shall divide the state, along county lines, into as many compact regent districts, as there are regents provided by the Legislature, of approximately equal population, which shall be numbered consecutively.

The Legislature shall redistrict the state after each federal decennial census. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature. Whenever the state is so redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term.

Commencing in 1988, members of the Board of Regents shall be appointed by the Governor. The Governor shall appoint eight members to serve on the board. Such appointed members shall be selected from their respective regent districts as such districts exist at the time of their appointment. Appointments to the board shall be approved and ratified by the Legislature and the terms of such appointments shall be for six years, except that of the members initially appointed, two members shall serve for two years, three members shall serve for four years, and three members shall serve for six years, as the Governor shall determine. The nonvoting student positions shall be retained. The duties and powers of the members shall be prescribed by law and they shall receive no compensation, but may be reimbursed their actual expenses incurred in the discharge of their duties."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to provide for the appointment by the Governor subject to ratification by the Legislature of members of the Board of Regents of the University of Nebraska.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 34CA.

Introduced by Rupp, 22nd District; Labeledz, 5th District.

A Resolution to propose an amendment to Article III, section 7, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 7, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 7. At the general election to be held in November, 1964, one half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years, and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature; **PROVIDED**, except that when the Legislature is redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall ~~receive a salary of not to exceed four hundred dollars per month~~ be paid an hourly wage equal to the federal minimum wage for not more than forty hours per week during the his or her term of his office. In addition to ~~his salary~~ such wages, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than ~~said salary~~ such wages and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to provide that members of the Legislature receive as salary an amount equal to federal minimum wage for not more than forty hours per week.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 35CA.

Introduced by Schmit, 23rd District.

A Resolution to propose an amendment to Article XIII, section 3, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS

OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA,
FIRST SESSION:

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article XIII, section 3, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 3. The credit of the state shall never be given or loaned in aid of any individual, association, or corporation, except that (1) the state may guarantee or make long-term, low-interest loans to Nebraska residents seeking adult or post high school education at any public or private institution in this state. Qualifications for and the repayment of such loans shall be as prescribed by the Legislature and (2) the state may make appropriations to the Nebraska Agricultural Bank for agricultural loans as prescribed by the Legislature."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to allow the credit of the state to be given to the Nebraska Agricultural Bank.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 36CA.

Introduced by Hoagland, 6th District; Nelson, 35th District; Beutler, 28th District; Lundy, 36th District; V. Johnson, 8th District; Miller, 37th District; Smith, 33rd District.

A Resolution to propose an amendment to Article VII, section 10, and the repeal of Article VII, section 13, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS
OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA,
FIRST SESSION:

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VII, section 10, and

repeal of Article VII, section 13, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 10. The general government of the University of Nebraska and of the state colleges as now existing, and such other state colleges as may be established by law, shall, under the direction of the Legislature, be vested in a board of not less than six nor more than eight (1) thirteen regents and (2) commencing in 1993 nine regents to be designated the Board of Regents of the University of Nebraska and the Nebraska State Colleges. The number of members of the Board of Regents, who shall to be elected shall be determined by the number of districts into which the state is divided as authorized by this section. from and by districts as herein provided and three students of the University of Nebraska who shall serve as nonvoting members. Such nonvoting student members shall consist of the student body president of the University of Nebraska at Lincoln, the student body president of the University of Nebraska at Omaha, and the student body president of the University of Nebraska Medical Center. Five members shall be appointed by the Governor. The terms of office of elected and appointed members shall be for six years each. The terms of office of student members shall be for the period of service as student body president. Upon the expiration of the term of one appointed member, as the Governor shall determine, the vacancy shall not be filled. In addition, the Governor shall appoint three college or university students, not more than one of whom shall attend any campus of the University of Nebraska, to serve as nonvoting members of the Board of Regents. Each student shall serve a one-year term. The Board of Regents' Their duties and powers shall be prescribed by law; and they shall receive no compensation, but may be reimbursed their actual expenses incurred in the discharge of their duties.

The Legislature in 1987 shall divide the state, along county lines, into five as many compact regent districts, ~~as there are regents provided by the Legislature,~~ of approximately equal population, which shall be numbered consecutively.

The Legislature shall redistrict the state after each federal decennial census. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature.

Whenever the state is so redistricted pursuant to this section, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term.

That Article VII, section 13, of the Constitution is repealed.”.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

“A constitutional amendment to provide for the membership of the Board of Regents of the University of Nebraska and the Nebraska State Colleges.

For

Against”.

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

LEGISLATIVE RESOLUTION 57.

Introduced by Pappas, 42nd District.

WHEREAS, pursuant to Public Law 280, the State of Nebraska was granted criminal and civil jurisdiction over the Winnebago Indian Reservation in 1953; and

WHEREAS, the assumption of state jurisdiction over the Winnebago Reservation has led to steadily increasing costs for civil and criminal law enforcement in Thurston County, such costs falling heavily upon the taxpayers of Nebraska and Thurston County since the federal government has wholly failed to provide federal financial assistance for P.L. 280 law enforcement; and

WHEREAS, due to the tax-exempt status of tribal trust land and individual Indian allotments on the Winnebago Reservation, Thurston County has not had a sufficient tax base to meet the ever-increasing costs of law enforcement on the Winnebago Reservation; and

WHEREAS, since 1957 state assistance has been provided for law enforcement purposes in Thurston County, and the cost of this assistance has increased each biennium; and

WHEREAS, Public Law 90-284 adopted as an Act of Congress on April 11, 1968, contains a number of provisions dealing with civil rights and jurisdiction of Indians; and

WHEREAS, Section 403(a) of Public Law 90-284 provides that the United States is authorized to accept a retrocession of all or any measure of the jurisdiction acquired by a state pursuant to Public Law 280 of 1953; and

WHEREAS, the Winnebago Tribe has petitioned the State of

Nebraska to effectuate a partial retrocession of civil and criminal jurisdiction over the Winnebago Reservation to the United States and has demonstrated the capability to assume its portion of associated responsibilities; and

WHEREAS, the Bureau of Indian Affairs has confirmed that it will detail law enforcement personnel to the Winnebago Reservation immediately upon the effective date of retrocession, thereby assuring that a law enforcement "vacuum" will not result.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN SESSION ASSEMBLED THAT THE STATE OF NEBRASKA HEREBY:

1. Retrocedes criminal jurisdiction over the Winnebago Reservation acquired by the State of Nebraska pursuant to Public Law 280 of 1953, except as provided in paragraph 2 of this resolution, such retrocession to be effective at 12:01 A.M., July 1, 1985.

2. Provided that the Winnebago Tribe shall have jurisdiction to prosecute Indians committing offenses involving the operation of motor vehicles on the public highways and roadways within the exterior boundaries of the Winnebago Reservation, and the State of Nebraska shall have jurisdiction to prosecute non-Indians committing similar offenses.

3. Retrocedes effective at 12:01 A.M., July 1, 1985, that amount of civil jurisdiction over the Winnebago Reservation--no more and no less--that is exercised exclusively by other Indian tribes in other states not subject to P.L. 280, as defined by controlling/evolving caselaw; whereby the Winnebago Tribe shall exercise exclusive jurisdiction over those civil causes of action arising within the exterior boundaries of the Winnebago Reservation which affect the health, safety, welfare or other self-government interests of the Tribe and its members. The State of Nebraska and its political subdivisions shall continue to exercise jurisdiction over those civil causes of action for which the Tribe has not assumed exclusive jurisdiction through retrocession, i.e., over those civil causes of action which affect the interests of the State of Nebraska or its citizens to the point where tribal self-government would be affected. Accordingly, the State shall retain exclusive jurisdiction over those causes of action arising within the Reservation where both parties are non-Indians and tribal self-government is not implicated.

4. That the State of Nebraska and its political subdivisions shall take all necessary action to effectuate this resolution, including cooperative agreements with the Winnebago Tribe, the Bureau of Indian Affairs and/or the Department of Interior deemed by the affected parties to be necessary to enhance the efficiency and effectiveness of civil and criminal law enforcement on the Winnebago Reservation and in Thurston County.

LEGISLATIVE RESOLUTION 82.

Introduced by Morehead, 30th District; Landis, 46th District; V. Johnson, 8th District; Lynch, 13th District; DeCamp, 40th District; Marsh, 29th District; Wesely, 26th District; Hoagland, 6th District; Beutler, 28th District; Eret, 32nd District; Vickers, 38th District.

WHEREAS, a future owner of the Chicago Rock Island, and Pacific Railroad right-of-way lying between the city limits of Lincoln and Omaha intends to graciously donate such property to the State of Nebraska; and

WHEREAS, such an abandoned right-of-way converted to a recreation trail would have tremendous recreational potential for hikers, bikers, cross-country skiers and others who enjoy the out-of-doors and the development of such a trail would provide recreational opportunities for residents of this state; and

WHEREAS, the Nebraska Game and Parks Commission has the general authority to acquire real estate with the consent of the Governor by gift; and

WHEREAS, in the interest of promoting recreational opportunities and good health for Nebraskans, the Nebraska Legislature wishes to grant approval for the Nebraska Game and Parks Commission to obtain title to all or any part of such land.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature approves the gift to the Nebraska Game and Parks Commission at any future date of all of the real estate which comprises the entire right-of-way lying between the city limits of Lincoln and Omaha presently owned by the Chicago, Rock Island, and Pacific Railroad.

2. That such approval is granted with the understanding that the land described shall be designated and utilized as a public recreation facility.

LEGISLATIVE RESOLUTION 258.

Introduced by Pappas, 42nd District; Hartnett, 45th District; Goodrich, 20th District; DeCamp, 40th District; Chambers, 11th District; V. Johnson, 8th District; Haberman, 44th District; Marsh, 29th District; Schmit, 23rd District; Scofield, 49th District; Beutler, 28th District; Higgins, 9th District; Lundy, 36th District.

A Resolution Proposed for Adoption by the Nebraska Legislature

Regarding Winnebago Retrocession.

WHEREAS, pursuant to Public Law 280, the State of Nebraska was granted criminal and civil jurisdiction over the Winnebago Indian Reservation in 1953; and

WHEREAS, the assumption of state jurisdiction over the Winnebago Reservation has led to steadily increasing costs for civil and criminal law enforcement in Thurston County, such costs falling heavily upon the taxpayers of Nebraska and Thurston County since the federal government has wholly failed to provide federal financial assistance for P.L. 280 law enforcement; and

WHEREAS, due to the tax-exempt status of tribal trust land and individual Indian allotments on the Winnebago Reservation, Thurston County has not had a sufficient tax base to meet the ever-increasing costs of law enforcement on the Winnebago Reservation; and

WHEREAS, since 1957 state assistance has been provided for law enforcement purposes in Thurston County, and the cost of this assistance has increased each biennium; and

WHEREAS, Public Law 90-284 adopted as an Act of Congress on April 11, 1968, contains a number of provisions dealing with civil rights and jurisdiction of Indians; and

WHEREAS, Section 403(a) of Public Law 90-284 provides that the United States is authorized to accept a retrocession of all or any measure of the jurisdiction acquired by a state pursuant to Public Law 280 of 1953; and

WHEREAS, the Winnebago Tribe has petitioned the State of Nebraska to effectuate a partial retrocession of criminal jurisdiction over the Winnebago Reservation to the United States and has demonstrated the capability to assume its portion of associated responsibilities; and

WHEREAS, the Bureau of Indian Affairs has confirmed that it will detail law enforcement personnel to the Winnebago Reservation immediately upon the effective date of retrocession, thereby assuring that a law enforcement "vacuum" will not result.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature hereby retrocedes criminal jurisdiction over the Winnebago Reservation acquired by the State of Nebraska pursuant to Public Law 280 of 1953, except as provided in paragraph 2 of this resolution. Such retrocession shall be effective commencing 12:01 A.M., July 1, 1985.

2. That the Winnebago Tribe shall have jurisdiction to prosecute Indians committing offenses involving the operation of motor

vehicles on the public highways and roadways within the exterior boundaries of the Winnebago Reservation, and the State of Nebraska shall have jurisdiction to prosecute non-Indians committing similar offenses.

3. That the State of Nebraska and its political subdivisions shall take all necessary action to effectuate this resolution, including cooperative agreements with the Winnebago Tribe, the Bureau of Indian Affairs and/or the Department of Interior deemed by the affected parties to be necessary to enhance the efficiency and effectiveness of criminal law enforcement on the Winnebago Reservation and in Thurston County.

LEGISLATIVE RESOLUTION 303.

Introduced by Pappas, 42nd District.

A Resolution Proposed for Adoption by the Nebraska Legislature Regarding Winnebago Retrocession.

WHEREAS, pursuant to Public Law 280, the State of Nebraska was granted criminal and civil jurisdiction over the Winnebago Indian Reservation in 1953; and

WHEREAS, the assumption of state jurisdiction over the Winnebago Reservation has led to steadily increasing costs for civil and criminal law enforcement in Thurston County, such costs falling heavily upon the taxpayers of Nebraska and Thurston County since the federal government has wholly failed to provide federal financial assistance for P.L. 280 law enforcement; and

WHEREAS, due to the tax-exempt status of tribal trust land and individual Indian allotments on the Winnebago Reservation, Thurston County has not had a sufficient tax base to meet the ever-increasing costs of law enforcement on the Winnebago Reservation; and

WHEREAS, since 1957 state assistance has been provided for law enforcement purposes in Thurston County, and the cost of this assistance has increased each biennium; and

WHEREAS, Public Law 90-284 adopted as an Act of Congress on April 11, 1968, contains a number of provisions dealing with civil rights and jurisdiction of Indians; and

WHEREAS, Section 403(a) of Public Law 90-284 provides that the United States is authorized to accept a retrocession of all or any measure of the jurisdiction acquired by a state pursuant to Public Law 280 of 1953; and

WHEREAS, the Winnebago Tribe has petitioned the State of Nebraska to effectuate a partial retrocession of criminal jurisdiction

over the Winnebago Reservation to the United States and has demonstrated the capability to assume its portion of associated responsibilities; and

WHEREAS, the Bureau of Indian Affairs has confirmed that it will detail law enforcement personnel to the Winnebago Reservation immediately upon the effective date of retrocession, thereby assuring that a law enforcement "vacuum" will not result.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature hereby retrocedes criminal jurisdiction over the Winnebago Reservation acquired by the State of Nebraska pursuant to Public Law 280 of 1953, except as provided in paragraph 2 of this resolution. Such retrocession shall be effective commencing 12:01 A.M., September 1, 1985.

2. That the Winnebago Tribe shall have jurisdiction to prosecute Indians committing offenses involving the operation of motor vehicles on the public highways and roadways within the exterior boundaries of the Winnebago Reservation, and the State of Nebraska shall have jurisdiction to prosecute non-Indians committing similar offenses.

3. That the State of Nebraska and its political subdivisions shall take all necessary action to effectuate this resolution, including cooperative agreements with the Winnebago Tribe, the Bureau of Indian Affairs and/or the Department of Interior deemed by the affected parties to be necessary to enhance the efficiency and effectiveness of criminal law enforcement on the Winnebago Reservation and in Thurston County.

FIRST DAY - JANUARY 8, 1986**LEGISLATIVE JOURNAL****EIGHTY-NINTH LEGISLATURE
SECOND SESSION****FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 8, 1986

Pursuant to the provisions of Section 10, Article III of the Constitution of Nebraska, the Eighty-Ninth Legislature, Second Session of the Legislature of Nebraska, assembled in Legislative Hall of the Capitol Building at the hour of 10:00 a.m. on Wednesday, January 8, 1986, and was called to order by President McGinley.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska National Guard.

ROLL CALL

The roll was called and the following members were present:

Abboud, Chris	Eret, Donald	Johnson, Lowell C.
Baack, Dennis	Goll, James E.	Johnson, Rod
Barrett, William E.	Goodrich, Glenn A.	Labeledz, Bernice
Beutler, Chris	Haberman, Rex	Lamb, Howard A.
Beyer, Emil E., Jr.	Hall, Timothy J.	Landis, David M.
Carsten, Calvin F.	Hannibal, Gary E.	Lundy, Ray E.
Chambers, Ernie	Harris, Bill	Lynch, Daniel C.
Chizek, Jerry	Hartnett, D. Paul	Marsh, Shirley
Chronister, Harry B.	Hefner, Elroy M.	Miller, Jerry D.
Conway, Gerald A.	Higgins, Marge	Morehead, Patricia S.
DeCamp, John W.	Hoagland, Peter	Nelson, Arlene

Nichol, William E.	Rogers, Carson H.	Smith, Jacklyn
Pappas, James E.	Rupp, Lee	Vickers, Tom
Peterson, Richard	Schmit, Loran	Warner, Jerome
Pirsch, Carol McBride	Scofield, Sandra K.	Wesely, Don
Remmers, R. Wiley	Sieck, Harold F.	Withem, Ron

Mr. V. Johnson was excused until he arrives.

MOTION - Adopt Temporary Rules

Mrs. Morehead moved that the Rules in effect on the Ninetieth Day of the Eighty-Ninth Legislature, First Session, be adopted for today only, January 8, 1986.

The motion prevailed.

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that the attached represents a true and correct roster of members of the Nebraska Unicameral Legislature serving in the Eighty-ninth Legislature, Second Session.

Further, I hereby certify that all members whose names appear on the roster with the district designation have been duly elected or appointed to serve as a member of the Legislature in the Eighty-ninth Legislature, Second Session.

Finally, I hereby certify that all election or appointment records are a matter of public record in the office of Secretary of State.

Further, I saith not.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this eighth day of January in the year of our Lord, one thousand nine hundred and eighty-six.

(SEAL)

Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

DISTRICT	NAME	ELECTED
1	R. Wiley Remmers	November 6, 1984
2	Calvin F. Carsten	November 2, 1982
3	Emil E. Beyer, Jr.	November 6, 1984
4	Gary E. Hannibal	November 2, 1982
5	Bernice Labedz	November 6, 1984
6	Peter Hoagland	November 2, 1982
7	*Tim Hall (Appointed, Elected)	November 6, 1984
8	Vard Johnson	November 2, 1982
9	Marge Higgins	November 6, 1984
10	Carol McBride Pirsch	November 2, 1982
11	Ernie Chambers	November 6, 1984
12	Chris Abboud	November 2, 1982
13	Daniel C. Lynch	November 6, 1984
14	**Ron Withem (Appointed, Elected)	November 6, 1984
15	Lowell C. Johnson	November 6, 1984
16	James E. Goll	November 2, 1982
17	Gerald A. Conway	November 6, 1984
18	Harry B. Chronister	November 2, 1982
19	Elroy M. Hefner	November 6, 1984
20	Glenn A. Goodrich	November 2, 1982
21	Richard Peterson	November 6, 1984
22	Lee Rupp	November 2, 1982
23	Loran Schmit	November 6, 1984
24	Harold F. Sieck	November 2, 1982
25	Jerome Warner	November 6, 1984
26	Don Wesely	November 2, 1982
27	***Bill Harris (Appointed, Elected)	November 6, 1984
28	Chris Beutler	November 2, 1982
29	Shirley Marsh	November 6, 1984
30	Patricia S. Morehead	November 2, 1982
31	****Jerry Chizek (Appointed, Elected)	November 6, 1984
32	Don Eret	November 2, 1982
33	Jacklyn Smith	November 6, 1984
34	Rod Johnson	November 2, 1982
35	Arlene B. Nelson	November 6, 1984
36	Ray Lundy	November 2, 1982
37	*****Jerry D. Miller (Appointed, Elected)	November 6, 1984
38	Tom Vickers	November 2, 1982
39	William E. Barrett	November 6, 1984
40	John W. DeCamp	November 2, 1982
41	Carson Rogers	November 6, 1984
42	James E. Pappas	November 2, 1982
43	Howard Lamb	November 6, 1984

44	Rex Haberman	November 2, 1982
45	D. Paul Hartnett	November 6, 1984
46	David Landis	November 2, 1982
47	Dennis Baack	November 6, 1984
48	William E. Nichol	November 2, 1982
49	*****Sandra K. Scofield (Appt., Elected)	November 6, 1984

*Appointed August 9, 1984 to complete term of Karen Kilgarin, resigned.

**Appointed March 30, 1983 to succeed Thomas D. Doyle, resigned.

***Appointed May 27, 1983 to succeed Steve Fowler, resigned.

****Appointed December 4, 1984 to succeed Gordon McDonald, resigned.

*****Appointed November 9, 1984 to succeed Martin F. Kahle, deceased.

*****Appointed November 21, 1983 to succeed Samuel Cullan, resigned.

MESSAGES FROM THE GOVERNOR

December 5, 1985

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Public Employees Retirement Board requiring legislative confirmation:

Appointee:

Lou Ninegar, 3715 14th Avenue, Kearney, NE 68847,
(308)236-1224(o), (308-237-3335(h), Term: 12/5/85 to 1/1/88,
Succeeds: Anne Brookes, resigned

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK:mr

cc: Staff Assistant to the Governor

FIRST DAY - JANUARY 8, 1986

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Accountability and Disclosure Commission
Department of Administrative Services
Public Employees Retirement Board

December 5, 1985

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Motor Vehicle Industry Licensing Board requiring legislative confirmation:

Appointees:

C.F. (Fred) Hansen, 6303 L Street, Omaha, NE 68117, 733-8900,

Term: 11/22/85 to 10/18/88, Succeeds: Roger Cross, term expired

Clifford E. Langel, P.O. Box 689, Norfolk, NE 68701, 371-3377,

Term: 11/22/85 to 5/18/86, Succeeds: Alan Young, resigned

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK:mr

cc: Staff Assistant to the Governor
Accountability and Disclosure Commission
Department of Administrative Services
Motor Vehicle Industry Licensing Board

November 14, 1985

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Nebraska Arts Council requiring legislative confirmation:

Appointees:

Ted Kooser, Route 1, Box 10, Garland, NE 68360, 588-2272(h), 475-4061(o)

Paul C. Schorr, 42 Bishop Square, Lincoln, NE 68510, 423-0987(h), 474-1341(o)

Willie L. Sapp, Lincoln East High School, 1000 South 70th Street, Lincoln, NE 68510, 474-4158(h), 489-6602(o)

Susan K. Renken, West Fifth Circle, Imperial, NE 69033, (308)882-4925(h), (308)882-5777(o)

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

November 18, 1985

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the position of Director, Nebraska Department of Personnel, requiring legislative confirmation:

Appointee:

Steve Torrence, Lincoln, Nebraska, Term: November 18, 1985 -
At the pleasure of the Governor.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

ATTORNEY GENERAL'S OPINIONS

Opinion No. 155
December 10, 1985

Dear Senator Goll:

We have received two letters from you in which you request an interpretation of Neb.Rev.Stat. §60-320 (Supp. 1985). It is our policy to provide legislators with opinions pertaining only to proposed or pending legislation, and not to provide opinions which interpret existing statutes. An exception to this policy is where the interpretation of the existing statutes directly relates to the proposed legislation. We find that to be the case in this instance.

In your first letter you inquire whether dealers legally may "piggyback" other vehicles onto semi-tractors for delivery to purchasers by using "In Transit" stickers provided for in Neb.Rev.Stat. §60-320(3)(b) (Supp. 1985). The term "piggyback" refers to placing the front end of one vehicle on top of the back end of another vehicle. In your second letter, you conclude that "In Transit" stickers would not be properly used in such situation, and you appear to withdraw your request for an Opinion on such question. We agree with the conclusion that dealers may not legally "piggyback" other vehicles onto semi-tractors for delivery to purchasers by using "In Transit" stickers and, therefore, address solely the issues raised in the second letter which we received from you.

Your questions are: (1) Are semi-tractors "automotive or trailer equipment" which may be legally transported under Neb.Rev.Stat. §60-320(1) (Supp. 1985) on a dealer plate?; and (2) If not, must the Department of Motor Vehicles issue a permit pursuant to this same section to allow such hauling? As a factual basis for your Opinion request, you state that when dealers transport semi-tractors occasionally they tow several tractors in a "piggyback" fashion. Recently, dealers have been given citations for transporting vehicles in this manner.

First, semi-tractors are not "automotive or trailer equipment" for purposes of Neb.Rev.Stat. §60-320(1) (Supp. 1985). According to §60-320(1), motor vehicle dealer license plates may be used by a licensed dealer "solely for purposes of transporting, testing, demonstrating, or use in the ordinary course and conduct of his or her business as a motor vehicle or trailer dealer, including the personal or private use of such dealer. . . . * * * In no event shall such plates be used on trucks or truck-tractors or trailers hauling other than automotive or trailer equipment unless there is issued by

the Department of Motor Vehicles a special permit specifying the hauling of other products."

In Attorney General Opinion No. 8, January 7, 1965, we examined the question of whether a wrecker truck licensed with a motor vehicle dealer plate was properly operating under certain circumstances. We concluded that a wrecker truck licensed with motor vehicle dealer plate was not lawful when the wrecker was being used to trail a motor vehicle owned by the dealer and which is to be used by the dealer for salvageable used parts; when the trailed vehicle was owned by the dealer and held for resale; or when the trailed vehicle is not owned by the dealer and is being transported by the dealer for hire. In so concluding, we stated:

In the use of the term "equipment," when preceded by some descriptive term (such as "automotive"), it seems to us implicit that the word connotes something which is a component or an integral part of a complete unit of some nature and that, by its very definition, the term cannot be construed as embracing the aggregate total unit of which it constitutes a component or an integral part. Just as the term "theatrical equipment" could not mean the theater building as well as the theatrical equipment or just as the term "household goods" could not be interpreted to mean both the dwelling house and the goods therein, we believe that the term "automotive equipment" should not be construed as meaning both the automobile proper as well as the equipment thereon.

Similarly, in Attorney General Opinion No. 253, October 5, 1976, we found that hauling a trailer is not hauling "trailer equipment." Adopting the reasoning contained in Opinion Nos. 8 and 253, it is clear that a semi-trailer is not "automotive or trailer equipment" for purposes of §60-320(1).

Second, the Department of Motor Vehicles would not be required to issue a permit pursuant to §60-320(1) to permit such hauling. It is our understanding that the Department of Motor Vehicles issues special permits for trucks bearing dealer license plates only for limited demonstration purposes. It is unlikely that under the facts stated in your second letter a special permit would be granted.

Sincerely,
ROBERT M. SPIRE
Attorney General
Jill Gradwohl
Assistant Attorney General

(Signed)

JG:bmh

cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 156
December 12, 1985

Dear Senator Chronister:

We have received a request from you for an Opinion interpreting Neb.Rev.Stat. §§60-311, 60-311.14, 18-1736, and 18-1738.01. It is our policy to provide legislators with opinions pertaining only to proposed or pending legislation, and not to provide opinions which interpret existing statutes. An exception to this policy is where the interpretation of the existing statutes relates directly to the proposed legislation. We find that to be the case in this instance.

Your Opinion request focuses on two issues: (1) May the parent or guardian of a disabled or physically handicapped person apply for license plates without having the disabled or handicapped person's name on the title of ownership?; and (2) Are individuals given the choice of using either handicapped license plates or a handicapped parking permit to entitle them to park in stalls designated for handicapped parking?

First, the parent or guardian of a disabled or physically handicapped person may not apply for license plates without having the disabled or handicapped person's name on the certificate of title. Neb.Rev.Stat. §60-311 (Reissue 1984) provides that the Department of Motor Vehicles shall furnish license plates to every person whose motor vehicle is registered. Registration of motor vehicles is based on the information contained in the certificate of title, and is issued solely in the name of the owner or owners of such vehicles. Neb.Rev.Stat. §60-302 (Reissue 1984).

Issuance of disabled or handicapped license plates in lieu of the usual license plates is authorized by Neb.Rev.Stat. §60-311.14 (Reissue 1984):

(1) The Department of Motor Vehicles shall, without the payment of any fee except the fees required by section 60-311, issue license plates for one motor vehicle not used for hire, which plates shall carry the internationally accepted wheelchair symbol, which symbol is a representation of a person seated in a wheelchair surrounded by a border six units wide by seven units high, and such other letters or numbers as the Director of Motor Vehicles may prescribe, to any person who applies for such plates and provides that he or she is a disabled person. Such plates shall be used by such person in lieu of the usual license plates. For purposes of this section, disabled person shall mean a person who has permanently lost the use of two or more extremities.

(2) Any person who is not disabled but is physically handicapped as defined in section 18-1738 may receive license plates, as described in subsection (1) of this section, if he or she applies for such plates, furnishes proof that he or she is physically handicapped as defined in section 18-1738, and pays the fees required in Chapter 60, article 3. (emphasis added).

Section 60-311.14 does not authorize the issuance of disabled or handicapped license plates to any person other than the disabled or handicapped person. Thus, the name of the disabled or handicapped person who is applying for license plates under §60-311.14 must appear on the certificate of title.

Second, disabled or handicapped individuals are given the choice of using either handicapped license plates or a handicapped parking permit to entitle them to park in stalls designated for handicapped parking. Neb.Rev.Stat. §18-1736 (Reissue 1983) provides that a city or village may designate parking spaces for the exclusive use of

(1) disabled persons whose vehicles display the distinguishing license plates issued to disabled persons pursuant to section 60-311.14;

(2) disabled persons whose vehicles display a distinguishing license plate issued to a disabled person or paraplegic by another state;

(3) such other handicapped persons, as certified by the city or village, whose vehicles display the identification as determined by the Department of Motor Vehicles; and

(4) such other motor vehicles, as certified by the city or village, which display the identification as determined by the Department of Motor Vehicles.

The specifications for the identification or "permit," referred to in §18-1736(3) and (4) are enumerated in Neb.Rev.Stat. §18-1739 (Reissue 1984).

The issuance of permits entitling qualified individuals to park their motor vehicles in designated parking spaces are authorized by statute. Neb.Rev.Stat. §18-1738 (Reissue 1984) states in part:

The clerk of any city or village may take an application from physically handicapped persons or their parent, legal guardian, or foster parent for a permit which will entitle the holder thereof or a person driving a motor vehicle for the purposes of transporting such holder to park in those spaces provided for by sections 18-1736 to 18-1741.

Similarly, Neb.Rev.Stat. §18-1738.01 (Reissue 1984) provides in part:

The clerk of any city or village may take an application from any person for a motor vehicle permit which will entitle the holder thereof or a person driving the motor vehicle for the purpose of transporting physically handicapped persons to park in those spaces provided for by sections 18-1736 to 18-1741, if the motor

vehicle is used primarily for the transportation of physically handicapped persons.

Pursuant to §18-1736, an individual is entitled to park in designated handicapped parking stalls so long as he or she has either handicapped license plates or a handicapped permit on his or her motor vehicle.

Sincerely,
ROBERT M. SPIRE
Attorney General

(Signed) Jill Gradwohl
Assistant Attorney General

JG:bmh

cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 158
December 24, 1985

Dear Senator Pappas:

This is in response to your letter of November 18, 1985, in which you are concerned about the authority of the Department of Economic Development to transfer the Wild West Arena in North Platte, or in the alternative to lease the property and authorize the fixtures, which constitute the grandstand and other aspects of the arena, to be removed to a separate location.

We would note first, that it is our policy not to provide state legislators with opinions seeking interpretations of existing statutes. A stated exception to this policy is where the necessity for the proposed legislation is dependant upon such an interpretation. In this case, your request was premised on the need to enact such legislation if no authority presently exists on behalf of the Department of Economic Development for such actions. Consequently, this is an appropriate exception to our stated policy.

The Wild West Arena, which consists of the underlying real estate and the fixtures upon it, was transferred to the Department of Economic Development from the Game & Parks commission by virtue of Neb.Rev.Stat. §81-1222.01 (Reissue 1981), in 1972. Neb.Rev.Stat. §81-1222.02(2) (Reissue 1984), further provides that the director of Economic Development may lease such property if the lease is in the best interest of the State.

We can find no authority which would authorize the Department of Economic Development to transfer such property, as is the case with some State property managed by other State agencies. In the

absence of such specific authority, we must conclude that the legislature did not grant the power to the Department of Economic Development to transfer this property. Likewise, while the department can clearly lease this property, there is no specific authority which would allow the removal of the fixtures constituting the arena to private property under a lease agreement. We must also conclude that there would be no authority for the department to enter into such a lease arrangement. Thus, legislation would be necessary for the Department of Economic Development to enter into either of the proposed arrangements concerning this property.

In this regard, you also ask whether the department could transfer the facility back to the Game & Parks Commission. In as much as the property was originally transferred by virtue of a statute, it appears that similar statutory authority would have to be enacted to allow such a transfer back to the Game & Parks Department.

Finally, you ask in regard to the proposed lease and removal of the fixtures, whether it would make any difference if the facility was leased to a political subdivision. This would have no bearing on the Department's lack of authority to enter into such a lease agreement.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB:jem

cc: Patrick J. O'Donnell
Clerk of the Legislature

December 20, 1985

Dear Senator Beutler:

The purpose of this letter is to clarify the policies of the Attorney General regarding the issuance of opinions to members of the Legislature. It is the intent of this letter both to correct any misunderstandings which may presently exist in this regard, and to provide some recommendations and suggestions which will facilitate our response to any future requests.

Neb.Rev.Stat. §84-205(3) (Reissue 1981) provides that one of the duties of the Attorney General shall be "To give, when required, without fee, his opinion in writing upon all questions of law submitted to him by . . . the Legislature." The general duty of the Attorney General to issue such opinions has been interpreted by the court to mean that state officers are entitled to advice upon questions

of law which arise "in the discharge of their duties." Fullmer v. State, 94 Neb. 217, 142 N.W. 908 (1913). This office has likewise historically viewed its responsibility to issue opinions in this same light.

In the case of requests from members of the Legislature, we have limited the issuance of such opinions for "valid legislative purposes" only. The Legislature's purpose is, of course, to make, alter or repeal laws. See, Nebraska Public Power District v. City of York, 212 Neb. 747, 326 N.W.2d 22 (1982). It is the function of the executive branch to apply and enforce those laws, and the judicial branch to interpret those laws. Consequently, it has been and continues to be the policy of the Attorney General that we issue legal opinions to state legislators which pertain only to pending or proposed legislation. In this regard it is also our policy to decline opinion requests from legislators concerning the constitutionality, or seeking interpretations, of existing statutes. The rationale for this policy will be explained more fully below.

There are two exceptions to this policy. The first exception is where the interpretation of an existing statute is directly related to the proposed or pending legislation, or in turn where the proposed legislation is dependent upon such an interpretation. The second exception is where the requested interpretation pertains directly to the performance of some function or duty by the Legislature itself.

Likewise, we will not issue legal opinions for the personal use or benefit of state legislators, their constituents, or any private individual, group or other entity. Inasmuch as we are the attorneys representing the State of Nebraska, we do not issue private legal opinions. It would thus be inappropriate for us to do so merely because such a request has been channeled through a state legislator.

The reasons for our policy limiting opinions to legislators on matters pertaining to proposed or pending legislation, and in turn declining such requests for opinions concerning existing statutes, are really twofold. The first principle involves the concept of the separation of powers set forth in our Constitution, Article II, Section 1, which states simply that:

The powers of the government of this state are divided into three distinct departments, the Legislative, Executive and Judicial, and no person or collection of persons being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

As we have indicated, it is the function of the Legislature to enact legislation, and not to interpret or enforce existing statutory provisions. Consequently, it would serve no valid legislative purpose to issue an opinion to a legislator concerning the interpretation and enforcement of a particular statute, when the Legislature has no

authority in this regard. This responsibility is the function of the executive branch of the government and under our separation of powers doctrine it is essential that no one branch encroach upon the powers reserved to another. See, State ex rel. Beck v. Young, 154 Neb. 588, 48 N.W.2d 677 (1951).

Likewise, it would be inappropriate and serve no valid legislative purpose to comment to a legislator upon a particular interpretation of an existing law adopted and applied by the executive branch of government. We will, of course, issue opinions concerning the interpretation of existing statutory law to the appropriate arm of the executive branch of government charged with enforcing that law, as such agencies or officers are also entitled to opinions which are necessary to enable them to discharge their particular duties under the Constitution. Thus, unless an interpretation of existing statutory law pertains directly to proposed or pending legislation, such an opinion would serve no valid legislative purpose, and any such requests by legislators will accordingly be declined.

The second reason for declining opinion requests from legislators concerning existing statutes, and particularly requests as to their constitutionality, is more practical. This office is required by law to defend existing statutes, or any interpretation and application of these statutes adopted by the executive branch of government, if challenged in a court of law. Consequently, we are not in a position to issue opinions on the constitutionality of existing statutes, or the validity of a particular executive interpretation, absent some unique circumstance, such as a court decision calling into question that very issue.

As indicated, we also wish to provide some suggestions in order to expedite our responses to your opinion requests. Such requests should always be accompanied by the relevant proposed or pending legislation, and any pertinent amendments to that legislation. Likewise, copies of any other documentary material necessary to answer your specific questions should also be attached. The failure to do so may well result in a delay to your response.

Opinion requests should always set out your specific legal concerns or questions. Requests such as "Is this law constitutional or legal," are simply too vague and thus inappropriate for a response from this office. Consequently, any such requests will be returned for a more detailed and specific statement of the issue or issues you wish addressed.

In closing, I assure you that we are committed to serve all members of the Legislature and their staffs as effectively as possible. We shall try our best to be responsive, competent and prompt. We welcome your suggestions as to how we can serve you better. In this regard, we would also note that this office is always available for informal

discussion of any legal issues pertinent to any valid legislative purpose.

Sincerely,
ROBERT M. SPIRE
Attorney General

RMS:JB:bae
cc: Patrick J. O'Donnell
Clerk of the Legislature

State Senators

Opinion No. 86003
January 3, 1986

To: Senator Harold F. Sieck

Subject: Effect of LB 662 referendum on LB 54

This is in response to your letter of December 11, 1985. In that letter you are concerned about the constitutionality of LB 54 in view of the current referendum concerning LB 662. You note that LB 54 would provide that property taxes will supply 50 per cent of the financing for public schools with your proposed income tax providing the remaining 50 per cent. This would, in effect, alter the provision of LB 662 which provides that "the Legislature hereby establishes that after fiscal year 1986-87, no more than forty-five per cent of the total operational costs of the public school system shall be derived from taxes on real property. . . ."

In our previous opinions on the subject of the referendum and LB 662, we have stated that "After the referendum has been invoked and until the voters have acted thereunder, the subject-matter of the referred bill is withdrawn from further consideration of the Legislature. It can neither amend nor repeal the act during that period." See opinions No. 121, July 25, 1985, and No. 130, September 17, 1985. To the extent that LB 54 would amend LB 662 as indicated above, it would be in violation of the Constitution as an interference with the people's constitutionally guaranteed right of referendum.

You have also asked whether the use of a state income tax to finance public education as provided in your bill, LB 54, would violate any state statutes. In view of our above response, we do not believe it is necessary to respond to this question at this time. In any event such a request is simply too broad for an appropriate response from this office. See our opinion No. 157, date December 20, 1985.

We would, however, be glad to respond to your "specific" concerns in this regard.

Sincerely,
ROBERT M. SPIRE
 Attorney General
 (Signed) John Boehm
 Assistant Attorney General

JB:bae

cc: Patrick J. O'Donnell
 Clerk of the Legislature

APPRECIATION

Received note of appreciation from the William B. Krejci family.

NATURAL RESOURCE DISTRICTS REPORTS

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1985 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Central Platte	
Cronin, Shamberg & Wolf	2,566.23
Baylor, Evnen, Curtiss,	
Grimit, Witt	1,944.45
Cook, Kopf, & Doyle, P.C.	18,168.94
Lewis & Clark	
None	
Lower Big Blue	
Everson, Noble, Wullschleger, Sutter,	
Sharp, Korslund & Willett	1,491.48
Lower Elkhorn	
Jewell, Gatz & Collins	11,515.67
Lower Loup	
J. Marvin Weems	1,082.70
Lower Niobrara	
Crosby, Guenzel, Davis,	
Kessner, Kuester	776.00
John Peebles	3,814.30
Carl Schuman	10.00
Lower Platte North	
Sidner, Svoboda, Schilke, Wiseman,	

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Thomsen & Holtorf	35,171.01
Crosby, Guenzel, Davis, Kessner, Kuester	115.00
Lower Platte South	
Crosby, Guenzel, Davis, Kessner & Kuester	12,586.02
Lower Republican	
McKelvie & McNally	282.00
Middle Missouri	
Golby C. Ulhir	1,639.04
Middle Niobrara	
None	
Middle Republican	
Schroeder Law Office	901.50
North Platte	
Holtorf, Kovarik, Nuttleman & Ellison, P.C.	612.50
Papio	
Taylor, Hornstein, Peters & Kluver	15,032.00
Wilson, Elser, Maskowitz, Edelman & Dicker	4,226.44
South Platte	
Van Steenberg, Myers & Burke	150.98
Tri-Basin	
Anderson, Strasburger, Klein, Peterson & Swan	185.00
Catherland Reclamation District	1,250.00
Upper Big Blue	
Crosby, Guenzel, Davis, Kessner & Kuester	6,324.39
Upper Loup	
None	
Upper Niobrara-White	
None	
Upper Republican	
Terry E. Savage	502.50

REPORTS

The following reports were received by the Legislature:

Statement of deposits to the Highway Cash Fund and Roads
Operation Cash Fund for the calendar months of April through

November, 1985 from the Nebraska Department of Roads in compliance with Section 66-476, R.S. Supp. 1980.

Proposed lease contracts from State Building Division for the following: Department of Economic Development in Lincoln, Department of Health in Lincoln, Department of Banking and Finance in Norfolk, Social Services in Fremont, and State Fire Marshal in Beatrice.

Audit reports from the Auditor of Public Accounts for the following: Department of Agriculture, Department of Motor Vehicles, Department of Labor, and Board of Barber Examiners.

Minutes of the Board of Public Roads Classifications and Standards for April through July and September through November.

Quarterly reports from the Nebraska Department of Roads for the Nebraska State Highway Commission for June and September, 1985.

Report from the Department of Roads by the Game and Parks Commission, submitting a one-year and long range five-year plan of proposed projects for exterior access and interior park roads pursuant to Section 39-1390, Revised Statutes Supplement 1972.

Report from the Department of Roads by the Game and Parks Commission, submitting a one-year and five-year plan of anticipated design, construction and improvement for all exterior access roads and interior service roads pursuant to Section 39-1390, R.R.S. 1943.

Reports of the revisions of the State of Nebraska Classification and Pay Plan in accordance with Section 81-1329, Revised Statutes of Nebraska 1943, 1973 Supplement.

Annual Budgetary Report from the Department of Administrative Services, Accounting Division.

Report of Examination of the State of Nebraska Auditor of Public Accounts in accordance with Statute 81-106.

Report of the changes and additions of the Greater Nebraska Job Training Plan from July 1, 1985 through June 30, 1986.

1985 annual report from the Nebraska Investment Finance Authority.

1983-1984 biennial report from the Nebraska Energy Office pursuant to Section 81-1607 (NRS).

Reports from the Nebraska Department of Personnel of the annual salary survey report in accordance with Sections 81-1335 and 81-1337.

Semi-annual report from the Department of Environmental Control, showing the financial status of Program #518, Wastewater Construction Grants in accordance with Section 81-1533 Reissue Revised Statutes of Nebraska, 1943.

Annual Report and Plan of Work for the Nebraska State Water Planning and Review Process in accordance with Section 2-15106, Nebraska Revised Statutes (R.S. Supp. 1984).

Nebraska Public Power District transcript of the hearing cancelling the "Mandan Line" in accordance with Statute 70-1012.01 R.R.S., 1943.

1985 manual of the Nebraska Community Improvement Program (NCIP).

1984 annual report from the Highway Safety Division of the Nebraska Department of Roads of Facts of Traffic Accidents.

1982 recommendation of the Association of Food and Drug Officials and U.S. Department of Health and Human Services entitled, Retail Food Store Sanitation Code and 1984 recommendation of the Association of Food and Drug Officials and U.S. Department of Health and Human Services entitled, Model Food Salvage Code pursuant to Section 81-216.20, Reissue Revised Statutes of Nebraska, 1943.

Biennial report from the Nebraska Energy Office for 1983 and 1984 pursuant to Section 81-1607 (NRS).

1985 Tax Expenditure Report from the Nebraska Department of Revenue in accordance with Sections 77-379 through 77-385, R.R.S. 1943.

Report of distribution of agricultural borrowers from the Nebraska Investment Finance Authority pursuant to Section 58-270.

Forty-third annual report from the Nebraska Workmen's Compensation Court in accordance with Section 48-166, Reissue Revised Statutes of Nebraska, 1943, as amended by the Legislature, 1955.

Report of the Nebraska Department of Environmental Control of regulatory recommendations concerning potential environmental impacts of surface and underground uranium mining and related activities in Nebraska in compliance with Section 81-1531.02.

Semi-annual report from the Department of Environmental Control showing the financial status of Program #518, Construction Grants Program in accordance with Section 81-1533, Reissue Revised Statutes of Nebraska, 1943.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 729. By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to highways; to amend section 39-2518, Reissue Revised Statutes of Nebraska, 1943; to change a provision on allocation of street funds in order to eliminate a reference to a repealed statute; and to repeal the original section.

LEGISLATIVE BILL 730. By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to fraternal benefit societies; to amend section 44-10,105, Revised Statutes Supplement, 1985; to correct a reference to a repealed act; and to repeal the original section.

LEGISLATIVE BILL 731. By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to motor vehicle inspection; to amend sections 39-602, 39-6,196, and 60-2101.01, Reissue Revised Statutes of Nebraska, 1943; to eliminate a requirement for a study which was to be completed by January 1, 1982; to harmonize provisions; and to repeal the original sections, and also section 60-1708, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 732. By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to public service entities; to amend section 77-803, Reissue Revised Statutes of Nebraska, 1943, and sections 77-202 and 77-801.01, Revised Statutes Supplement, 1985; to harmonize provisions with previous legislation; and to repeal the original sections.

LEGISLATIVE BILL 733. By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to hospital authorities; to amend sections 23-343.80, 23-343.84, 23-343.95, and 23-343.97, Reissue Revised Statutes of Nebraska, 1943; to correct internal references; to harmonize provisions; to repeal the original sections, and also sections 23-343.83 and 23-343.98, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 734. By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to police judges; to amend section 57-506, Reissue Revised Statutes of Nebraska, 1943; to repeal an obsolete provision governing the election of a police judge; to harmonize provisions; and to repeal the original section, and also section 19-434, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 735. By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to civil procedure; to repeal a provision which mandated certain actions be commenced within one year from June 5, 1957; and to repeal section 25-520.04, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 736. By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to the Petroleum Products Act; to repeal an act which terminated on December 31, 1985; and to repeal sections 66-1201 to 66-1213, Revised Statutes Supplement, 1984.

LEGISLATIVE BILL 737. By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to revenue and taxation; to repeal provisions governing certain litigation pending in 1971; to repeal obsolete provisions related to the food sales tax credit; and to repeal section 77-1506.10, Reissue Revised Statutes of Nebraska, 1943, and section 77-2715.06, Revised Statutes Supplement, 1984.

LEGISLATIVE BILL 738. By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to the Nebraska Capital Construction Fund; to repeal provisions governing a transfer to such fund in 1972; and to repeal section 77-2602.02, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 739. By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Supplement, 1985; to delete obsolete provisions related to the Cash Reserve Fund; to harmonize provisions; and to repeal the original section, and also sections 77-2715.04 and 77-2715.05, Revised Statutes Supplement, 1984.

LEGISLATIVE BILL 740. By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to schools; to delete a provision which allowed certain school districts to take certain actions prior to July 1, 1974, regarding educational service units; and to repeal section 79-2215, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 741. By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to the Civil Administrative Code of 1919; to delete obsolete definitions and penalties; and to repeal sections 81-123 and 81-124, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 742. By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to the Beatrice State Developmental Center; to delete provisions governing a substitution of terms; and to repeal section 83-217.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 743. By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to the Nebraska Center for Women; to delete provisions governing a substitution of terms; and to repeal section 83-905.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 744. By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to railroads; to delete a penalty provision for a statute which has been repealed; and to repeal section 74-914, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 745. By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to performance review and audit; to delete obsolete provisions which terminated on or before July 2, 1985; to repeal related provisions; and to repeal sections 81-192, 81-1,100 to 81-1,102, 81-1,104, and 81-1,106 to 81-1,108, Reissue Revised Statutes of Nebraska, 1943, sections 81-196, 81-198.01 to 81-198.04, 81-1,103, and 81-1,105, Revised Statutes Supplement, 1984, and sections 81-198, 81-198.05, 81-198.06, and 81-199, Revised Statutes Supplement, 1985.

LEGISLATIVE BILL 746. By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to the state building administrator; to delete provisions governing a transfer made on July 1, 1974; and to repeal section 81-1108.39, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 747. By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to the Tax Commissioner; to delete provisions governing accounts and vouchers; and to repeal section 84-305, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 748. By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to tax accounts; to delete obsolete provisions; and to repeal sections 84-316 to 84-320, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 749. By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to county court; to amend section 24-540, Reissue Revised Statutes of Nebraska, 1943; to change a reference to county court jurisdiction to correspond to former legislative changes; and to repeal the original section.

LEGISLATIVE BILL 750. By Executive Board: Beutler, 28th District, Chairperson.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-2301, Reissue Revised Statutes of Nebraska, 1943; to delete a reference to municipal courts; and to repeal the original section.

LEGISLATIVE BILL 751. By Withem, 14th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-704, 79-810, 79-903, and 79-1007, Reissue Revised Statutes of Nebraska, 1943; to provide for a limitation on the amount of funds school districts may have in an operating reserve; to authorize a change in the amount of aid school districts may receive as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 752. By Withem, 14th District.

A BILL FOR AN ACT relating to the State Treasurer; to amend section 84-612, Revised Statutes Supplement, 1985; to require a minimum balance in the Cash Reserve Fund; to eliminate certain transfers; to delete obsolete provisions; and to repeal the original section, and also sections 77-2715.04 and 77-2715.05, Revised Statutes Supplement, 1984.

LEGISLATIVE BILL 753. By Lamb, 43rd District.

A BILL FOR AN ACT relating to hospital districts; to amend section 23-343.46, Reissue Revised Statutes of Nebraska, 1943; to

authorize an additional tax levy as prescribed; and to repeal the original section.

LEGISLATIVE BILL 754. By Morehead, 30th District; Landis, 46th District; DeCamp, 40th District.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Rights of the Terminally Ill Act; to provide penalties; to provide an operative date; and to provide severability.

LEGISLATIVE BILL 755. By Nichol, 48th District.

A BILL FOR AN ACT relating to athletics; to define terms; to require the registration of athlete agents as prescribed; to provide procedures; to require a fee; to require a bond; to provide the Secretary of State with certain powers and duties; to prohibit certain actions by athlete agents; to provide duties for athlete agents; to provide penalties; to provide rules and regulations; and to declare an emergency.

LEGISLATIVE BILL 756. By Nichol, 48th District.

A BILL FOR AN ACT relating to certain state property; to provide for the conveyance of an easement to the city of Gering, Nebraska.

LEGISLATIVE BILL 757. By Goll, 16th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-1331 and 79-1333.02, Reissue Revised Statutes of Nebraska, 1943, and section 79-1333, Revised Statutes Supplement, 1984; to define a term; to change provisions relating to school district membership reports as prescribed; to change provisions relating to the determination of aid as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 758. By Goll, 16th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704, Revised Statutes Supplement, 1985; to exempt certain purchases from the sales and use tax; and to repeal the original section.

LEGISLATIVE BILL 759. By Goll, 16th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-320, Revised Statutes Supplement, 1985; to permit the hauling of certain vehicles; and to repeal the original section.

LEGISLATIVE BILL 760. By Goll, 16th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-101, Revised Statutes Supplement, 1985; to define terms; to provide penalties for operating a chop shop and dealing with a chop shop; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 761. By Abboud, 12th District.

A BILL FOR AN ACT relating to fire improvement districts; to amend section 31-766, Reissue Revised Statutes of Nebraska, 1943; to provide for continued jurisdiction by a fire protection district over certain annexed territory; and to repeal the original section.

LEGISLATIVE BILL 762. By Labedz, 5th District.

A BILL FOR AN ACT relating to corporations; to amend section 21-608, Reissue Revised Statutes of Nebraska, 1943; to provide corporate status as prescribed; and to repeal the original section.

LEGISLATIVE BILL 763. By Miller, 37th District.

A BILL FOR AN ACT relating to health; to amend sections 71-502, 71-503, 71-503.01, and 71-505, Reissue Revised Statutes of Nebraska, 1943; to provide for regulations; to require the reporting of poisoning and other illness; to provide for confidentiality of reports of certain diseases and poisonings; and to repeal the original sections.

LEGISLATIVE BILL 764. By Pappas, 42nd District.

A BILL FOR AN ACT relating to the school retirement system; to amend section 79-1529, Reissue Revised Statutes of Nebraska, 1943, and section 79-1522.01, Revised Statutes Supplement, 1984; to change provisions relating to formula annuity retirement allowances as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 765. By Pappas, 42nd District.

A BILL FOR AN ACT relating to the Department of Economic Development; to amend section 81-1222.02, Reissue Revised Statutes of Nebraska, 1943, and section 81-1228, Revised Statutes Supplement, 1984; to provide the Department of Economic Development with powers as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 766. By Pappas, 42nd District.

A BILL FOR AN ACT relating to the state; to declare NEBRASKAland Days an official celebration of the State of Nebraska.

LEGISLATIVE BILL 767. By Pappas, 42nd District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-157, Revised Statutes Supplement, 1985; to provide for an auxiliary office as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 768. By Haberman, 44th District.

A BILL FOR AN ACT relating to tractor engine testing; to eliminate provisions relating to tractor engine testing; and to repeal sections 2-2701 to 2-2713, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 769. By Haberman, 44th District.

A BILL FOR AN ACT relating to safety belts; to amend section 39-6,103.07, Revised Statutes Supplement, 1985; to exempt physicians from liability as prescribed; and to repeal the original section.

LEGISLATIVE BILL 770. By Haberman, 44th District.

A BILL FOR AN ACT relating to liquors; to amend section 53-131, Reissue Revised Statutes of Nebraska, 1943; to change a registration fee; and to repeal the original section.

LEGISLATIVE BILL 771. By Chizek, 31st District.

A BILL FOR AN ACT relating to law enforcement; to amend section 81-1444, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to bonds required for law enforcement reserve officers as prescribed; and to repeal the original section.

LEGISLATIVE BILL 772. By Chizek, 31st District; Beutler, 28th District; Hoagland, 6th District.

A BILL FOR AN ACT relating to military organizations; to amend sections 55-176 and 55-177, Reissue Revised Statutes of Nebraska, 1943; to define terms; to prohibit certain activities by military organizations as prescribed; to provide a penalty; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 773. By Nelson, 35th District; Sieck, 24th District; Marsh, 29th District; Remmers, 1st District; Wesely, 26th District; Lundy, 36th District.

A BILL FOR AN ACT relating to smokeless tobacco products; to define terms; to provide for labeling as prescribed; to provide for restriction of distribution and advertisement; to provide a power for the Attorney General; to provide a penalty; and to provide severability.

LEGISLATIVE BILL 774. By Revenue Committee: V. Johnson, 8th District, Chairperson; Hartnett, 45th District; Hefner, 19th District; Landis, 46th District; Miller, 37th District; Pirsch, 10th District; Rogers, 41st District; Sieck, 24th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 21-17,126, Reissue Revised Statutes of Nebraska, 1943, sections 77-2734.04 and 77-2734.06, Revised Statutes Supplement, 1984, and section 77-2716, Revised Statutes Supplement, 1985; to define and redefine terms; to authorize the implementation of a tax on financial institutions as prescribed; to provide for computation of the tax; to provide procedures; to provide the Tax Commissioner with certain powers and duties; to eliminate a tax on credit unions; to change provisions relating to income tax adjustments; to change provisions relating to apportionment of income; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 775. By Rogers, 41st District.

A BILL FOR AN ACT relating to pseudorabies; to adopt the Pseudorabies Control Act.

LEGISLATIVE BILL 776. By DeCamp, 40th District.

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 75-101, Revised Statutes Supplement, 1984; to

change provisions relating to commissioners holding other positions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 777. By Schmit, 23rd District; Rupp, 22nd District.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1201, Reissue Revised Statutes of Nebraska, 1943; to increase the number of members on the State Racing Commission; to provide for appointment from districts; and to repeal the original section.

LEGISLATIVE BILL 778. By Schmit, 23rd District; Rupp, 22nd District; Chronister, 18th District.

A BILL FOR AN ACT relating to the Nebraska Natural Resources Commission; to amend section 2-1593, Revised Statutes Supplement, 1984; to change provisions relating to action by the commission on recommendations; and to repeal the original section.

LEGISLATIVE BILL 779. By Schmit, 23rd District.

A BILL FOR AN ACT relating to traffic rules and regulations; to amend sections 39-669.34 and 60-407, Reissue Revised Statutes of Nebraska, 1943; to provide for the revocation of employment driving permits; to provide an additional requirement to obtain a learner's permit; and to repeal the original sections.

LEGISLATIVE BILL 780. By Schmit, 23rd District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-2304 and 60-2307, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to odometer statements; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 781. By Schmit, 23rd District.

A BILL FOR AN ACT relating to aircraft; to provide for disclosure of insurance coverage in a rental; and to provide duties for the Department of Aeronautics.

LEGISLATIVE BILL 782. By Withem, 14th District.

A BILL FOR AN ACT relating to nursing homes; to amend sections 71-2023, 71-2040, 71-5801, 71-5803, 71-5853, 71-6008, 71-6022, and 71-6037, Revised Statutes Supplement, 1984; to define terms; to

provide a condition of licensure as prescribed; to provide procedures; to provide a requirement for nursing home agreements; to provide a condition for certificate of need approval; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 783. By Beyer, 3rd District.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 28-108, 39-6,182, and 60-305.12, Reissue Revised Statutes of Nebraska, 1943, section 24-536, Revised Statutes Supplement, 1984, and sections 39-6,184 and 60-1306, Revised Statutes Supplement, 1985; to provide an exception; to provide an exception for trial by jury; to change provisions relating to the offense of operating an overweight motor vehicle; to change a penalty; to provide powers and duties for the Department of Motor Vehicles; to change the powers of carrier enforcement officers; and to repeal the original sections.

LEGISLATIVE BILL 784. By Beyer, 3rd District.

A BILL FOR AN ACT relating to schools; to amend section 79-488.07, Reissue Revised Statutes of Nebraska, 1943, and section 79-488, Revised Statutes Supplement, 1984; to eliminate the Nebraska State Patrol's participation in the inspection of school buses; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 785. By Beyer, 3rd District.

A BILL FOR AN ACT relating to rural and suburban fire protection districts; to amend section 35-506, Reissue Revised Statutes of Nebraska, 1943; to provide representation on a board as prescribed; and to repeal the original section.

LEGISLATIVE BILL 786. By Beyer, 3rd District; Withem, 14th District; Chizek, 31st District; Abboud, 12th District.

A BILL FOR AN ACT relating to noise pollution; to define terms; to prohibit the operation of certain devices as prescribed; to harmonize provisions; and to provide a penalty.

LEGISLATIVE BILL 787. By Beyer, 3rd District; Sieck, 24th District.

A BILL FOR AN ACT relating to rules of the road; to amend sections 39-602, 39-666, and 39-6,131, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to tire requirements;

to prohibit certain acts; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 788. By Abboud, 12th District; Rupp, 22nd District; Marsh, 29th District; Hefner, 19th District; L. Johnson, 15th District; Hartnett, 45th District; Goodrich, 20th District; Peterson, 21st District; Conway, 17th District; Remmers, 1st District.

A BILL FOR AN ACT relating to the Child Pornography Prevention Act; to amend sections 28-1463.02 and 28-1463.05, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to change a penalty; and to repeal the original sections.

LEGISLATIVE BILL 789. By DeCamp, 40th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.02 and 81-125, Revised Statutes Supplement, 1984, sections 77-2701 and 77-2715.01, Revised Statutes Supplement, 1985, and section 77-2701.01, Revised Statutes Supplement 1984, as amended by section 1, Legislative Bill 35, Eighty-ninth Legislature, Second Special Session, 1985; to provide for the setting of the income tax and the sales tax rates by the State Board of Equalization and Assessment; to provide powers and duties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 790. By Remmers, 1st District.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-603, Reissue Revised Statutes of Nebraska, 1943; to specify where provisions relating to careless driving and reckless driving shall apply; and to repeal the original section.

LEGISLATIVE BILL 791. By Higgins, 9th District; Beyer, 3rd District; Smith, 33rd District; Peterson, 21st District; Pappas, 42nd District; Miller, 31st District; Rogers, 41st District; Hall, 7th District; Remmers, 1st District; Rupp, 22nd District; Haberman, 44th District; Labedz, 5th District; Eret, 32nd District; Wesely, 26th District; Baack, 47th District; Morehead, 30th District; Carsten, 2nd District.

A BILL FOR AN ACT relating to child pornography; to amend section 28-1463.05, Reissue Revised Statutes of Nebraska, 1943; to change penalties as prescribed; and to repeal the original section.

LEGISLATIVE BILL 792. By Wesely, 26th District.

A BILL FOR AN ACT relating to the Nebraska Investment Finance Act; to amend sections 58-201 to 58-203, 58-219, 58-239, 58-251, and 58-267, Reissue Revised Statutes of Nebraska, 1943; to authorize funds for energy efficiency and renewable energy projects for county and municipal public buildings; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 793. By Vickers, 38th District.

A BILL FOR AN ACT relating to the George Norris House; to establish the house and provide for its administration and maintenance.

LEGISLATIVE BILL 794. By Vickers, 38th District.

A BILL FOR AN ACT relating to county employees retirement; to amend section 23-2319, Revised Statutes Supplement, 1984, and section 23-2317, Revised Statutes Supplement, 1985; to change retirement and termination benefits as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 795. By Vickers, 38th District.

A BILL FOR AN ACT relating to the Department of Agriculture; to amend sections 81-2,163, 81-2,164.01, and 81-2,164.03, Reissue Revised Statutes of Nebraska, 1943; to provide for a fee as prescribed; to change provisions relating to the publication of certain information; to rename a fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 796. By Nelson, 35th District; Smith, 33rd District; Nichol, 48th District; Vickers, 38th District.

A BILL FOR AN ACT relating to taxes; to amend section 79-2650, Revised Statutes Supplement, 1984; to change the authority to levy taxes for technical community colleges as prescribed; and to repeal the original section.

LEGISLATIVE BILL 797. By Wesely, 26th District; Hoagland, 6th District.

A BILL FOR AN ACT relating to trade secrets; to adopt the Nebraska Trade Secrets Act.

LEGISLATIVE BILL 798. By DeCamp, 40th District.

A BILL FOR AN ACT relating to parimutuel wagering; to amend section 2-1208.01, Revised Statutes Supplement, 1985; to change the tax on the gross sum wagered; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 799. By Wesely, 26th District; Labedz, 5th District; Schmit, 23rd District; Harris, 27th District; Vickers, 38th District.

A BILL FOR AN ACT relating to labor; to amend section 48-604, Revised Statutes Supplement, 1985; to exclude certain services from the term employment; and to repeal the original section.

RESOLUTIONS

LEGISLATIVE RESOLUTION 304CA.

Introduced by Warner, 25th District.

A Resolution to propose an amendment to Article III, sections 6 and 10, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, sections 6 and 10, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

CIII-6 "The Legislature shall consist of not more than fifty members and not less than thirty members. The sessions of the Legislature shall be ~~annual~~ biennial except as otherwise provided by this constitution or as may be otherwise provided by law.

CIII-10 ~~Beginning with the year 1975, regular sessions of the Legislature shall be held annually, commencing at 10 a.m. on the first Wednesday after the first Monday in January of each year. The duration of regular sessions held shall not exceed ninety legislative days in odd-numbered years unless extended by a vote of four fifths of all members elected to the Legislature, and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four fifths of all members elected to the Legislature. Bills and resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered~~

~~at the next regular session, as if there had been no such adjournment.~~ Beginning with the year 1987, the Legislature shall meet in regular session commencing at 10 a.m. on the first Wednesday after the first Monday in January in odd-numbered years. The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided. A majority of the members elected to the Legislature shall constitute a quorum. ~~The ;the~~ Legislature shall determine the rules of its proceedings, ~~and~~ be the judge of the election, returns, and qualifications of its members, ~~and shall~~ choose its own officers, including a Speaker to preside when the Lieutenant Governor shall be absent; or incapacitated; or shall act as Governor. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who shall be guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.”.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

“A constitutional amendment to provide for biennial legislative sessions to be held in odd-numbered years and to eliminate restrictions on the length of legislative sessions.

For

Against”.

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 305CA.

Introduced by Chizek, 31st District; Hefner, 19th District; Beutler, 28th District.

A Resolution to propose an amendment to Article VIII, section 2, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII, section 2, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

CVIII-2 "The property of the state and its governmental subdivisions shall be exempt from taxation. The Legislature by general law may exempt property owned by and used exclusively for agricultural and horticultural societies, and property owned and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not owned or used for financial gain or profit to either the owner or user. The Legislature may by general law provide that any county of the state may, upon a majority vote of its county board or board of supervisors, exempt from taxation for a period not to exceed ten years a portion of the value of any personal property or improvements on real property owned by and exclusively used for financial gain or profit by a new or expanding business organization, association, or corporation. Household goods and personal effects, as defined by law, may be exempted from taxation in whole or in part, as may be provided by general law, and the Legislature may prescribe a formula for the determination of value of household goods and personal effects. The Legislature by general law may provide that the increased value of land by reason of shade or ornamental trees planted along the highway shall not be taken into account in the assessment of such land. The value of a home substantially contributed by the Veterans' Administration of the United States for a paraplegic veteran or multiple amputee shall be exempt from taxation during the life of such veteran or until the death of ~~his widow or her~~ the veteran's spouse or such spouse's remarriage. The Legislature may exempt from an intangible property tax life insurance and life insurance annuity contracts and any payment connected therewith and any right to pension or retirement payments. The Legislature may classify personal property in such manner as it sees fit, and may exempt any of such classes, or may exempt all personal property from taxation. No property shall be exempt from taxation except as provided in the Constitution. The Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the

Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

“A constitutional amendment to authorize the Legislature to allow county boards or boards of supervisors to exempt from taxation a portion of the value of personal property or improvements on real property.

For

Against”.

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 306CA.

Introduced by DeCamp, 40th District.

A Resolution to propose an amendment to Article VII, section 10, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VII, section 10, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

CVII-10 “The general government of the University of Nebraska shall, under the direction of the Legislature, be vested in a board of not less than six nor more than eight regents to be designated the Board of Regents of the University of Nebraska, who shall be elected from and by districts as herein provided and three students of the University of Nebraska, who shall serve as nonvoting members. Such ~~nonvoting~~ student members shall consist of the student body president of the University of Nebraska at Lincoln, the student body president of the University of Nebraska at Omaha, and the student body president of the University of Nebraska Medical Center. Such student members shall, as a group, be entitled to one vote. A concurrence of a majority of the student members shall determine the way in which the student vote is cast. The terms of office of elected members shall be for six years each. The terms of

office of student members shall be for the period of service as student body president. Their duties and powers shall be prescribed by law, and they shall receive no compensation, but may be reimbursed their actual expenses incurred in the discharge of their duties.

The Legislature shall divide the state, along county lines, into as many compact regent districts, as there are regents provided by the Legislature, of approximately equal population, which shall be numbered consecutively.

The Legislature shall redistrict the state after each federal decennial census. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature. Whenever the state is so redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall ~~where~~ when necessary specify the newly established district which they shall represent for the balance of their term.”.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

“A constitutional amendment to provide that the student regents representing the campuses of the university shall, as a group, be entitled to one vote on the Board of Regents.

For

Against”.

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 800. By DeCamp, 40th District.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Tax Delinquency Amnesty Act.

LEGISLATIVE BILL 801. By DeCamp, 40th District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-1109, Reissue Revised Statutes of Nebraska, 1943; to specify conditions which are not grounds for issuance of certain stop orders pertaining to registration statements to register securities; and to repeal the original section.

MOTION - Adopt Permanent Rules

Mrs. Morehead moved to adopt the permanent rules.

Mrs. Morehead, as Chairperson of the Rules Committee, renewed the proposed rules changes found in the Journal on page 1304, First Session, 1985.

Mr. Beutler requested a division of the question on the proposed rule changes.

The Chair sustained the division of the question.

The first proposed rule changes are as follows:

1. A Member of the legislature shall conduct himself or herself at all times in a manner which shall reflect creditably on the legislature. This rule shall not be construed to apply to personal attire.

2. A Member of the legislature shall adhere to the spirit and the letter of the rules of the legislature and to the rules of duly constituted committees thereof.

3. A Member of the legislature shall receive no compensation nor shall he or she permit any compensation to accrue to his or her beneficial interest from any source, the receipt of which would occur by virtue of influence improperly exerted from his or her position in the legislature.

Mr. Vickers moved the previous question. The question is, "Shall the debate now close?" The motion lost with 9 ayes, 15 nays, and 25 not voting.

Mr. Lundy moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Beutler requested a record vote on the first proposed rule changes.

Voting in the affirmative, 15:

Barrett	Harris	Hoagland	Morehead	Sieck
Beutler	Hartnett	Landis	Nelson	Vickers
Goodrich	Hefner	Lundy	Schmit	Withem

Voting in the negative, 29:

Baack	DeCamp	Higgins	Miller	Rogers
Beyer	Eret	Johnson, L.	Nichol	Rupp
Carsten	Goll	Johnson, R.	Pappas	Scofield
Chambers	Haberman	Labeledz	Peterson	Smith
Chizek	Hall	Lamb	Pirsch	Warner
Conway	Hannibal	Marsh	Remmers	

Present and not voting, 3:

Abboud	Lynch	Wesely
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Excused and not voting, 2:

Chronister Johnson, V.

The first proposed rule changes lost with 15 ayes, 29 nays, 3 present and not voting, and 2 excused and not voting.

The remaining proposed rule changes are pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 802. By Vickers, 38th District; Nelson, 35th District; Smith, 33rd District; Nichol, 48th District; R. Johnson, 34th District; Eret, 32nd District; Sieck, 24th District; Wesely, 26th District; Harris, 27th District; Hefner, 19th District; Baack, 47th District.

A BILL FOR AN ACT relating to technical community colleges; to amend section 79-2650, Revised Statutes Supplement, 1984; to eliminate the time limitation on the power to levy certain taxes; and to repeal the original section.

LEGISLATIVE BILL 803. By Rupp, 22nd District.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1205 and 2-1207, Reissue Revised Statutes of Nebraska, 1943; to change the number of races a licensee may hold a week as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 804. By Carsten, 2nd District; Smith, 33rd District.

A BILL FOR AN ACT relating to health; to create the Alzheimer's Disease Task Force; to state intent; and to provide powers and duties.

LEGISLATIVE BILL 805. By Abboud, 12th District; Goodrich, 20th District.

A BILL FOR AN ACT relating to juvenile courts; to amend section 43-2,119, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the number of judges in certain counties; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 806. By Abboud, 12th District.

A BILL FOR AN ACT relating to purchasing; to amend sections 23-3101 to 23-3114, Revised Statutes Supplement, 1985; to rename an act; to state intent; to define and redefine terms; to require procedures for purchases by certain political subdivisions; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 807. By DeCamp, 40th District; Hannibal, 4th District.

A BILL FOR AN ACT relating to railroads; to eliminate certain provisions relating to cabooses; and to repeal sections 74-598 to 74-5,103, Revised Statutes Supplement, 1984.

LEGISLATIVE BILL 808. By Vickers, 38th District.

A BILL FOR AN ACT relating to cities of the second class and villages; to amend section 17-938, Reissue Revised Statutes of Nebraska, 1943; to authorize the reclamation of certain cemetery lots and subdivisions; and to repeal the original section.

VISITORS

Visitors to the Chamber were 32 high school seniors and teacher from Wilber/Clatonia.

RECESS

At 12:12 p.m., on a motion by Speaker Nichol, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President McGinley presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Barrett, Chronister, Harris, Lynch, Schmit, and Mrs. Labedz who were excused until they arrive.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 809. By Business and Labor Committee: Barrett, 39th District, Chairperson; Eret, 32nd District; Hall, 7th District; Labedz, 5th District; Vickers, 38th District; Wesely, 26th District.

A BILL FOR AN ACT relating to labor; to amend section 48-808, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the reporting of testimony before the Commission of Industrial Relations; and to repeal the original section.

LEGISLATIVE BILL 810. By Business and Labor Committee: Barrett, 39th District, Chairperson; Eret, 32nd District; Hall, 7th District; Labedz, 5th District; Vickers, 38th District; Wesely, 26th District.

A BILL FOR AN ACT relating to the Commission on Industrial Relations; to amend sections 48-812, 48-816.02, 48-819.01, 48-822, 48-823, and 48-838, Reissue Revised Statutes of Nebraska, 1943, and sections 48-801 and 48-816, Revised Statutes Supplement, 1985; to create the Industrial Commission Act; to change references; to harmonize provisions; to repeal an obsolete provision; and to repeal

the original sections, and also section 48-839, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 811. By Barrett, 39th District; Vickers, 38th District.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 16-1010, 16-1011, 16-1030, 16-1031, 23-2409, 24-209, 24-701, 24-902, 33-106, 44-219, 44-222, 44-359, 44-767, 44-1206, 44-1402, 44-2002, 44-2404, 44-2406, 44-2411, 48-103, 48-106, 48-108 to 48-112, 48-114 to 48-120, 48-122.01, 48-123 to 48-134, 48-136 to 48-159, 48-159.08 to 48-173, 48-175, 48-175.01, 48-177 to 48-180, 48-182, 48-185 to 48-188, 48-190 to 48-198, 48-1,100, 48-1,102 to 48-1,109, 52-401, 55-159, 60-537, 60-2503, 81-8,219, and 81-8,239.01 to 81-8,239.04, Reissue Revised Statutes of Nebraska, 1943, sections 15-1006, 15-1008, and 23-120, Revised Statutes Supplement, 1984, and sections 16-1012, 16-1032, 48-122, and 48-655, Revised Statutes Supplement, 1985; to rename an act; to rename a court; to provide duties for the Revisor of Statutes; to harmonize provisions; to eliminate obsolete sections; and to repeal the original sections, and also sections 48-159.07 and 48-182.01, Reissue Revised Statutes of Nebraska, 1943.

RESOLUTION

LEGISLATIVE RESOLUTION 307CA.

Introduced by V. Johnson, 8th District.

A Resolution to propose an amendment to Article VII, section 1, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VII, section 1, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

CVII-1 "The Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years and shall ensure that all land in this state is within political subdivisions the specific purpose of which is to provide for the operation of the common schools and each of which

offers public school instruction for kindergarten through the twelfth grade. The Legislature may provide for the education of other persons in educational institutions owned and controlled by the state or a political subdivision thereof.”.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

“A constitutional amendment to authorize the Legislature to ensure that all land in this state is within political subdivisions the specific purpose of which is to provide for the operation of the common schools and each of which offers public school instruction for kindergarten through the twelfth grade.

For

Against”.

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

UNANIMOUS CONSENT - Withdraw Co-Introducer

Mr. Abboud asked unanimous consent to have his name withdrawn as co-introducer to LB 786. No objections. So ordered.

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Higgins asked unanimous consent to have her name added as co-introducer to LB 276. No objections. So ordered.

MOTION - Adopt Permanent Rules

The pending proposed rules changes found in the Journal on page 1304, First Session, 1985 were renewed.

The second proposed rule change is as follows:

4. A Member of the legislature shall not accept gifts (other than personal hospitality of an organization when such hospitality is also extended to a substantial portion of the membership of such organization), from any person or organization (other than from a relative) having a direct interest in legislation before the legislature. Any person registered under the Nebraska Political Accountability

and Disclosure Act (or any successor statute), any principal of such registered person, and any person retained by such registered person for the purpose of influencing legislation before the legislature shall be deemed to have a direct interest in legislation before the legislature.

The term "gift" means and includes the definitions set out in Section 49-1490(3) of the Nebraska Political Accountability and Disclosure Act except that the term "gift" shall include breakfast, luncheon, dinner or other refreshments consisting of food and beverage provided for immediate consumption which exceeds a value of twenty-five dollars from a lobbyist in any one month period.

If a Member of the legislature, after exercising reasonable diligence to obtain the information necessary to comply with this rule, unknowingly accepts a gift, such Member shall, upon learning of the nature of the gift and its source, return the gift or, if it is not possible to return the gift, reimburse the donor for the value of the gift. The return or reimbursement of the gift to the donor shall not preclude the Rules Committee from acting on the matter as a violation of the Code of Conduct.

Speaker Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Higgins moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Chair ordered a roll call vote on the proposed rule change.

Voting in the affirmative, 14:

Beutler	Hartnett	Landis	Pirsch	Vickers
Chambers	Hefner	Lundy	Scofield	Withem
Chizek	Hoagland	Morehead	Sieck	

Voting in the negative, 26:

Baack	Haberman	Johnson, L.	Lynch	Peterson
Carsten	Hall	Johnson, R.	Marsh	Remmers
Conway	Hannibal	Johnson, V.	Miller	Rogers
DeCamp	Harris	Labeledz	Nelson	Rupp
Goll	Higgins	Lamb	Pappas	Warner
Goodrich				

Present and not voting, 6:

Abboud
Barrett

Beyer

Eret

Smith

Wesely

Excused and not voting, 3:

Chronister

Nichol

Schmit

The second proposed rule change lost with 14 ayes, 26 nays, 6 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The remaining rules changes are as follows:

5. A Member of the legislature shall accept no honorarium for a speech, writing for publication, or other similar activity, from any person, organization, or corporation in excess of the usual and customary value for such services.

6. A Member of the legislature shall retain no one in his or her hire who does not perform legislative duties commensurate with the compensation he or she receives.

7. A Member of the legislature shall not discharge or refuse to hire any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, age or national origin.

8. A Member of the legislature shall not hire or retain a relative for a paid position on his or her personal legislative staff in the legislature.

For purposes of paragraph 4 and 8 of this Code of Official Conduct the term "relative" means, with respect to any Member of the legislature, an individual who is related as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister or any person who is the grandfather or grandmother of the spouse of the member.

9. A Member of the legislature shall not knowingly solicit campaign contributions for his or her campaign from persons he or she has employed to work in the legislature.

10. A Member of the legislature or an individual who is a candidate for nomination for election to the legislature or any other

office may not use the mail privilege afforded to the Members for constituent contact within sixty days immediately before the date of any primary or general election (whether regular, special, or runoff) in which the Member or individual is a candidate for any public office.

Nothing in this rule shall apply to any mailing under the legislative privilege which is (a) in direct response to inquiries or requests from persons to whom the matter is mailed, (b) addressed to colleagues in the legislature or to government officials (whether Federal, state, or local), (c) consists entirely of news releases to the communications media, or (d) consists of less than 30 pieces of mail.

11. ENFORCEMENT

Any violations of the Code of Official Conduct shall be under the jurisdiction of the Committee on Rules of the Legislature together with the Speaker of the Legislature and the Chairperson of the Executive Board. In the event that any of the committee members noted above are the subject of the investigation undertaken, then such member shall be ineligible to serve and a replacement shall be chosen based upon the Order of Designation as set forth in Rule 1, Section 6.

The committee shall have authority after notice and a public hearing to prescribe and publish such regulations as its members believe are necessary to implement the Code of Official Conduct. Such regulations shall be approved by the Executive Board of the Legislative Council.

12. This code shall be effective January 8, 1986.

Mr. Beutler asked unanimous consent to withdraw the remaining rule changes, section 5 through 12. No objections. So ordered.

The Rules Committee offered the proposed rule change:

Amend Rule 4, Sec. 9.

Sec. 9. Reviving Resolution Killed by Committee. If the standing committee report on a resolution be to postpone indefinitely, the resolution shall stand indefinitely postponed; Provided, that such resolution may be considered by the members of the Legislature if a majority vote of the elected members so direct, provided the motion is made within three legislative days after the committee makes its report to the Legislature. A motion to raise cannot be amended to include any other resolution or subject matter. The provisions of this section shall not apply to resolutions considered as bills pursuant to Rule 4, Sec. 2.

Mr. Chambers offered the following amendment to the proposed rule change:

To amend proposed rule change (1): In the next-to-last line, strike "not".

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Chair ordered a roll call vote on the Chambers amendment.

Mr. Chambers moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Barrett	Haberman	Labeledz	Pirsch	Scofield
Beyer	Hannibal	Lundy	Remmers	Sieck
Chambers	Harris	Marsh	Rogers	Smith
Conway	Higgins	Nelson	Rupp	Warner
DeCamp	Johnson, R.	Pappas		

Voting in the negative, 20:

Baack	Eret	Hartnett	Lamb	Morehead
Beutler	Goll	Hoagland	Landis	Schmit
Carsten	Goodrich	Johnson, L.	Lynch	Vickers
Chizek	Hall	Johnson, V.	Miller	Withem

Present and not voting, 3:

Abboud	Hefner	Peterson
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Excused and not voting, 3:

Chronister	Nichol	Wesely
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The Chambers amendment lost with 23 ayes, 20 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Messrs. Beutler and Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

The Chair ordered a roll call vote on the Rules Committee proposed rule change.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Voting in the affirmative, 25:

Baack	Goll	Hoagland	Lynch	Sieck
Beutler	Hannibal	Johnson, L.	Miller	Vickers
Carsten	Harris	Johnson, V.	Morehead	Warner
Chizek	Hartnett	Lamb	Pirsch	Wesely
Eret	Hefner	Landis	Schmit	Withem

Voting in the negative, 19:

Abboud	DeCamp	Johnson, R.	Nelson	Rupp
Beyer	Goodrich	Labeledz	Pappas	Scofield
Chambers	Haberman	Lundy	Remmers	Smith
Conway	Higgins	Marsh	Rogers	

Present and not voting, 2:

Barrett	Hall
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Excused and not voting, 3:

Chronister	Nichol	Peterson
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The Rules Committee proposed rule change prevailed with 25 ayes, 19 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

The Rules Committee offered the following proposed rule change:

Rule Committee to amend Rule 7, Section 7, by adding a new subsection:

Sec. 7. Reconsideration. (a) When a question has been decided, it shall be in order for any member voting with the prevailing side, or not voting, to move for a reconsideration thereof. A motion to reconsider must be made on the same day the original question was decided or on the next legislative day, except when it be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading. In such case, it must be made on the same day the original question was decided or on one of the next three legislative days. A motion to reconsider must be disposed of by the Legislature within five legislative days after making the same or it shall be deemed defeated. If the Legislature shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent.

Motion to reconsider cannot be withdrawn without leave. Rule 7, Section 3.

(b) Every motion to reconsider shall take preference over all other questions, except a motion to adjourn.

(c) For its adoption, a motion to reconsider shall require the vote of a majority of the elected members, except:

i Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading, then a three-fifths vote shall be required for adoption.

ii Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading with the emergency clause attached, but which received the constitutional majority with the emergency clause stricken and the purpose of the motion is to again add the emergency clause, then a two-thirds vote of the elected members shall be required for adoption.

(d) For its adoption a motion to reconsider a bill indefinitely postponed on General File shall require the vote of a majority of the

elected members and for a bill indefinitely postponed on Select File said motion shall require the vote of three-fifths of the elected members.

(e) For a bill on General File, no motion to reconsider shall be in order until the bill has failed to advance three times; for a bill on Select File, no motion to reconsider shall be in order until the bill has failed to advance two times; for a bill passed on Final Reading, no motion to reconsider shall be in order except by the introducer of the bill, for technical or clarifying amendments.

(f) Whenever a bill is returned from the Governor for further action pursuant to the Legislature's request for such return, motions for reconsideration necessarily incident to opening a bill for further action shall be admitted regardless of the time limitation otherwise imposed by the rule.

Messrs. R. Johnson, DeCamp, and Haberman asked unanimous consent to be excused until they return. No objections. So ordered.

The Chair ordered a roll call vote on the proposed rule change.

Mr. Hoagland moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Voting in the affirmative, 22:

Abboud	Goll	Landis	Pirsch	Vickers
Baack	Goodrich	Marsh	Rupp	Warner
Barrett	Hoagland	Morehead	Sieck	Wesely
Beyer	Johnson, L.	Nichol	Smith	Withem
Chizek	Lamb			

Voting in the negative, 19:

Carsten	Hall	Hefner	Lynch	Rogers
Chambers	Hannibal	Johnson, V.	Miller	Schmit
Conway	Harris	Labeledz	Nelson	Scofield
Eret	Hartnett	Lundy	Remmers	

Present and not voting, 2:

Higgins Pappas

Excused and not voting, 6:

Beutler DeCamp Haberman Johnson Peterson
Chronister

The proposed rule change lost with 22 ayes, 19 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Messrs. Schmit and Goll asked unanimous consent to be excused.
No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 308.

Introduced by Beyer, 3rd District.

WHEREAS, Clara M. Hughes, an original member of and three-term representative to the Silver Haired Legislature, passed away on January 3, 1986; and

WHEREAS, in addition to being a valued member of the Silver Haired Legislature, she was active in many civic groups including the Midlands Community Hospital Board, the Eastern Nebraska Office on Aging, and the American Federation of Women's Clubs; and

WHEREAS, her many years of community service are worthy of notice and deserving of recognition by the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature extend deepest sympathy to the family of Clara M. Hughes.

2. That a copy of this resolution be presented to the family of Clara M. Hughes as an expression of sorrow for her passing.

Laid over.

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee will meet in executive session on Thursday, January 9, 1986, in Room 1003 upon adjournment.

UNANIMOUS CONSENT - Print in Journal

The Rules Committee asked unanimous consent to print the following proposed rule changes. No objections. So ordered.

Amend Rule 7, Sec. 5.

Sec. 5. Call of the House. A call of the House may be made by any member in the manner following: "I move for a call of the House." The presiding officer shall direct that the board be cleared and the members shall then vote on placing themselves under call. If a majority of the senators present and voting, vote in favor of such a motion, then the Legislature shall be deemed to be under call. Each member present, except for those who have been excused prior to the House going under call, shall indicate his or her presence upon the electric roll call system and shall remain in his or her seat during the call. After the Clerk shall note the names of the absentees, proceedings under the call may be suspended at any time by a majority vote of the members then present, and when so suspended shall not again be ordered on the proposition pending, except by a majority vote of the members elected. If all absentees were to vote on one side of the question, and if their combined vote would be insufficient to change the result of the vote, the President shall declare the call raised.

The Rules Committee asked unanimous consent to print the following proposed rule change. No objections. So ordered.

Amend Rule 5, Section 2 as follows:

Section 2. CONTENT AND FORM OF BILLS.

(a) A bill shall be designated as Legislative Bill _____.

(b) No bill shall contain more than one subject and the same shall be clearly expressed in the title. No law shall be amended, unless the new act contains the section or sections as amended, and the section or sections so amended shall be repealed.

(c) An amendatory bill or constitutional provision shall be so prepared and printed as to show the new matter proposed, old matter to be retained, and old matter to be omitted from the statutes or constitution.

(d) Appropriations bills and "A" bills shall contain the following elements:

- (1) the phrase there is hereby appropriated;
- (2) a specific fund type shall be identified and the fund shall be appropriated;
- (3) the amount to be appropriated from such fund shall be identified;
- (4) a specific budget program or a specific statement reflecting the purpose for expending such funds shall be identified; and
- (5) the time period during which such funds shall be expended shall be identified.

Mr. V. Johnson asked unanimous consent to print the following proposed rule change. No objections. So ordered.

Rule 10 - 1986 Session Rules

Sec. 1. Rules promulgated and adopted as part of Rule 10 shall be in force and effect for the 89th Legislature, Second Session, only. The intent of this rule is to establish procedures for the enactment of legislation, constitutional amendments and resolutions for the 1986 regular session only.

All other rules as adopted by the 89th Legislature, Second Session, shall be in force and effect except where they may come in conflict with any of the provisions of Rule 10. In such a case the provisions of Rule 10 shall control.

Sec. 2. Introduction of New Bills. (a) Members shall introduce only such bills as they are willing to endorse and support personally. The last name and district shall be used, unless an initial or name is necessary to identify the introducer.

(b) A standing committee or special committee may introduce a bill for any purpose, including at the request of another senator, provided said bill receives the endorsement of a majority of the committee members whose names shall be on the bill.

(c) No bills shall be introduced after the seventh legislative day of the 1986 regular session, except:

1. "A" bills, appropriation bills, and bills introduced at the request of the Governor may be introduced at any time;

2. A standing committee or special committee may request that the Legislature consider introduction of a bill. A vote of three-fifths of the elected members of the Legislature shall be required for such bill to be introduced, and a copy of the statement of intent for such bill must be placed on each member's desk before introduction of the bill is voted upon;

(d) Individual members shall not be limited as to a bill introduction. Each committee shall be limited to 8 bills each session.

Bills introduced as a result of an interim study of the Legislative Council shall be included within the limitations prescribed by this section. Bills introduced under Rule 5, Section 3(a) and bills introduced at the request of the Governor will not be included in the limitation.

(e) The introducers of all bills must submit a statement of intent for each bill to the appropriate committee chairperson at least 24 hours prior to the bill's hearing. The statement of intent should discuss clearly and completely the purposes and effects of the bill.

Sec. 3. The Reference Committee shall refer all bills and constitutional amendments to the appropriate committee or to General File. The appropriate committee is that committee which has subject-matter jurisdiction over the issue or which has traditionally handled the issue.

Sec. 4. Each committee to whom bills and constitutional amendments are referred, shall by a majority vote of the committee, decide which bills and constitutional amendments shall receive a public hearing. All public hearings on bills and constitutional amendments shall be completed by the twenty-fifth legislative day. All bills and constitutional amendments not receiving a public hearing shall be deemed to be indefinitely postponed. Each committee shall report to the Legislature by filing with the Clerk a list by the 10th legislative day on those bills and constitutional amendments scheduled for public hearing.

Sec. 5. Any introducer of a bill or constitutional amendment, or in the case of a committee bill, the committee chairman, may file a motion to revive a bill which stands indefinitely postponed pursuant to Rule 10, Section 4. Such motion must be filed within two legislative days of the report of the committee required by Section 4. This motion must be disposed of within two legislative days after its filing. The motion shall require 25 votes to be successful. If 25 members vote to revive such bill or constitutional amendment, then the committee to whom the bill or constitutional amendment was referred shall conduct a public hearing on said bill or constitutional amendment.

Sec. 6. All one day standing committees and the Retirement System Committee shall report no more than five bills or constitutional amendments to General File. All two day standing committees shall report no more than ten bills or constitutional amendments to General File. All three day standing committees shall report no more than fifteen bills or constitutional amendments to General File. Any

other committee(s) to whom bills or constitutional amendments are referred shall report no more than five bills or constitutional amendments to General File. This limitation shall not apply to the Appropriations Committee.

Mr. Harris asked unanimous consent to print the following proposed rule change. No objections. So ordered.

RULE 10 - 1986 Session Rules

Sec. 1. Rules promulgated and adopted as part of Rule 10 shall be in force and effect for the 89th Legislature, Second Session, only. The intent of this rule is to establish a special procedure for the selection of priority bills and constitutional amendment resolutions during the 1986 regular session only.

All other rules, except for Rule 5, Section 5, as adopted by the 89th Legislature, Second Session, shall be in force and effect except where they may come in conflict with any of the provisions of Rule 10. In such a case, the provisions of Rule 10 shall control.

Sec. 2. Scheduling of Bills, Priority Bills. (a) Each senator may designate two bills as priority bills. Such priority bills need not be the designator's bills, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(b) The bills designated as priority bills in the 1985 ninety-day session shall not carry over their priority status into the 1986 sixty-day session, but may be designated as one of the senator's two priority bills of the 1986 session.

(c) Priority bill designations may be made at any time prior to the annual designation deadline. The designation deadline shall be the fifteenth legislative day of the 1986 session.

(d) A senator may withdraw a priority designation at any time, but will not be allowed to designate another bill as a priority bill in its place.

(e) All committees shall schedule priority bills for public hearing ahead of all unscheduled, nonpriority bills unless the person making the priority designation shall otherwise agree.

(f) All bills not designated as priority bills shall be heard on General File in the order in which they are reported to the floor by the committees, unless the introducer of the bill and the Speaker agree to delay the hearing of a particular bill. This provision shall not be construed to prevent the Speaker from placing bills reported out of committee with two or less dissenting votes on a consent calendar. Any bill placed on consent calendar shall be removed at the written request of three or more senators.

(g) Priority bills shall generally be considered ahead of all other bills at each stage of debate, except that priority bills requiring the expenditure of appropriated funds shall be held on Final Reading until such time as the annual appropriations bills have been passed. A priority bill which fails to advance after two votes on General File, or after one vote on Select File, shall return to nonpriority status.

(h) No priority bill designated under this rule shall have priority over appropriations bills.

The Rules Committee asked unanimous consent to print the following proposed rule change. No objections. So ordered.

PROPOSED AMENDMENTS TO LEGISLATIVE RULES:

1. Amend Rule 3, Section 1, Subsection (b), and add the following new sentence at the end of the subsection.

“A committee’s particular jurisdiction shall also include review of the budgets of agencies, boards, and commissions reasonably encompassed in its subject matter jurisdiction.”

2. Amend Rule 5, Section 6, and add the following new subsection (1):

“(1) The Fiscal Analyst shall, as required by the Executive Board, provide assistance to the standing committees in their budget review process as provided in Rule 8.”

3. Amend Rule 8, Section 1, to read as follows:

“Section 1. Purpose. The purpose of this rule is to provide a procedure for the Legislature to develop appropriations for all state agencies, boards, and commissions. Such procedure shall consider the need to (1) continue the services and financial assistance provided by state agencies and programs, ~~and~~ (2) restrict the growth in state

appropriations- , and (3) provide for the efficient and effective use of state revenue by utilizing standing committee subject matter expertise in the review of agency, board, and commission budget requests."

4. Amend Rule 8: Add the following new Section 4:

"Sec. 4. STANDING COMMITTEE APPROPRIATIONS REVIEW. (a) Each standing committee may hold a budget request review hearing on the agency, board, and commission budgets reasonably encompassed in its subject matter jurisdiction. The standing committee shall obtain a determination from the Executive Board that the budget to be reviewed is within its subject matter jurisdiction. It may make recommendations with regard to proposed appropriations to the Appropriations Committee.

(b) The Chairperson of each committee may, when the budget review hearing on each agency, board, and commission is complete, submit a standing committee appropriations review statement which shall contain, but need not be limited to, the following information:

(1) the identity of the agency, board, or commission budget reviewed,

(2) the date of the hearing,

(3) a list of all the individuals testifying with regard to the budget,

(4) a summary of requested and proposed changes to the original agency, board, or commission budget, and

(5) a summary and explanation of standing committee recommendations on the agency, board, or commission budget in such form as the standing committee deems appropriate.

(c) A copy of the proposed standing committee appropriations review statement shall be distributed to each committee member within five days after final committee action on the budget review hearing has been taken by the committee. A minority or concurring statement bearing the signature or signatures of its proponents and setting forth objections to the standing committee appropriations review statement may be filed by its author(s) with the Clerk of the Legislature at any time prior to the first hearing of the Appropriations Bill on General File.

(d) A copy of the standing committee appropriations review statement and any minority statements submitted shall be distributed to each Senator after filing one copy with the Appropriations Committee Chairman and one with the Clerk of the Legislature. Distribution to senators shall be the responsibility of the Clerk of the Legislature.

(e) The Appropriations Committee shall review each standing committee appropriations review statement prior to final action by

the Appropriations Committee and placement of the appropriations bills on General File, if such statement is received prior to final action on the permanent budget. The Appropriations Committee shall not be bound to adopt the recommendations in the standing committee appropriations review statement.

(f) The Appropriations Committee shall make available to the appropriate standing committee all currently available information at its disposal."

Renumber remaining sections accordingly.

The Rules Committee asked unanimous consent to print the following proposed rule change. No objections. So ordered.

Rule 5, Sec. 4(d)

(d) Individual members shall not be limited as to bill introduction. Each committee shall be limited to 8 bills each session. Bills introduced as a result of an interim study of the Legislative Council shall be included within the limitations described by this section. Special committees created as a result of an interim study resolution and as authorized by the Executive Board shall be considered as separate committees for purposes of the limitations prescribed by this section. Bills introduced under Rule 5, Section 3(a) and bills introduced at the request of the Governor will not be included in the limitation.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 812. By Barrett, 39th District.

A BILL FOR AN ACT relating to county officers; to amend sections 23-268, 23-1201.01, 23-1301, 23-1501, 23-1701, and 23-1901.01, Reissue Revised Statutes of Nebraska, 1943, and section 29-1804, Revised Statutes Supplement, 1984; to provide residency requirements for certain officers; and to repeal the original sections.

LEGISLATIVE BILL 813. By Barrett, 39th District.

A BILL FOR AN ACT relating to paternity; to amend section 43-1412, Reissue Revised Statutes of Nebraska, 1943, and section 43-1411, Reissue Revised Statutes of Nebraska, 1943, as amended by section 75, Legislative Bill 7, Eighty-ninth Legislature, Second Special

Session, 1985; to authorize the alleged father to institute a proceeding; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 814. By Barrett, 39th District.

A BILL FOR AN ACT relating to the Legislature; to eliminate the Telecommunications Committee; and to repeal sections 50-424 and 50-425, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 815. By DeCamp, 40th District; Haberman, 44th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2702, Revised Statutes Supplement, 1985; to provide an additional definition of occasional sale; and to repeal the original section.

LEGISLATIVE BILL 816. By Revenue Committee: V. Johnson, 8th District, Chairperson; Hartnett, 45th District; Hefner, 19th District; Landis, 46th District; Miller, 37th District; Pirsch, 10th District; Rogers, 41st District; Sieck, 24th District.

A BILL FOR AN ACT relating to taxation; to amend sections 77-1239, 77-1239.01, 77-1239.02, 77-1240, 77-1240.01, 77-1240.04, 77-1241.01, and 77-1242.02, Reissue Revised Statutes of Nebraska, 1943, and section 77-201, Revised Statutes Supplement, 1985; to change provisions relating to the taxation of motor vehicles; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 817. By Revenue Committee: V. Johnson, 8th District, Chairperson; Hartnett, 45th District; Hefner, 19th District; Landis, 46th District; Miller, 37th District; Pirsch, 10th District; Rogers, 41st District; Sieck, 24th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-507.01, 77-803, 77-1211, 77-1247, 77-1337, and 77-1718, Reissue Revised Statutes of Nebraska, 1943, sections 77-202.01, 77-202.03, 77-423, and 77-1502, Revised Statutes Supplement, 1984, and sections 77-605, 77-627, 77-802, 77-1359, and 77-1360, Revised Statutes Supplement, 1985; to change provisions relating to what property is taxable and the hearing procedure, county assessors, equalization, and penalties for failure to make returns or reports; to redefine terms; to harmonize provisions; to eliminate a duty, provisions relating to violation of tax levy certification, provisions

relating to listing of certain personal property, certification requirement of an assessor, certain training programs, and a penalty for car companies; and to repeal the original sections, and also sections 77-202.33, 77-1203 to 77-1206, 77-1326, and 77-1335, Reissue Revised Statutes of Nebraska, 1943, and section 77-632, Revised Statutes Supplement, 1985.

LEGISLATIVE BILL 818. By R. Johnson, 34th District.

A BILL FOR AN ACT relating to fuel; to state intent; and to authorize the creation of a plan to increase the production and use of ethanol as prescribed.

UNANIMOUS CONSENT - Member Excused

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Adopt Permanent Rules

The Rules Committee offered the following proposed rule change:
Rule 2, Sec. 3(g)

(g) Members shall remain in their seats during the Final Reading of a bill and until the vote thereon has been announced, except when excused by the President or during discussion of amendments or motions offered pursuant to Rule 6, Section 8.

The Chair ordered a roll call vote.

Voting in the affirmative, 34:

Abboud	Goodrich	Johnson, V.	Morehead	Sieck
Baack	Hannibal	Labeledz	Nelson	Smith
Beyer	Hartnett	Lamb	Nichol	Vickers
Chambers	Hefner	Landis	Remmers	Warner
Chizek	Higgins	Lundy	Rogers	Wesely
Conway	Hoagland	Lynch	Rupp	Withem
Eret	Johnson, L.	Miller	Scofield	

Voting in the negative, 4:

Barrett	Carsten	Hall	Harris
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Present and not voting, 2:

Marsh Pirsch

Excused and not voting, 9:

Beutler	DeCamp	Haberman	Pappas	Schmit
Chronister	Goll	Johnson, R.	Peterson	

The proposed rule change was adopted with 34 ayes, 4 nays, 2 present and not voting, and 9 excused and not voting.

The Rules Committee offered the following proposed rule change:
Rule 7, Sec. 9

Sec. 9. Motion to Adjourn. A motion to adjourn shall be in order, except:

- a. While a member is speaking
- b. When a motion to adjourn has just been defeated.
- c. After the Final Reading of a bill and during roll call thereon.

A motion to adjourn to a time certain shall have precedence over a motion to adjourn. A motion to recess shall take precedence over either of such motions.

When a motion to adjourn or recess has been made, the Speaker shall be privileged to speak to the motion prior to any vote on such motion. A motion to adjourn or recess is not debatable.

A motion to adjourn or recess shall be adopted if approved by a majority of members voting.

The Chair ordered a roll call vote.

Voting in the affirmative, 33:

Abbound	Eret	Hoagland	Morehead	Rupp
Baack	Goodrich	Johnson, L.	Nelson	Scofield
Barrett	Hannibal	Johnson, V.	Nichol	Sieck
Beyer	Harris	Labeledz	Pirsch	Smith
Chizek	Hartnett	Lamb	Remmers	Warner
Chronister	Hefner	Landis	Rogers	Withem
Conway	Higgins	Lundy		

Voting in the negative, 3:

Carsten Chambers Hall

Present and not voting, 5:

Lynch Marsh Miller Vickers Wesely

Excused and not voting, 8:

Beutler Goll Johnson, R. Peterson Schmit
DeCamp Haberman Pappas

The proposed rule change was adopted with 33 ayes, 3 nays, 5 present and not voting, and 8 excused and not voting.

Mr. Hall asked unanimous consent to be excused. No objections. So ordered.

ANNOUNCEMENT

Mr. R. Johnson announced the Standing Committee on Agriculture and Environment will hold an Executive Session on Thursday, January 9, 1986 at 11:00 a.m., in Room 1520 of the State Capitol.

RESOLUTION

LEGISLATIVE RESOLUTION 309CA.

Introduced by Barrett, 39th District.

A Resolution to propose an amendment to Article III, section 10, and Article III, section 14, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 10, and Article III, section 14, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

“Sec. 10. Beginning with the year 1975, regular sessions of the Legislature shall be held annually; commencing at 10 a.m. on the first Wednesday after the first Monday in January of each year. The duration of regular sessions held shall not exceed ninety legislative

days in odd-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature; and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature. Bills and resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next regular session; as if there had been no such adjournment. ~~The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided.~~ A majority of the members elected to the Legislature shall constitute a quorum. ~~The ; the~~ Legislature shall determine the rules of its proceedings, and be the judge of the election, returns, and qualifications of its members, ~~shall and~~ choose its own officers, including a Speaker to preside, ~~when the Lieutenant Governor shall be absent, incapacitated, or shall act as Governor.~~ No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who shall be guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.

Sec. 14. Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member. ~~The , and the~~ bill and all amendments thereto shall be printed and read at large before the vote is taken upon its final passage. No such vote upon the final passage of any bill shall be taken, however, until five legislative days after its introduction nor until it has been on file for final reading and passage for at least one legislative day. No bill shall contain more than one subject, and the same shall be clearly expressed in the title. ~~And no~~ No law shall be amended unless the new act contain the section or sections as amended and the section or sections so amended shall be repealed. ~~The Lieutenant Governor, or the Speaker if acting as~~ presiding officer; shall sign, in the presence of the Legislature while the same is in session and capable of transacting business, all bills and resolutions passed by the Legislature.”.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

“A constitutional amendment to eliminate the duties of the Lieutenant Governor as the presiding officer of the Legislature.

For
Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 819. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to land reutilization authorities; to amend section 77-3209, Reissue Revised Statutes of Nebraska, 1943, and section 77-3211, Revised Statutes Supplement, 1984; to change provisions relating to cancellation of tax bills; and to repeal the original sections.

LEGISLATIVE BILL 820. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to schools; to amend section 79-547, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to lunch periods for teachers; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 821. By Landis, 46th District.

A BILL FOR AN ACT relating to natural gas; to amend section 32-1001.37, Reissue Revised Statutes of Nebraska, 1943; to state intent; to create the Nebraska Natural Gas Service Commission; to provide for membership; to provide for elections; to provide powers and duties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 822. By Hoagland, 6th District.

A BILL FOR AN ACT relating to the Public Employees Retirement Board; to amend section 84-1501, Reissue Revised Statutes of Nebraska, 1943; to change the membership and terms of the members of the board; and to repeal the original section.

VISITOR

Visitor to the Chamber was Halina Nowak from Poland.

ADJOURNMENT

At 4:02 p.m., on a motion by Mr. Rupp, the Legislature adjourned until 9:00 a.m., Thursday, January 9, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

SECOND DAY - JANUARY 9, 1986

LEGISLATIVE JOURNAL

SECOND DAY - JANUARY 9, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 9, 1986

Pursuant to adjournment, the Legislature met at 9:03 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. Lew Champ, Bethany Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Barrett, Beutler, Chambers, DeCamp, Lynch, Schmit, Warner, Wesely, Mesdames Marsh, Morehead, Nelson, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the First Day was approved.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 643 in the Journal. No objections. So ordered.

AM1683

- 1 1. On page 7, line 21, after the semicolon
- 2 insert "and"; and strike beginning with "The" in line 22
- 3 through "(5)" in line 27.

Mr. Withem asked unanimous consent to print the following amendment to LB 701 in the Journal. No objections. So ordered.

AM1682

1 1. On page 2, in lines 10, 13, and 15 strike
2 "and"; in lines 16, 18, and 19 strike the new matter; in
3 line 21 after "cords" insert ". A hearing aid shall
4 also be known as a hearing instrument"; in line 22
5 strike "and" and show as stricken; and in lines 23 and
6 27 strike the new matter.

7 2. On page 3, line 7, after "excluding"
8 insert "(a)"; in line 8 after "dispensers" insert "and
9 (b) distribution of hearing aids by nonprofit service
10 organizations at no cost to the recipient for the
11 hearing aid"; and in lines 12 and 13, 15 and 16, and 24
12 and 25 strike "or instruments".

13 3. On page 4, line 3, strike the new matter;
14 in line 9 strike "and"; after line 15 insert:
15 "(3) Nothing in sections 71-4701 to 71-4719
16 shall prohibit the holder of a license from the fitting
17 and sale of wearable instruments or devices designed for
18 or offered for the purpose of conservation or protection
19 of hearing."; and in lines 19, 20, 21, 25, and 26 strike
20 the new matter.

21 4. On page 5, in lines 6 and 8 strike "and";
22 in lines 10, 19, and 21 strike the new matter; in line
1 25 strike "or instruments"; and in line 26 strike "he or
2 she" and insert "the person to whom the authority is
3 delegated".

4 5. On page 6, line 6, after "thirty" insert
5 "to fifty" and after "dollars" insert "as determined by
6 the board"; and in lines 18, 21, and 22 strike the new
7 matter.

8 6. On page 7, line 23, strike the new matter
9 and after the period insert "The applicant shall pay an
10 examination fee of thirty to fifty dollars as determined
11 by the board."

12 7. On page 8, strike beginning with
13 "required" in line 2 through "form" in line 4, show as
14 stricken, and insert "determined by the board, except
15 that a minimum of two examinations shall be offered each
16 calendar year"; in line 14 after "thirty" insert "to
17 fifty dollars as determined by the board."; in line 15
18 strike "dollars," and show as stricken; in line 17
19 strike the new matter; in line 18 strike "and"; strike

20 beginning with "by" in line 25 through "issued" in line
21 26, show as stricken, and insert "within twelve months
22 of the date of issuance of the temporary permit"; and in
23 line 27 after "thirty" insert "to fifty" and after
24 "dollars" insert "as determined by the board".

25 8. On page 9, in lines 7, 8, 11, and 15
26 strike the new matter; in line 19 after "audiometry"
1 insert an underscored semicolon; strike beginning with
2 the comma in line 19 through line 20 and show as
3 stricken; and in line 24 strike the new matter.

4 9. On page 10, line 5, strike the new matter;
5 in line 16 strike the new matter and strike "annually,
6 on", show as stricken, and insert "biennially"; in line
7 17 strike "or before December 31," and show as stricken;
8 in line 18 strike "thirty", show as stricken, and insert
9 "sixty to two hundred fifty" and after "dollars" insert
10 "as determined by the board"; and strike beginning with
11 "A" in line 23 through line 27 and show as stricken.

12 10. On page 11, line 1, strike beginning with
13 "additional" through the period and show as stricken.

14 11. On page 13, in lines 6 and 17 strike the
15 new matter; strike beginning with "certified" in line 25
16 through "(B)" in line 27; and in line 27 strike ", or
17 (c)" and insert "or (B)".

18 12. On page 14, line 1, after "specialist"
19 insert "if such title is granted by a national
20 association"; strike the new matter in lines 2, 3, 4, 7,
21 and 8; strike beginning with "Selling" in line 9 through
22 "(viii)" in line 22 and show the old matter as stricken;
23 in line 23 strike "(ix)", show as stricken, and insert
24 "(viii)"; in line 24 strike "(x)", show as stricken, and
25 insert "(ix)"; and strike lines 26 and 27 and show the
26 old matter as stricken.

1 13. On page 15, strike lines 1 through 3 and
2 show the old matter as stricken; in line 4 strike
3 "(xii)", show as stricken, and insert "(x)"; in line 7
4 strike "(xiii)", show as stricken, and insert "(xi)"; in
5 line 10 strike "(xiv)", show as stricken, and insert
6 "(xii)"; in line 16 strike "and"; in line 19 strike
7 "(xv)", show as stricken, and insert "(xiii)"; in line
8 21 strike "(xvi)", show as stricken, and insert "(xiv)";
9 in line 22 strike the new matter; in line 24 strike
10 "(xvii)", show as stricken, and insert "(xv)"; in line
11 25 strike the new matter; and in line 26 strike
12 "(xviii)", show as stricken, and insert "(xvi)".

- 13 14. On page 16, strike the new matter in
14 lines 8 and 9.
- 15 15. On page 17, line 2, strike the new
16 matter; strike beginning with "To" in line 3 through
17 "(5)" in line 6 and show as stricken; in line 7 strike
18 "(6)", show as stricken, and insert "(5)"; in line 8
19 strike "(7)", show as stricken, and insert "(6)"; in
20 line 10 strike "(8)", show as stricken, and insert
21 "(7)"; in line 12 strike "(9)", show as stricken, and
22 insert "(8)"; in line 16 strike "(10)", show as
23 stricken, and insert "(9)"; in line 20 strike "and"; and
24 in lines 24 through 27 strike the new matter and
25 reinstate the stricken matter.
- 26 16. On page 18, in lines 3 and 5 strike
1 "and"; and strike the new matter in lines 15 through 18.
- 2 17. On page 19, line 16, strike the new
3 matter and reinstate the stricken matter.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 325 in the Journal. No objections. So ordered.

AM1703

- 1 1. Insert the following new sections:
2 "Section 1. That section 79-1522.01, Revised
3 Statutes Supplement, 1984, be amended to read as
4 follows:
5 79-1522.01. In lieu of the school retirement
6 allowance provided by section 79-1522, any member who is
7 an employee of a Class I, II, III, IV, or VI school
8 district and who becomes eligible to make application
9 for and receive a school retirement allowance under ~~the~~
10 ~~provisions of~~ sections 79-1520 and 79-1521 may elect to
11 receive a formula annuity retirement allowance.
12 Subject to the other provisions of this
13 section, the monthly formula annuity in the normal form
14 shall be determined by multiplying the number of years
15 of service for which such member would otherwise receive
16 the service annuity provided by section 79-1522, (1) by
17 one and one-quarter per cent of his or her final average
18 compensation, (2) by one and one half per cent of his or
19 her final average compensation, or (3) by one and
20 sixty-five hundredths per cent of his or her final
21 average compensation. If the annuity begins prior to
22 the sixty-fifth birthday of the member and the member's
1 age plus the member's years of creditable service equals

2 ninety or more years, no reduction in the annuity shall
3 be made. If the annuity begins prior to the sixty-fifth
4 birthday of the member, the member has completed five or
5 more years of creditable service, and the member's age
6 plus the member's years of creditable service equals
7 less than ninety years, the annuity at the date it
8 begins shall be the actuarial equivalent of the formula
9 annuity deferred to the sixty-fifth birthday of the
10 member. A member must have acquired the equivalent of
11 one half year of service or more as a public school
12 employee under the school retirement system following
13 August 24, 1975, to be eligible for computation of his
14 or her formula annuity using one and one-quarter per
15 cent of his or her final average compensation as one of
16 the factors, must have acquired the equivalent of one
17 half year of service or more as a public school employee
18 under the school retirement system following July 17,
19 1982, to be eligible for computation of his or her
20 formula annuity using one and one half per cent of his
21 or her final average compensation as one of the factors,
22 or must have acquired the equivalent of one half year of
23 service or more as a public school employee under the
24 school retirement system following July 1, 1984, to be
25 eligible for computation of his or her formula annuity
26 using one and sixty-five hundredths per cent of his or
1 her final average compensation as one of the factors.

2 The normal form of the formula annuity shall
3 be an annuity payable monthly during the remainder of
4 the member's life with the provision that in the event
5 of his or her death before sixty monthly payments have
6 been made the monthly payments shall be continued to his
7 or her estate or to such beneficiary as he or she shall
8 have designated until sixty monthly payments have been
9 made. A member may elect to receive in lieu of the
10 normal form of annuity an actuarially equivalent annuity
11 in any optional form provided by section 79-1530.

12 Final average compensation shall be determined
13 by dividing the member's total compensation subject to
14 required deposits for the three fiscal years in which
15 such compensation was the highest, by thirty-six. If a
16 member has such compensation for less than three such
17 fiscal years his or her final average compensation shall
18 be determined by dividing his or her total compensation
19 in all such years by twelve times the total number of
20 years of his or her service therefor. A member must

21 have acquired the equivalent of one half year of service
22 or more as a public school employee under the school
23 retirement system following August 24, 1975, to be
24 eligible for computation of his or her formula annuity
25 using only five fiscal years in the determination of his
26 or her final average compensation.

1 All formula annuities shall be paid from the
2 Annuity Reserve Fund. Upon the granting of a formula
3 annuity, there shall be transferred to the Annuity
4 Reserve Fund: (a) From the Service Annuity Fund, the
5 value of the service annuity which would otherwise be
6 payable; (b) from the School Employees' Savings Fund,
7 the accumulated contributions of the member; and (c)
8 from the School Employer's Deposit Fund, the value of
9 the formula annuity in excess of the amounts transferred
10 from the Service Annuity Fund and the School Employees'
11 Savings Fund.

12 For the purpose of providing the funds to be
13 transferred from the School Employer's Deposit Fund for
14 formula annuities, every employer shall be required to
15 make deposits in the School Employer's Deposit Fund.
16 Such deposits shall be a uniform percentage of the
17 required contributions of the school employees of each
18 employer and shall be transmitted to the retirement
19 board at the same time and in the same manner as such
20 required employee contributions. In the fiscal year
21 commencing July 1, 1968, such uniform percentage shall
22 be twenty per cent of the required school employee
23 contributions. For each fiscal year thereafter such
24 uniform percentage shall be determined by the retirement
25 board upon recommendation of the actuary and shall be
26 determined by deducting from the then present value of
1 all future amounts to be transferred from the School
2 Employer's Deposit Fund the amount then credited to such
3 fund and dividing the remainder by the present value of
4 the prospective future required contributions of all
5 employees of the school districts covered by this
6 section.

7 Sec. 2. That section 79-1522.02, Revised
8 Statutes Supplement, 1984, be amended to read as
9 follows:

10 79-1522.02. No provision of section 79-1512,
11 79-1522.01, 79-1531, 79-1533, or 79-1540 which would
12 result in an increase in benefits that would have been
13 payable prior to July 1, 1984, shall apply to any person

14 until that person has acquired the equivalent of one
15 half year of service or more as a ~~public~~ school employee
16 under the school retirement system following July 1,
17 1984.

18 No provision of sections 79-1522.01, 79-1529,
19 79-1531, or 79-1533 which would result in an increase in
20 benefits that would have been payable prior to July 1,
21 1986, shall apply to any person until that person has
22 acquired the equivalent of one half year of service or
23 more as a school employee under the school retirement
24 system following January 1, 1986.

25 Sec. 3. That section 79-1529, Reissue Revised
26 Statutes of Nebraska, 1943, be amended to read as
1 follows:

2 79-1529. If any member ceases to be a school
3 employee for any reason other than death, before
4 qualifying for retirement under sections 79-1520 and
5 79-1521, the board shall, upon request, issue him or her
6 a certified service record and statement of accumulated
7 contributions and retain such member's accumulated
8 contributions. In such event, no further contributions
9 shall be required, interest on accumulated contributions
10 shall continue to be credited to his or her account, and
11 none of the member's retirement rights shall be
12 canceled. At age sixty-five or at any time the member's
13 age plus the member's years of creditable service is
14 ninety or more years, such member shall become eligible
15 to the retirement allowance provided in sections 79-1522
16 and 79-1522.01. Any deferred formula annuity provided
17 shall be based on the member's salary preceding the date
18 of termination as if the member had retired on his or
19 her date of termination. At the option of the
20 terminating member, if his or her age plus years of
21 creditable service is less than ninety years, such
22 annuity may commence at any time after such member
23 attains the age of sixty and before his or her
24 sixty-fifth birthday on an actuarially reduced basis.
25 Such election by the terminating member may be made at
26 any time prior to the commencement of the annuity
1 payments.

2 Sec. 4. That section 79-1531, Revised
3 Statutes Supplement, 1985, be amended to read as
4 follows:

5 79-1531. (1) Each member of the retirement
6 system shall be required to make a deposit, or have a

7 deposit made on his or her behalf, in the School
8 Employees' Savings Fund equal to ~~four and eight-tenths~~
9 five and five-tenths per cent of all compensation. All
10 amounts deposited by or on behalf of any school employee
11 shall be held for the benefit of the individual school
12 employee in the School Employees' Savings Fund and shall
13 be credited to his or her account in this fund for the
14 purpose of providing an annuity or other benefit as
15 provided in sections 79-1501 to 79-1557.

16 (2) The employer shall pick up the member
17 contributions required by this section for all
18 compensation paid on or after January 1, 1986, and the
19 contributions so picked up shall be treated as employer
20 contributions in determining federal tax treatment under
21 the United States Internal Revenue Code, except that the
22 employer shall continue to withhold federal income taxes
23 based upon these contributions until the Internal
24 Revenue Service, or the federal courts, rule that,
25 pursuant to section 414(h) of the United States Internal
26 Revenue Code, these contributions shall not be included
1 as gross income of the member until such time as they
2 are distributed or made available. The employer shall
3 pay these member contributions from the same source of
4 funds which is used in paying earnings to the member.
5 The employer shall pick up these contributions by a
6 salary deduction either through a reduction in the cash
7 salary of the member or a combination of a reduction in
8 salary and offset against a future salary increase.
9 Member contributions picked up shall be treated for all
10 purposes of sections 79-1501 to 79-1565 in the same
11 manner and to the same extent as member contributions
12 made prior to the date picked up.

13 Sec. 5. That section 79-1533, Revised
14 Statutes Supplement, 1984, be amended to read as
15 follows:

16 79-1533. Every employer shall deduct and
17 withhold from the compensation as a school employee of
18 each member on each and every payroll period after such
19 school employee becomes a member of the retirement
20 system ~~four and eight-tenths~~ five and five-tenths per
21 cent of such compensation of such member pursuant to
22 section 79-1531. The employer, through its proper
23 agents, the city or county superintendent, or the
24 secretary of the school board or board of education,
25 shall transmit monthly, quarterly, or semiannually if

26 the retirement board shall so direct a copy of such
1 payroll, in such form as shall be approved by the
2 retirement board, and a remittance payable to the order
3 of the State Treasurer for all deductions from the
4 compensation of members on such payroll. The
5 remittances may be by draft, money order, check, or
6 otherwise according to the rule adopted by the
7 retirement board. All such amounts due to the
8 retirement board shall bear interest at the rate of six
9 per cent per annum if the payment of the same is delayed
10 more than thirty days after the time prescribed for
11 payment. The proceeds of the interest charge shall be
12 used to reimburse the account of each school employee,
13 deprived of interest by the delay, with regular
14 interest, and the balance shall be paid into the School
15 Employees' Savings Fund of the retirement system.

16 Sec. 14. This act shall become operative on
17 July 1, 1986.

18 Sec. 16. Since an emergency exists, this act
19 shall be in full force and take effect, from and after
20 its passage and approval, according to law.”.

21 2. On page 12, line 15, strike “79-1565” and
22 insert “79-1529, 79-1565,”; in line 16 strike “and”; in
23 line 17 after “sections” insert “79-1522.01, 79-1522.02,
24 79-1533,”; and in line 18 before “are” insert “and
25 section 79-1531, Revised Statutes Supplement, 1985,”.

26 3. Renumber remaining sections accordingly.

Mr. Pappas asked unanimous consent to print the following amendment to LB 325 in the Journal. No objections. So ordered.

AM1685

1 1. Insert the following new sections:
2 “Section 1. That section 79-1522.01, Revised
3 Statutes Supplement, 1984, be amended to read as
4 follows:
5 79-1522.01. In lieu of the school retirement
6 allowance provided by section 79-1522, any member who is
7 an employee of a Class I, II, III, IV, or VI school
8 district and who becomes eligible to make application
9 for and receive a school retirement allowance under the
10 ~~provisions of~~ sections 79-1520 and 79-1521 may elect to
11 receive a formula annuity retirement allowance.

12 Subject to the other provisions of this
13 section, the monthly formula annuity in the normal form

14 shall be determined by multiplying the number of years
15 of service for which such member would otherwise receive
16 the service annuity provided by section 79-1522, (1) by
17 one and one-quarter per cent of his or her final average
18 compensation, (2) by one and one half per cent of his or
19 her final average compensation, or (3) by one and
20 sixty-five hundredths per cent of his or her final
21 average compensation. If the annuity begins prior to
22 the sixty-fifth birthday of the member, the annuity at
1 the date it begins shall be ~~the actuarial equivalent of~~
2 ~~the formula annuity deferred to the sixty-fifth birthday~~
3 ~~of the member~~ reduced by (a) three per cent for each
4 year after the member's sixtieth birthday and prior to
5 his or her sixty-fifth birthday and (b) five per cent
6 for each year after the member's fifty-fifth birthday
7 and prior to his or her sixtieth birthday. A member
8 must have acquired the equivalent of one half year of
9 service or more as a public school employee under the
10 school retirement system following August 24, 1975, to
11 be eligible for computation of his or her formula
12 annuity using one and one-quarter per cent of his or her
13 final average compensation as one of the factors, must
14 have acquired the equivalent of one half year of service
15 or more as a public school employee under the school
16 retirement system following July 17, 1982, to be
17 eligible for computation of his or her formula annuity
18 using one and one half per cent of his or her final
19 average compensation as one of the factors, or must have
20 acquired the equivalent of one half year of service or
21 more as a public school employee under the school
22 retirement system following July 1, 1984, to be eligible
23 for computation of his or her formula annuity using one
24 and sixty-five hundredths per cent of his or her final
25 average compensation as one of the factors.

26 The normal form of the formula annuity shall
1 be an annuity payable monthly during the remainder of
2 the member's life with the provision that in the event
3 of his or her death before sixty monthly payments have
4 been made the monthly payments shall be continued to his
5 or her estate or to such beneficiary as he or she shall
6 have designated until sixty monthly payments have been
7 made. A member may elect to receive in lieu of the
8 normal form of annuity an actuarially equivalent annuity
9 in any optional form provided by section 79-1530.

10 Final average compensation shall be determined

11 by dividing the member's total compensation subject to
12 required deposits for the three fiscal years in which
13 such compensation was the highest, by thirty-six. If a
14 member has such compensation for less than three such
15 fiscal years his or her final average compensation shall
16 be determined by dividing his or her total compensation
17 in all such years by twelve times the total number of
18 years of his or her service therefor. A member must
19 have acquired the equivalent of one half year of service
20 or more as a public school employee under the school
21 retirement system following August 24, 1975, to be
22 eligible for computation of his or her formula annuity
23 using only five fiscal years in the determination of his
24 or her final average compensation.

25 All formula annuities shall be paid from the
26 Annuity Reserve Fund. Upon the granting of a formula
1 annuity, there shall be transferred to the Annuity
2 Reserve Fund: (a) From the Service Annuity Fund, the
3 value of the service annuity which would otherwise be
4 payable; (b) from the School Employees' Savings Fund,
5 the accumulated contributions of the member; and (c)
6 from the School Employer's Deposit Fund, the value of
7 the formula annuity in excess of the amounts transferred
8 from the Service Annuity Fund and the School Employees'
9 Savings Fund.

10 For the purpose of providing the funds to be
11 transferred from the School Employer's Deposit Fund for
12 formula annuities, every employer shall be required to
13 make deposits in the School Employer's Deposit Fund.
14 Such deposits shall be a uniform percentage of the
15 required contributions of the school employees of each
16 employer and shall be transmitted to the retirement
17 board at the same time and in the same manner as such
18 required employee contributions. In the fiscal year
19 commencing July 1, 1968, such uniform percentage shall
20 be twenty per cent of the required school employee
21 contributions. For each fiscal year thereafter, such
22 uniform percentage shall be determined by the retirement
23 board upon recommendation of the actuary and shall be
24 determined by deducting from the then present value of
25 all future amounts to be transferred from the School
26 Employer's Deposit Fund the amount then credited to such
1 fund and dividing the remainder by the present value of
2 the prospective future required contributions of all
3 employees of the school districts covered by this

4 section.

5 Sec. 2. That section 79-1529, Reissue Revised
6 Statutes of Nebraska, 1943, be amended to read as
7 follows:

8 79-1529. If any member ceases to be a school
9 employee for any reason other than death, before
10 qualifying for retirement under sections 79-1520 and
11 79-1521, the board shall, upon request, issue him or her
12 a certified service record and statement of accumulated
13 contributions and retain such member's accumulated
14 contributions. In such event, no further contributions
15 shall be required, interest on accumulated contributions
16 shall continue to be credited to his or her account, and
17 none of the member's retirement rights shall be
18 canceled. At age sixty-five such member shall become
19 eligible to the retirement allowance provided in
20 sections 79-1522 and 79-1522.01. Any deferred formula
21 annuity provided shall be based on the member's salary
22 preceding the date of termination as if the member had
23 retired on his or her date of termination. At the
24 option of the terminating member, such annuity may
25 commence at any time after such member attains the age
26 of ~~sixty~~ fifty-five and before his or her sixty-fifth
1 birthday ~~on an actuarially reduced basis and shall be~~
2 ~~reduced by the percentages prescribed in section~~
3 79-1522.01. Such election by the terminating member may
4 be made at any time prior to the commencement of the
5 annuity payments.”.

6 2. On page 12, line 15, after “sections”
7 insert “79-1529,”; and in line 17 after “sections”
8 insert “79-1522.01,”.

9 3. In the Standing Committee amendments,
10 AM1112, on page 1, line 3, strike “7” and insert “9”.

11 4. Renumber the remaining sections
12 accordingly.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report
on the referral of legislative bills 729-753, 755-811, and LR 304-307.

LB Committee
729 General File
730 General File
731 General File

732	General File
733	General File
734	General File
735	General File
736	General File
737	General File
738	General File
739	General File
740	General File
741	General File
742	General File
743	General File
744	General File
745	General File
746	General File
747	General File
748	General File
749	General File
750	General File
751	Education
752	Appropriations
753	Revenue
755	Judiciary
756	Miscellaneous Subjects
757	Education
758	Revenue
759	Public Works
760	Judiciary
761	Urban Affairs
762	Miscellaneous Subjects
763	Public Health and Welfare
764	Nebraska Retirement Systems
765	Government, Military and Veterans Affairs
766	Miscellaneous Subjects
767	Banking, Commerce and Insurance
768	Agriculture and Environment
769	Public Works
770	Miscellaneous Subjects
771	Judiciary
772	Judiciary
773	Public Health and Welfare
774	Revenue
775	Agriculture and Environment
776	Government, Military and Veterans Affairs
777	Government, Military and Veterans Affairs

778	Public Works
779	Public Works
780	Public Works
781	Banking, Commerce and Insurance
782	Public Health and Welfare
783	Public Works
784	Education
785	Government, Military and Veterans Affairs
786	Public Works
787	Public Works
788	Judiciary
789	Revenue
790	Public Works
791	Judiciary
792	Banking, Commerce and Insurance
793	Miscellaneous Subjects
794	Nebraska Retirement Systems
795	Agriculture and Environment
796	Education
797	Judiciary
798	Revenue
799	Business and Labor
800	Revenue
801	Banking, Commerce and Insurance
802	Education
803	Miscellaneous Subjects
804	Banking, Commerce and Insurance
805	Judiciary
806	Government, Military and Veterans Affairs
807	Public Works
808	Urban Affairs
809	Business and Labor
810	Business and Labor
811	Business and Labor

LR	Committee
304	Constitutional Revision and Recreation
305	Constitutional Revision and Recreation
306	Constitutional Revision and Recreation
307	Constitutional Revision and Recreation

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

RESOLUTION

LEGISLATIVE RESOLUTION 308. Read. Considered.

LR 308 was adopted with 29 ayes, 0 nays, and 20 not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Goll asked unanimous consent to be excused until he returns.
No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 823. By Peterson, 21st District; Lundy, 36th District; Lamb, 43rd District; Hefner, 19th District; Chronister, 18th District; Pirsch, 10th District; Higgins, 9th District; Remmers, 1st District; Nichol, 48th District; DeCamp, 40th District; Beyer, 3rd District; Goodrich, 20th District.

A BILL FOR AN ACT relating to homicide; to amend section 29-2523, Reissue Revised Statutes of Nebraska, 1943; to provide aggravating circumstances relating to the death penalty; and to repeal the original section.

LEGISLATIVE BILL 824. By Peterson, 21st District; Sieck, 24th District; Abboud, 12th District; Hefner, 19th District; Chronister, 18th District; Higgins, 9th District; Remmers, 1st District; Barrett, 39th District; Beyer, 3rd District; Nichol, 48th District; Pirsch, 10th District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-409, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 5, Eighty-ninth Legislature, Second Special Session, 1985; to change operator's license application fee; and to repeal the original section.

LEGISLATIVE BILL 825. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Beyer, 3rd District; Haberman, 44th District; Harris, 27th District; Higgins, 9th District; Labedz, 5th District; Pappas, 42nd District; Schmit, 23rd District.

A BILL FOR AN ACT relating to holidays; to amend sections 25-2221, 62-301, 84-104.02, and 84-104.03, Reissue Revised Statutes of Nebraska, 1943; to specify an additional legal holiday; to redefine a term; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 826. By Withem, 14th District.

A BILL FOR AN ACT relating to anatomical gifts; to amend sections 71-4802, 71-4804, and 71-4812, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the execution of anatomical gifts as prescribed; to provide rules and regulations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 827. By Withem, 14th District.

A BILL FOR AN ACT relating to school funds; to amend section 79-1338, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the calculation of equalization aid; and to repeal the original section.

LEGISLATIVE BILL 828. By Withem, 14th District.

A BILL FOR AN ACT relating to public health and welfare; to require a valve on certain plumbing fixtures; to provide a duty to inspect; to provide a penalty; and to harmonize provisions.

LEGISLATIVE BILL 829. By Smith, 33rd District.

A BILL FOR AN ACT relating to care management services for the elderly; to state intent; to provide powers and duties for the Department of Social Services and area agencies on aging; to provide for the establishment of long-term care management units; to provide for fees; and to provide for reimbursement.

LEGISLATIVE BILL 830. By Scofield, 49th District.

A BILL FOR AN ACT relating to municipalities; to authorize municipalities to issue notes as prescribed.

EASE

The Legislature was at ease from 9:27 a.m. until 9:50 a.m.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 831. By Pappas, 42nd District.

A BILL FOR AN ACT relating to fire protection districts; to amend section 35-508, Revised Statutes Supplement, 1985; to change provisions relating to the powers of the board of directors; and to repeal the original section.

LEGISLATIVE BILL 832. By Pappas, 42nd District.

A BILL FOR AN ACT relating to agricultural seeds; to amend section 81-2,147, Revised Statutes Supplement, 1985; to require sellers to provide certain information upon request; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 833. By Pappas, 42nd District.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-6,185, Reissue Revised Statutes of Nebraska, 1943; to provide an exception to load requirements for garbage trucks; and to repeal the original section.

LEGISLATIVE BILL 834. By Withem, 14th District; Hartnett, 45th District; Chizek, 31st District.

A BILL FOR AN ACT relating to education; to amend sections 79-490, 79-4,160, 79-1368, and 79-1369, Reissue Revised Statutes of Nebraska, 1943, and sections 79-4,102 and 79-12,145, Revised Statutes Supplement, 1984; to adopt the School Finance Act; to eliminate the School Foundation and Equalization Act; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also sections 79-1330 to 79-1332 and 79-1333.02 to 79-1344.01, Reissue Revised Statutes of Nebraska, 1943, and sections 79-1332.01, 79-1333, and 79-1333.01, Revised Statutes Supplement, 1984.

LEGISLATIVE BILL 835. By DeCamp, 40th District.

A BILL FOR AN ACT relating to telecommunications; to amend section 75-109, Reissue Revised Statutes of Nebraska, 1943; to state intent; to define terms; to provide for the deregulation of telecommunications; to provide procedures; to provide for the limitation of rate increases as prescribed; to provide for the joint

provision of service as prescribed; to limit liability as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 836. By Withem, 14th District.

A BILL FOR AN ACT relating to professional and occupational licenses; to amend section 71-101, Revised Statutes Supplement, 1984; to redefine an act; to provide duties for the Revisor of Statutes; to define and redefine terms; to provide additional powers for the Board of Examiners in Dentistry; to provide concurrent jurisdiction as prescribed; to provide for hearings and notice; to provide for rules and regulations; and to repeal the original section.

MOTION - Escort Governor

Mrs. Labedz moved that a committee of five be appointed to escort the Governor to the Chamber to deliver his State of the State and Budget Message.

The motion prevailed.

The Chair appointed Messrs. Warner, Harris, Hannibal, Mesdames Higgins, and Smith to serve on said committee.

The committee returned and escorted Governor Robert Kerrey to the Rostrum where he delivered the following State of the State and Budget Address:

Mr. Speaker, members of the legislature, and fellow Nebraskans, I stand before you to deliver my fourth and what for me is my final State of the State Address.

My intentions are to describe for you the condition of Nebraska as I see it, and to frame for you what I believe is the prudent course for State government this next fiscal year. As I look at and listen to Nebraska I am reminded of the scene upon which I looked in the days and weeks which followed the Omaha tornado of May 6, 1975.

Only a small percentage of Omahans suffered a direct loss to the health of themselves, their families, or to their property on that day. Within a miraculous span of hours the debris had been cleared from the streets, power had been restored, and all essential services were being delivered at their normal levels. Unless you drove into the disaster area or paid attention to what was being described by the media, you might be completely unaware that a tornado had ripped through the entire North-South length of Nebraska's largest city.

Despite the occurrence of the city's most spectacular disaster, life in Omaha went on pretty much as usual. Sure, for a day or two there were a few road blocks and occasionally a slow moving truck loaded with the wreckage of someone's house or business that might delay an important trip to the post office of the local shopping center. And most of the natives had their own personal story to tell about where they were and how they survived. However, the startling first impression that I recall most vividly is how life managed to go on.

In fact, the disaster somehow made us stronger. It rekindled in us the awe and respect we should always have for natural forces as well as our Faith in the God who sets them into motion. Proud and haughty men and women became humble and bowed as they faced again the fragile and finite condition of our lives. The gratitude we felt to be alive spread into our attitude towards our families and our work.

Suddenly we saw a world that had somehow escaped us before: We saw the world that exists outside of our own lives. We saw people who had been hurt and who were in trouble, and we volunteered to help them without considering ourselves first. The generosity and help which was offered to those who needed it created an infectious mood that could be felt and which, I believe, contributed substantially to a startling result: Omaha, devastated by a tornado, came together as a community and became stronger as a result.

As I view our State today I see the same kind of damage and the same kind of potential. The damage is largely to our agricultural sector and the impact in many ways is more substantial than what happened to Omaha in 1975. The damage is more wide spread and is more serious. Its cause is not a natural disaster around which we almost instinctively rally with private and public support. Its cause is a combination of Federal action and inaction as well as profound changes in both the competitors' capacity to produce and in the consumers' volume and quality of purchases.

In short we find ourselves caught as a casualty of successful Federal efforts to control inflation and the insidious ability of that government to sell bonds when it is unwilling to make the taxpayers pay for all of the government they receive. We are also struggling to adjust to a market place that is changing rapidly every day: Not only have the numbers of competitors increased, but the type of food demanded by the consumer is rapidly being altered by lifestyles, income, health considerations, and the desire for variety.

Despite this disaster I am able, for every one of the reasons that can be named for us to despair and be resigned to a dark and dreary future to point to ten more reasons to be optimistic and hopeful. And every reason I cite is based upon examples of citizens who are responding forcefully and imaginatively to the challenge. Every

reason is based upon the hope, the faith, the love and the work of our people.

Nebraskans are prepared to respond as a community to the disaster which has struck our State. Nebraskans are willing to make the selfless sacrifices which will be the essential ingredients of our movement to a stronger and better tomorrow.

At the beginning of this address during which I will outline my proposals for helping our citizens accomplish this difficult task let me caution you against doing one dangerous and counterproductive thing: Do not let the arguments and the difficult choices contained in the budget deliberations inhibit our attempts to offer constructive solutions. Our people want us to spend according to our means (and these means could shrink if the Revenue Forecasting Committee reduces their projection for available revenue when they meet in February) but they want much more.

They want a State response to the crisis we face in Agriculture.

They want a State response to the need to create new wealth, jobs, and growth.

They want a State response to the desire to improve our schools, colleges, and University.

They want a State response to the desire to preserve, protect and develop our natural resources.

They want a State response to the dislocation and suffering which will be evident in greater numbers in the coming years.

They want a State response to the need to help our poor, our disadvantaged, our disabled and our aged.

They want action and not just reaction as we work together to plan our future.

Agriculture and Natural Resources

The first area where action is required is in production agriculture. We all know there is a crisis in Nebraska agriculture. We have seen unprecedented declines in the value of our assets and have in the past five years lost nearly \$20 billion in equity. Producers who have been regarded as our strongest and most substantial have watched helplessly as their net worth is eaten away by the cost of paying interest expenses in excess of what their income can handle.

Farmers and ranchers have gone broke and turned to other lines of work. Banks and other rural businesses have closed up never to reopen. The fabric of most of our rural communities is under some kind of serious and growing stress.

It is also true that the recitation of these difficulties can become overwhelming and counter-productive. It is not easy to grieve and to help those who need us now more than ever, while remaining hopeful that something can be done and being committed to do what is necessary.

In the midst of this uncertainty, we must not lose track of the positive qualities on which this state was built. We cannot afford to become so caught up in short-term problems that we lose the long-term vision of a viable and productive state.

Consistent with my belief that tomorrow will be better if we make the effort today I am proposing the following:

1. Allocation of General Fund dollars to match the Federal Commitment to build a Food Processing Institute at the University of Nebraska. Although we will not know the exact amount of money needed until the U.S.D.A. completes its feasibility study on February I, I support the appropriation of the amount needed to hold the Federal Commitment of \$5.5 million. Senator Warner has a bill which will accomplish this and I whole heartedly support it.

There are three basic reasons why this Processing Institute will be one of the best investments we can make in our economic future. The first is that in the coming years there will be increasing numbers of opportunities for the creation of wealth and jobs. The unmet market needs of the future in processing, packaging, buying, selling, marketing, storing, and transportation will be filled by people who possess the knowledge and the skills necessary to identify and deliver them. The Processing Institute will insure that Nebraskans in increasing numbers will take advantage of these opportunities.

The second reason, is that the addition of value to the raw agriculture product enables us to reverse the colony like status of our State. Rather than trying only to compete with producers of other nations by trying to reduce the cost of our raw products, we will be taking advantage of the American gift for innovation and invention which in the long run this will enable us to attack and stay more competitive in the marketplace.

The third reason, is that the processing of our own products brings us closer to the marketplace and enables us to take more control of our own destiny. It will provide needed off-farm income and will also give us a more stable demand for the products we produce.

It is important to recognize that this proposal is designed to build on an existing strength. We have exceptional people with exceptional skills working under the direction of Chancellor Roy Arnold at the Institute of Agriculture and Natural Resources. And the processing industry is already present and strong in Nebraska. As evidence of this I cite the full endorsement of the Processing Institute by the University of Nebraska Board of Regents and the Food Processing Foundation, a recently formed organization composed of private and profitable Nebraska processors.

2. I am also proposing the creation of the Nebraska Agricultural Authority whose central objective will be to:

1. Increase the number of family farm units in Nebraska,

2. Stabilize the land market through an orderly disposition of ag land held by financial institutions, and
3. Provide a means for the farmer to be self-sufficient in today's trying agricultural economy without a government bail-out.

The Authority, as proposed, would exist as a quasi-governmental body capable of owning and selling real estate, capable of accessing the capital markets, and capable of making direct investments in agricultural enterprises.

As you may already know, we have begun discussions with the Farmers' Home Administration Nebraska financial institutions regarding the purchase and sale of farm land held by these institutions due to foreclosure proceedings. Currently, FmHA holds approximately 30,000 acres of farm land in inventory. We believe Nebraska commercial banks own a similar amount of land. It is important for all parties, and the State in general, that we provide a means for orderly transferring this land to private ownership, and back into productive use. I believe the Ag Authority is the proper vehicle to achieve this objective.

Additionally the Authority could enhance the availability of capital in rural Nebraska by creating a secondary market for loans to farmers and ranchers.

3. I also support the work of Senator Rod Johnson in the development of a State Farmstead Act. This will provide additional options for partial instead of total liquidation and will give producers that are facing foreclosure a way to remain on the land.

4. We must continue the work of the Farmers-In-Transition program which received the 1985 Distinguished Performance Award from the National Alliance of Business. The work of Mollie Anderson and Greater Nebraska Job Training Council has been outstanding.

With a one million dollar grant from the U.S. Department of Labor, we have been able to expand the program, now known as Ag-in-Transition. An integral part of this comprehensive assistance plan has been the establishment of six ag action centers across the state. These centers provide assessment, counseling and referral services to displaced and financially distressed farmers.

5. The Visions from the Heartland project has illustrated the depth of positive, community-based commitment that exists in this State. This grass-roots effort has involved over 500 Nebraskans discussing the future of their state, their region, and their communities. Rural communities, while under stress, are committed not only to survival but to prosperity and growth.

6. We must also continue our commitment to the natural resources which are the basic assets of our agricultural economy.

We must never underestimate the importance of soil and water to the vitality of our state. Topsoil is a productive asset only as long as it remains in the field. The amount I have included in my budget is the bare minimum required for this effort. The Natural Resources Commission has recently completed a Comprehensive Soil Conservation Plan that graphically and convincingly illustrates the dangers inherent if we ignore this important effort.

7. A high priority must be placed on the protection of our water quality. During recent years, the Department of Environmental Control has studied the technical aspects of ground water quality, reviewed the legal mechanisms necessary to protect ground water and developed a Ground Water Quality Protection Strategy. It is now time to implement that strategy.

I met recently with the chairmen of four legislative committees to discuss proposed ground water legislation for 1986. At that meeting, I emphasized that this administration will actively assist in passage of legislation concerning chemigation, underground storage tanks, well drillers licensing legislation, and legislation that will provide us with a mechanism to deal with present or future contamination in any area of the State.

Based upon this meeting, I believe we have an excellent opportunity to pass legislation that is fair, workable and effective in preventing ground water contamination. This State has an abundance of good quality ground water, and passage of the proposed legislation will be an indication to the citizens of Nebraska that we are going to protect this valuable resource for future generations.

Economic Development

The proposals I have just outlined comprise the agricultural component of a larger economic agenda for Nebraska. In addition to rebuilding our ag economy, there is a need to diversify. States with a broad economic base are the most resilient. We must be prepared to take advantage of the opportunities presented by the information age.

Advanced technology industries are growing at an unprecedented rate. Nebraska has a strategic advantage with its strong telecommunications system. The challenge before us is to exploit that advantage and use it to solve problems and improve productivity in existing business, and to generate new business and industry.

We must face the reality that Nebraska taxpayers have limited resources to devote to an economic development initiative designed to capture the potential of advanced technology. A logical solution is to forge a partnership among those who stand to gain from advanced technology development, pool their resources, and

coordinate efforts. A partnership of this nature would enable a coalition of Nebraska leaders to direct resources strategically.

To help accomplish this, I am proposing the creation of a Nebraska Research and Development Authority. This Authority, comprised of leadership from the private sector, education, and state/local government, will evaluate, support, and encourage the development of ideas into commercially viable ventures. The initiatives of the Authority will be market-driven, seeking to transfer technological developments to the private sector for job expansion, to government for increased efficiency, and to the educational community for preparing Nebraska citizens for the future age. I am recommending that a \$2 million General Fund appropriation be made available for this purpose.

I visualize three components of the innovation process that will be addressed by the Authority. First, the Authority will direct resources to basic research, including the generation of new ideas and determination of their technical feasibility. The Authority is designed to compliment, rather than replace, existing technology transfer mechanisms such as the Technical Assistance Center.

Second, the Authority will provide a source of seed capital for the development and incubation of commercially-viable ideas. I am proposing that the Small Business Development Authority be merged into the Research and Development Authority for this purpose. Initial capitalization will be provided by Community Development Block Grant funds. Third, the Authority will provide linkages between venture capitalists and entrepreneurs with ideas ready for commercialization.

In allocating its resources, the Authority (and in a larger environment, state economic development policy) should be guided by a set of principles that address the economic needs of Nebraska:

First, emphasis should be placed on the development of businesses that export products and services outside the state. This will help to offset the capital we export.

Second, import-substitution businesses must be emphasized. Development of products and services that can replace those currently being imported will also keep capital in the state.

Third, development of high value-added businesses must be sought. These ventures typically employ skilled labor and advanced technology, and offer significant potential for increased per capital wealth in the state.

Fourth, emphasis should be placed on ventures which increase productivity of existing business. Technological developments which

improve the output/cost ratios of Nebraska businesses and agricultural operations should receive a priority.

Fifth, a priority should be placed on commercially viable ideas that diversify the state's economic base. We must seek out and develop new products and services that will expand our range of economic activity.

Finally, special consideration should be given to ventures which will operate in distressed areas or which are run by women or minorities.

The Research and Development Authority is without question a major initiative. It is also undeniably a long-term proposition. I would be less than candid if I told you there would be large-scale, immediate payoffs. Nevertheless, I feel passionately that we must be willing to make this investment, to build this partnership, to link the resources that will enable us to build our economy from within.

Higher Education

I want to turn now to Higher Education.

Two months ago, during the Second Special Session, a most telling cartoon appeared in the Lincoln Sunday Journal-Star. It was one of those Paul Fell zingers we in the Statehouse are so fond of. The caption read, "After the Fall," and the sketch depicted some tottering pillars, a jumble of masonry, and a fallen lintel, on which was inscribed, "Nebraska Higher Education." At the time, many across the state accused us of presiding over the ruination of our postsecondary institutions.

That very recent, very gloomy political cartoon is instructive to us today. In a dramatic way, it shows us how a defeatist attitude can dull our determination and rob us of vision. It also dramatizes for us how a little resolution on our part can avert disaster. The fact is, we did not destroy NU, the State Colleges, or the Technical Community Colleges. Instead, you Senators rose to the challenge and provided the necessary revenue increases to strengthen the revenue base and avoid further cuts.

We are not out of the woods yet, but the elements of a long-term resolve to build a strong and up-to-date postsecondary education system are falling into place. "Linkage" -- traditionally a foreign policy concept -- is now being applied to our policy decisions to higher education. For instance, there can be no question that a vibrant learning enterprise is essential to a vibrant economic future. Likewise, we now see clearly that bare-bones education will only guarantee economic stagnation and a mediocre quality of life. So, higher education and economic development are linked.

What we invest and what we receive also are linked. The drama of the last day of the Special Session, once and for all, settled the "free lunch issue" as far as the University is concerned. Those of us

who truly want to see NU strengthened can no longer ignore the obsolescence of our revenue structure in a changing economy. Without a dependable revenue flow, we cannot have dependable financial support for higher education.

Finally, where we want to go with our universities and colleges, and how we propose to get there, certainly are linked. I submit to you that the toughest choices in higher ed are still before us, and they are not, at their root, financial. In many parts of the country, business leaders, politicians and educators have shown that they can join together to lift their states out of the doldrums. The key difference in those states, however, is that they are trying to manage their future, not trying to preserve the past. I am asking that you, the Legislature, together with the leadership of our institutions, with the faculty on whose teaching and researching skills and dedication we depend, and finally with our industrial and business leadership--that we all join to act for a better future for postsecondary education in Nebraska.

My basic budget offers a realistic 2.6% operating increase for higher education. We can provide needed financial stability for the learning process, rather than engaging in damage control. The framework provided by the Citizens Commission for the Study of Higher Education, identifies these opportunities:

--PROGRAM QUALITY AND EFFICIENCIES:

First, in the area of program quality and efficiencies, I will continue to encourage our governing boards and administrators to focus the offerings at their institutions.

One of the things that often isn't appreciated is the need for presidents and governing boards to make tough, long-term management decisions. In exercising oversight, we also have to leave them some latitude. Allowing institutions to retain savings they generate from reallocations should be a guiding principle of state policy. Only in that kind of environment can this state build true "Centers of Excellence."

--NEBRASKA'S ECONOMY AND QUALITY OF LIFE:

Second, higher education affects our economy and our quality of life.

The issue here plainly is not to protect a static set of campuses and programs against change and economic reality. We have to acknowledge that the wide-open days of higher education are over. In that limited sense, the "After the Fall" cartoon was indeed accurate. Instead, the issue for the 80s and 90s is judicious investment. My budget, therefore, provides funding for the crucial areas of research, development and incubation through the Research and Development Authority I have already described. Most of the state research and seed funding, not to mention the private dollars

that will be joined to the Authority, will in fact be available to our educational institutions. The difference is that these added funds will be targeted to specific areas. The Food Processing Institute is also targeting in an area of growth, strength, and great potential.

In the area of governance and coordination: there lies the biggest challenge. Privately, I have been told many times that we simply can't go on with two different boards for our four year institutions, or without state authority over the six governing boards of our public two-year institutions. LR 32, the constitutional amendment which you advanced to Select File last session, is a very good step in the direction of better governance and coordination. I urge you to send that proposal to the people, and give them the chance to decide, next November, whether or not the Regents should be appointed to staggered, six-year terms.

Other changes are needed as well. While we have three totally separate public higher education systems, our Coordinating Commission is down to almost nothing. My budget will allow them to maintain their tiny staff and to continue the important new academic program review process.

I hope you will reflect carefully on Nebraska's opportunities in higher education. The importance of our vision and stamina in support of this critical function of state government cannot be overemphasized.

I believe we must in Higher Education do two things simultaneously. First we must recognize the importance of new knowledge to meet the demands of the future. Our University, State Colleges, and Technical Community Colleges are all blessed with dedicated and gifted educators and administrators doing their best to provide us with the human skills we so desperately need.

Second, we must look into the future and attempt to direct our scarce resources into areas which will be most important. I believe that we will not only have to make difficult choices concerning the allocation of these dollars, but we will also have to constantly assess the standards of performance required for admission and retention.

Primary/Secondary Education

In the area of primary and secondary education: our schools remain the best long-term investment we can make in our future. Building schools for the future requires sound decisions made today about finances, curricula, fixed plant and equipment, personnel, and proper allocation and usage of resources. These sound decisions must be made by citizens whose commitment to self-government translates into service on local school boards and entry into this most difficult arena of politics.

Nowhere is the difficulty of making decisions about our educational system more evident than in the case of LB 662. Nearly

one year ago, this body took an historic and courageous step in adjusting our government to the changes we face now and in the future. I applaud your efforts and will work diligently to see that LB 662 is retained in November.

The opponents of this landmark legislation have at times resorted to misinforming the public about its impact. LB 662 is said to be the product of the dreaded teachers' union; that it will cause the death of rural schools and rural Nebraska; and that it simply provides a reason for higher government spending. While I respect the right of these people to present these arguments, I urge the citizens of Nebraska to consider calmly that LB 662 will bring Nebraska in line with the other states that it will increase government efficiency by reducing the number of governmental units in Nebraska, now among the highest in the nation; and that it will shift the support of our school system away from property taxes, enabling us not only to build better schools, but also a more solid foundation for economic development and growth.

We must also continue the drive for excellence in our schools that began with the enactment of LB 994. Emerging technologies and a global society will require our children to learn more science, math, and foreign languages than the children of 25 years ago. We need to put as much effort into ensuring that children learn these subjects as we do in recruiting a winning coach.

Much remains to be done, but our present state tax structure limits our options. I feel strongly that the future of Nebraska warrants an investment in the 994 educational enhancements. I will gladly support efforts to secure a suitable revenue source to fund LB 994 which will unquestionably improve the strength and quality of our schools.

Government Reorganization

My decision not to seek re-election has created an opportunity for a review of the executive branch unfettered by the personal considerations of an incumbent Governor. While there are many areas of excellence within state government, there is considerable room for improvements that should lead to increased efficiency. My experience over the past three years has led me to the conclusion that some expansion in the authority of the Chief Executive is in order. Based in part on recommendations from task forces on management improvement and government reorganization under former Governors, I am proposing several changes in the organizational structure and management practices of state government.

These changes will, in my opinion, increase the responsiveness and accountability of state government to the executive elected by the people and thereby to the citizens of the state.

In addition, the passage and approval of the Gramm-Rudmann Deficit Control Act will almost certainly result in reduced federal funds for many programs. It will also increase the need for quick and coordinated responses to rapidly changing circumstances. If we are to efficiently manage the resources that are available we must have a management structure that makes sense. With potential federal fund reductions of about 1% for FY 86 and 8% for FY 87 a more streamlined organization is a necessity.

My proposals in the area of government reorganization fall into three general categories: First, creation of four umbrella agencies to coordinate the work of numerous agencies, boards and commissions in the areas of cultural affairs, public safety, professional licensure and natural resources; Second, the merger of several agency functions into other departments; and Third, giving code agency status to numerous independent agencies, giving the Governor authority to appoint the Director. In some cases, there is more than one improvement option, and I am open to your recommendations in those areas.

The objective in creating four umbrella agencies is to increase coordination, efficiency and accountability of numerous functions now handled by separate departments, boards and commissions.

The umbrella agencies, under the direction of an executive appointed by the Governor, will serve as the coordination mechanism. The existing agencies would retain their current structure as divisions within the larger department. The boards and commissions would continue to advocate priorities, assist in policy development, and retain any regulatory authority they may have.

The Department of Cultural Affairs is designed to coordinate many current activities in the area of cultural enhancement. Entities that would operate under this umbrella include the Nebraska Arts Council, Library Commission, Humanities Committee, Sheldon Gallery, State Historical Society, and ETV Commission. The Department of Public Safety combines several agencies and commissions that deal with safety standards and regulations. The division of structural safety would include the State Fire Marshal, Safety division of the Department of Labor, Electrical Board and Division, Manufactured Housing Board, and Mobile Home/RV Board. Other commissions included under the Department of Public Safety are the Racing Commission, Athletic Commission, Parole Board, Liquor Control Commission, and Crime Commission. I have specifically excluded the State Patrol; I feel the interests of the public are best served if the Patrol remains as a free-standing Code department.

The Department of Professional Licensure will oversee several boards and commissions that regulate various professions, including

the Boards of Engineers and Architects, Land Surveyors, Landscape Architects, Public Accountancy, Abstracters, Real Estate, Barber Examiners, and the Collection Agency function of the Secretary of State. These agencies, which are mostly small, will better serve their clientele once they no longer have to handle personnel, budgeting, and accounting on their own. More importantly, citizens will have a central location for licensure and professional standards information. This arrangement currently works well for health professions in the Department of Health.

The Department of Natural Resources will combine the Natural Resources Commission, Department of Water Resources, and the UNL Conservation and Survey Division. This change will consolidate the bulk of Nebraska's water and soil data analysis and planning functions.

The second category of reorganization proposals is the merger of several functions into different departments. These changes are designed to combine related regulatory and program functions in a more logical fashion, and include the following:

1. Transfer of the revenue and recordkeeping functions of the Department of Motor Vehicles to the Department of Revenue, and the Highway Safety Division to the Department of Roads.
2. Merger of the Foster Care Review Board into the Dept. of Social Services.
3. Merger of the Departments of Banking and Insurance.
4. Merger of the Public Employees Retirement Board and the Investment Council.
5. Merger of the Hearing Impaired and Visually Impaired Commissions and the Vocational Rehabilitation Division of the Dept. of Education into the Dept. of Social Services.
6. Merger of the Board of Barber Examiners with the Health Dept.

Finally, in the area of reorganization, I am proposing that the Governor be granted the authority to appoint the executive director of nine boards and commissions, including:

1. Liquor Control Commission
2. Library Commission
3. Real Estate Commission
4. Postsecondary Education Coordinating Commission
5. Historical Society
6. Arts Council
7. Electrical Division
8. Racing Commission
9. Motor Vehicle Industry Licensing Board

In addition to reorganization, I am offering two executive management changes for your consideration. These proposals are

designed to give the Governor and the agency heads he or she appoints more flexibility in building the executive team.

First, I firmly believe all statutory qualifications and requirements for agency heads appointed by the Governor, with the exception of the Director of Health and the Adjutant General, should be eliminated. The current stipulation associated with many executive positions have proven to be a serious limitation on the Governor's ability to hire effective managers. Legislative confirmation should be the only formal requirement. The two exceptions I cited are unique cases where the expertise of a physician and previous military experience are justifiable requirements.

Second, the number of exempt positions within agencies should reflect the size of the department. At present, very few upper-level management positions turn over with a change in administrations, particularly in large departments. I am proposing that the number of exempt positions within code agencies be proportional to the number of departmental employees.

Finally, I feel strongly that the demands placed on the constitutional offices of Governor, Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, State Auditor, and Public Service Commission warrant an increase in compensation. I am endorsing concept of the phased-in salary increases for these offices contained in LB 43 developed by Senator Landis and the Government Committee. I am also encouraging you to give strong consideration to legislation dealing with the salaries of our judiciary which is needed to keep us in a position to attract and retain the most competent judges possible.

Budget

The budget and revenue recommendations I am presenting to you assume the reduction of the income tax rate from 20% to 19% and no increase in the sales tax rate. At their recent meeting, the Economic Forecasting Advisory Board projected net revenues for next year of \$867.5 million. After the necessary adjustments, deficits, repayment of the Cash Reserve Fund, the available revenue for FY 86/87 is \$869.1 million. Subtracting the required 3% reserve would leave \$843.8 million for next year's budget. That amount should be adequate to meet the legitimate needs of the State and its citizens.

It is safe to assume that during the course of the session there will be some differences of opinion as to how those dollars should be allocated. We were all elected to voice those opinions. We have a responsibility to ourselves and our constituents to advocate our positions. In these difficult times, however, I believe that we have a higher obligation to our taxpayers and that is to do what is necessary to live within our means. The economic sacrifices cannot be limited

to the budgets of the family, the farm and the business--we must apply the same constraints on ourselves.

The details of my recommendation have been provided to you and the various proposals will form the basis for much of the discussions during upcoming weeks.

The overall General Fund recommendation is \$841.0 million which is 3.7% over the budget adopted in the Special Session.

The recommendation is distributed as follows:

State government operations would increase by \$8.6 million or 4.4%.

Higher Education--a \$5.4 million increase or 2.6%.

State Aid increases by \$26.5 million or 6.7%.

Included in my budget is a 3% salary increase for State employees. Including higher education and State operations, the cost of that increase is approximately \$10.5 million. We cannot afford to ignore that, in the final analysis, it is the quality and dedication of our employees that determines the success or failure of our efforts.

Capital Construction

My recommendation for Capital Construction for 86/87 continues the major projects that have been previously authorized.

I am recommending that we authorize the University to issue bonds for the construction of the Animal Science Building in Lincoln and the Lab Science Building at UNO. By pledging a portion of our cigarette tax revenues for five years, we will be able to reduce the General Fund obligations for next fiscal year by almost \$9.5 million. This will allow us to proceed on these two important projects taking into consideration the present value of money will also save us costs in the long run. In addition, I remain committed to the construction of the Lied Center for Performing Arts. This project will contribute greatly to our State and our University.

For the Department of Corrections, I am proposing that we begin the process for the construction in FY 87/88 and FY 88/89 of a new Adjustment Center at the penitentiary. During the past several years Nebraska has wisely invested significant resources to the construction of correctional facilities. As a result, we have not faced the tremendous problems faced by many other states in this area. We need to continue that forward working philosophy and avoid problems rather than being forced to try to correct them after the fact.

Finally, I am recommending a \$1.0 million increase for the 309 Task Force. The source of funds would be a lapse of unneeded cash funds from the Department of Insurance. Perhaps no other program that we operate can be so directly linked to actually saving the State money as the wise maintenance of our physical facilities. Whether for

energy conservation, timely repairs or preventive improvements, these expenditures return great benefits in the future.

In regards to Commonwealth, I remain strongly convinced that the state has a moral obligation to the depositors of Commonwealth. We have approved a partial remedy; but further action is needed to satisfy the full \$20.5 million obligation. I am offering three alternative proposals to deal with Commonwealth, any one of which I will approve if it reaches my desk.

1. State Office Building Lease/Purchase. The City of Lincoln would issue tax-exempt bonds on behalf of the state to generate funds for the depositors. To secure the bonds, the State would provide a first lien on the State Office Building in addition to the lease agreement.

2. Tax Credit. This legislation would grant a tax credit to depositors in the amount of their loss. The credit would either be taken against Nebraska income taxes or sold to someone who could make better use of the credit.

3. Motor Vehicle Sales Tax. The proceeds from the motor vehicle sales tax will be placed in the Commonwealth relief fund for six months. This length of time should be sufficient to raise the necessary \$12 million.

I urge your approval of one of these options as a means to bring justice to Commonwealth depositors.

In the area of tax reform I will continue to argue that Nebraska citizens are best served by a tax system which has a minimum number of deductions and exemptions. These items, which all make sense when taken in isolation, over time and under the stress of accumulation, require our citizens to pay higher rates than they would if they were not granted.

This narrowing of the base on both the sales and income tax side does more than force us to tax at rates that are higher than would otherwise be required. They also lend a tint of privilege to our taxes which works against the average citizen who is not represented by the special interest which is needed to lobby for special tax favors. Taken together this means that fewer people support government services than benefit from them and that greater numbers of Nebraskans continue to correctly conclude that their tax system is not fair.

I urge this body to consider carefully the recommendations of your special committee which is studying a sales tax on services. Further, I urge you to begin the discussion of the wisdom Nebraska granted all deductions and exemptions granted by the federal Government against our income tax. I pledge to work closely with your revenue committee to discover if we can accomplish what will unquestionably be a major benefit to public confidence in their taxes.

There are many other important things which are included in this budget.

Our efforts to protect ourselves by hiring law enforcement people, by hiring the best to run our correctional facilities, by recruiting a just and fair judiciary, and by ensuring that they have the finest training ensures that our freedoms are full and complete.

Our efforts to care for our citizens who cannot afford the cost of medical services and nursing homes; our struggle to provide for the poorest of our neighbors; our fight to guarantee a life of hope and health to our neighbors who are mentally retarded or mentally ill; our work to keep our environment healthy and free of life robbing pollutants; our continued investment in our roads and bridges; and our spectacularly successful creation of the best parks in the entire nation will be rewarded by a State of which we can rightly be proud.

To fully live up to the fullest potential as representatives of our people we must in this short legislative session pay homage to those citizens who have preceded us with lives of sacrifice and dedication. We can only deliver this homage by rededicating ourselves to service that is committed to justice, to equity, to prosperity and to the happiness of all our citizens.

When our forefathers were faced with a similar dilemma fifty-odd years ago they simultaneously embarked upon a remarkable exercise in creativity. This spectacular capitol was fashioned in tough times. The landscape architect plucked trees from citizens' lawns in order to provide beauty to capitol grounds. Today I shall charter a similar effort that will put one of the finishing touches on Goodhue's world renowned landmark.

I am reactivating the capitol murals commission to complete the mural program designed for the capitol's 14th floor, Memorial Hall. These eight mural panels, as originally conceived, will honor those Nebraskans who made the supreme sacrifice for our state and nation during civil and military service.

This structure has been and will continue to be a source of pride for all Nebraskans. As such, we owe it to those who had the courage to build it, the same kind of dedicated spirit this building symbolizes. Let's make this mural project a special gift to all Nebraskans at a time when we need to be optimistic.

The committee escorted Governor Kerrey from the Chamber.

EASE

The Legislature was at ease from 10:45 a.m. until 11:03 a.m.

MOTION - Adopt Permanent Rules

Mrs. Morehead renewed the Rules Committee proposed rule change found in the Journal on page 144 to Rule 7, Sec. 5.

Mrs. Morehead moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

The Chair declared the call raised.

Mrs. Morehead asked unanimous consent to withdraw the pending proposed rule change, Rule 7, Sec. 5. No objections. So ordered.

Mr. Hoagland asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Morehead renewed the Rules Committee proposed rule change found in the Journal on page 144 to Rule 5, Sec. 2.

The proposed rule change was adopted with 39 ayes, 0 nays, and 10 present and not voting.

Mr. V. Johnson renewed his pending proposed rule change found in the Journal on page 145 to Rule 10.

Mr. Abboud offered the following amendment to the V. Johnson proposed rule change:

to amend the Vard Johnson proposed rule change submitted on 1/8/86 on Journal page 145-147 that sections 3, 4, 5, 6 be stricken and that section 2 subsection (d) be amended as follows:

“(d) Individual members shall ~~not~~ be limited as to a 10 bill introductions each session. Each committee shall be limited to 8 bills each session. Bills introduced as a result of an interim study of the Legislative Council shall be included within the limitations prescribed by this section. Bills introduced under Rule 5, Section 3(a) and bills introduced at the request of the Governor will not be included in the limitation.”

Pending.

RECESS

At 11:57 a.m., on a motion by Mr. Hall, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Beyer, Carsten, R. Johnson, Lamb, and Mrs. Labedz who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 459 in the Journal. No objections. So ordered. (Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM1660.)

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 837. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to public employees; to amend section 48-837, Reissue Revised Statutes of Nebraska, 1943; to provide restrictions for collective bargaining relating to the state or state agencies; and to repeal the original section.

LEGISLATIVE BILL 838. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to make appropriations for the expenses of Nebraska State Government, including capital construction and capital construction reaffirmations and reappropriations, for the year ending June 30, 1987; to provide an operative date; to provide severability; to repeal Laws 1985, LB 101A, Laws 1985, LB 129A, Laws 1985, LB 132A, Laws 1985, LB 208A, Laws 1985, LB 209A, Laws 1985, LB 250A, Laws 1985, LB 253A, Laws 1985, LB 269A, Laws 1985, LB 271A, Laws 1985, LB 272A, Laws 1985, LB 273A, Laws 1985, LB 313A, Laws 1985, LB 323A, Laws 1985, LB 347A, Laws 1985, LB 383A, Laws 1985, LB 391A, Laws 1985, LB 395A, Laws 1985, LB 407A, Laws 1985, LB 408A, Laws 1985, LB 421A, Laws 1985, LB 432A, Laws 1985, LB 608A, Laws 1985, LB 715A, Laws 1985, LB 722, Laws 1985, LB 723,

Laws 1985, Second Special Session, LB 1, and Laws 1985, Second Special Session, LB 7A; and to declare an emergency.

LEGISLATIVE BILL 839. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1985, LB 722, sections 17 and 36, and Laws 1985, Second Special Session, LB 1, Sections 3, 7, 11, 12, 14, 16, 17, 22, 26, 31, 37, 38, 41, 42, 46, 47, and 55; to make deficiency appropriations; to provide for transfer of certain funds; to create a fund; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 840. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for the year ending June 30, 1987; and to declare an emergency.

LEGISLATIVE BILL 841. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska State Legislature and payments to be made as provided by Chapter 68, article 6, for the year ending June 30, 1987; and to declare an emergency.

LEGISLATIVE BILL 842. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to capital construction; to amend section 85-122, Revised Statutes Supplement, 1984, sections 85-1,111 and 85-1,112, Revised Statutes Supplement, 1985, and section 77-2602, Revised Statutes Supplement, 1985, as amended by section 1, Legislative Bill 3, Eighth-ninth Legislature, Second Special Session, 1985; to change the cigarette tax; to change provisions relating to distribution of the tax; to change provisions relating to university funds and terms of a construction contract; to authorize contracts; to create funds; to provide powers and duties for the Board of Regents; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 843. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to state government; to amend sections 3-103, 46-701, 55-121, 60-1501, 71-2609, 80-401.02, 80-410, 81-1009, 81-1110, 81-1112, 81-1116, 81-1120.03, 81-1305, 81-1424, 81-2001, 83-101.02, and 83-172, Reissue Revised Statutes of Nebraska, 1943, and section 68-701.01, Revised Statutes Supplement, 1984; to eliminate certain qualifications for directors and heads of certain departments and commissions; to harmonize provisions; and to repeal the original sections, and also sections 81-1104, 81-1108.12, and 81-1304, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 844. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to the state personnel system; to amend section 81-1316, Reissue Revised Statutes of Nebraska, 1943; to exempt certain employees from the state personnel system as prescribed; and to repeal the original section.

LEGISLATIVE BILL 845. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to administrative departments; to state intent; to provide for transfer of duties from the Department of Motor Vehicles to the Department of Revenue and the Department of Roads as prescribed; and to provide duties for the Revisor of Statutes and the Tax Commissioner.

LEGISLATIVE BILL 846. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715 and 77-2734.03, Revised Statutes Supplement, 1985; to provide tax credits for certain investments in industrial loan and investment companies; to define terms; to provide duties; to establish procedures; and to repeal the original sections.

LEGISLATIVE BILL 847. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,132, Revised Statutes Supplement, 1984; to create a fund; to provide for certain tax money to be credited to the fund as

prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 848. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-221, Reissue Revised Statutes of Nebraska, 1943; to place the Board of Barber Examiners under the supervision of the Department of Health; and to repeal the original section.

LEGISLATIVE BILL 849. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to agriculture; to adopt the Agricultural Revitalization Authority Act; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 850. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to economic development; to adopt the Research and Development Authority Act; to repeal the Small Business Development Authority Act; and to repeal sections 58-301 to 58-325, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 851. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to amend sections 29-3524, 60-115, 60-118, 60-121 to 60-125, and 60-127, Reissue Revised Statutes of Nebraska, 1943, and section 60-119, Revised Statutes Supplement, 1985; to create a cash fund and a petty cash fund; to provide for the deposit of certain fees; to provide that the Nebraska State Patrol issue vehicle identification certificates; to eliminate the Title Security and Vehicle Theft Prevention Fund; to harmonize provisions; to eliminate a provision allowing certain individuals to conduct inspections without a certificate of training; to provide an operative date; to repeal the original sections, and also section 60-128, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 852. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to the Nebraska State Fairgrounds Building Fund; to amend sections 2-127 and 2-1205, Reissue Revised Statutes of Nebraska, 1943; to authorize certain transfers as prescribed; to delete obsolete provisions; to repeal an appropriation to the fund; to repeal the original sections, and also section 2-128, Revised Statutes Supplement, 1984.

LEGISLATIVE BILL 853. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend section 28-1246, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the deposit of certain fees; and to repeal the original section.

LEGISLATIVE BILL 854. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-1504.02, 2-1506, 46-208, 46-209, 81-101, 85-163, 85-164, 85-165, and 85-1,104, Reissue Revised Statutes of Nebraska, 1943, and sections 2-1503, 2-1504, 2-1507, 2-15,108, and 81-102, Revised Statutes Supplement, 1984; to provide for a Department of Natural Resources; to define and redefine terms; to change provisions relating to the Nebraska Natural Resources Commission and the Water Management Board; to eliminate the Department of Water Resources and the Conservation and Survey Division of the University of Nebraska; to provide duties; to provide for the interpretation of statutes; to harmonize provisions; to eliminate a provision relating to appointment of a Director of Natural Resources; to eliminate qualification requirements for the Director of Water Resources; and to repeal the original sections, and also section 46-701, Reissue Revised Statutes of Nebraska, 1943, and section 2-1504.03, Revised Statutes Supplement, 1985.

LEGISLATIVE BILL 855. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to government; to amend sections 51-403, 51-404, 81-101, 82-102, and 82-310 to 82-312, Reissue Revised Statutes of Nebraska, 1943, and sections 79-2101 and 81-102, Revised Statutes Supplement, 1984; to create the Department of Cultural Affairs and the Director of Cultural Affairs; to provide powers and duties; to change provisions relating to the Nebraska Arts Council, the Nebraska Educational Telecommunications

Commission, the Nebraska Library Commission, and the Nebraska State Historical Society; to provide for the operation of Sheldon Art Gallery; and to repeal the original sections.

LEGISLATIVE BILL 856. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to state administrative departments; to amend sections 1-138, 1-139, 1-142, 45-615, 45-617, and 81-101, Reissue Revised Statutes of Nebraska, 1943, and section 81-102, Revised Statutes Supplement, 1984; to abolish certain boards, a commission, and duties as prescribed; to state intent; to create the Department of Professional Licensure as prescribed; to harmonize provisions; to repeal the original sections, and also sections 1-108, 1-110, 1-144, 1-147 to 1-149, 45-614, 45-616, 71-221, 71-222, 71-222.01, 71-230, 71-235, 71-237, 81-843, 81-844, 81-885.08, 81-885.27, 81-8,110, 81-8110.08, 81-8,116, 81-8,188 to 81-8,191, 81-8,193, and 81-8,203, Reissue Revised Statutes of Nebraska, 1943, sections 1-107, 1-108.01, 81-198.01, 81-198.03, 81-841, 81-842, 81-885.07, 81-885.09, 81-885.28, 81-8,110.01, 81-8,186, and 81-8,187, Revised Statutes Supplement, 1984, and sections 76-540, 76-541, 76-553, 81-198, 81-198.05, and 81-198.06, Revised Statutes Supplement, 1985.

LEGISLATIVE BILL 857. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to administrative departments; to amend sections 2-1201, 48-418, 53-105, 81-101, 81-501.01, 81-8,128, 81-1416, and 83-189, Reissue Revised Statutes of Nebraska, 1943, sections 81-102 and 81-2103, Revised Statutes Supplement, 1984, and section 71-4603, Revised Statutes Supplement, 1985; to state intent; to create a department; to provide for a director; to provide duties; to harmonize provisions; to change duties; and to repeal the original sections.

LEGISLATIVE BILL 858. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to foster care; to amend sections 43-1303, 43-1307, 43-1309, and 43-1310, Reissue Revised Statutes of Nebraska, 1943, and sections 43-1301 and 43-1308, Revised Statutes Supplement, 1985; to eliminate local and state foster care review boards; to provide powers and duties for the Department of Social Services; to harmonize provisions; and to repeal the original sections,

and also sections 43-1302, 43-1304 to 43-1306, and 43-1317, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 859. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to banking, finance, and insurance; to amend section 81-101, Reissue Revised Statutes of Nebraska, 1943, and section 81-102, Revised Statutes Supplement, 1984; to state intent; to create the Department of Banking, Finance, and Insurance and the Director of Banking, Finance, and Insurance; to provide powers and duties; to provide for the transfer of functions and responsibilities; and to repeal the original sections.

LEGISLATIVE BILL 860. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to investment and retirement; to amend section 72-1237, Reissue Revised Statutes of Nebraska, 1943, section 84-1503, Revised Statutes Supplement, 1984, and section 72-1239, Revised Statutes Supplement, 1985; to transfer powers and duties; to eliminate the Public Employees Retirement Board; to change provisions relating to the Nebraska Investment Council; and to repeal the original sections, and also sections 84-1501 and 84-1502, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 861. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend sections 81-1108, 81-1120.03, 81-1120.15, 81-1120.17, 81-1120.20 to 81-1120.22, 81-1120.24 to 81-1120.28, and 81-1423, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1120.01, 81-1120.02, 81-1120.18, 81-1120.23, and 81-1120.29 to 81-1120.31, Revised Statutes Supplement, 1984; to create the division of communications and data systems; to define and redefine terms; to provide powers and duties; to create funds; to eliminate the central data processing division and the division of communications; to transfer the Telecommunications and Information Center to the Department of Economic Development; to change provisions relating to an advisory committee; to authorize temporary advisory boards; to harmonize provisions; and to repeal the original sections, and also sections 81-1116, 81-1116.02, 81-1117, 81-1117.02, and 81-1120.16, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 862. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to government; to amend sections 2-1202, 51-403, 51-404, 53-107, 60-1404, 82-101, and 82-309, Reissue Revised Statutes of Nebraska, 1943, and sections 81-885.07, 81-2103, and 85-908, Revised Statutes Supplement, 1984; to provide that certain appointments be made by the Governor; to create new positions; to change powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 863. By Pappas, 42nd District; Lundy, 36th District; Harris, 27th District; Conway, 17th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,142, Revised Statutes Supplement, 1985; to authorize certain cities and villages to increase their sales and use taxes as prescribed; and to repeal the original section.

LEGISLATIVE BILL 864. By Hall, 7th District; Labedz, 5th District.

A BILL FOR AN ACT relating to motor vehicles; to provide for the issuance of special license plates to survivors of the attack on Pearl Harbor.

LEGISLATIVE BILL 865. By Goodrich, 20th District; Lundy, 36th District.

A BILL FOR AN ACT relating to schools; to define terms; to authorize the State Board of Education to issue bonds and make loans as prescribed; to provide powers for the State Board of Education and school districts; to provide requirements and procedures; to provide for the use of bond proceeds; to state intent; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 866. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-546 and 79-548 Reissue Revised Statutes of Nebraska, 1943, and section 79-451, Revised Statutes Supplement, 1985; to change provisions relating to filing reports by school districts; to change provisions relating to school district audits as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 867. By Schmit, 23rd District; Vickers 38th District.

A BILL FOR AN ACT relating to motor vehicle fuels; to amend sections 66-401 and 66-421, Reissue Revised Statutes of Nebraska, 1943, and sections 66-410 and 66-428, Revised Statutes Supplement, 1985; to define terms; to increase the tax on leaded motor vehicle fuels; to provide for distribution of the proceeds; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 868. By Hefner, 19th District.

A BILL FOR AN ACT relating to holidays; to amend sections 25-2221, 62-301, 81-113, and 84-1001, Reissue Revised Statutes of Nebraska, 1943; to change the days specified as holidays and the days administrative departments must be open for business; to authorize certain additional paid holidays; and to repeal the original sections.

LEGISLATIVE BILL 869. By Labedz, 5th District; Pappas, 42nd District.

A BILL FOR AN ACT relating to accountants; to amend section 1-136, Revised Statutes Supplement, 1984; to eliminate corporate surety bond and insurance policy requirements; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 870. By Warner, 25th District; Hannibal, 4th District; Goll, 16th District; Scofield, 49th District; Carsten, 2nd District; Marsh, 29th District; Lundy, 36th District; L. Johnson, 15th District; Goodrich, 20th District.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend sections 84-613 and 84-614, Revised Statutes Supplement, 1984, and section 84-612, Revised Statutes Supplement, 1985; to change provisions relating to transfers; to provide for interest to accrue to the fund as prescribed; to eliminate obsolete provisions relating to a temporary sales tax; and to repeal the original sections, and also sections 77-2715.04 and 77-2715.05, Revised Statutes Supplement, 1984.

LEGISLATIVE BILL 871. By Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Conway, 17th District; Haberman, 44th District; Hartnett, 45th District; Higgins, 9th District; V. Johnson, 8th District; Morehead, 30th District; Pappas, 42nd District.

A BILL FOR AN ACT relating to liquors; to amend section 53-125, Reissue Revised Statutes of Nebraska, 1943, and sections 53-103 and 53-123.13, Revised Statutes Supplement, 1985; to eliminate a definition; to eliminate certain provisions relating to beneficial interests; to harmonize provisions; and to repeal the original sections, and also sections 53-124.02 to 53-124.05, 53-124.07 and 53-124.09, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 872. By Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Conway, 17th District; Haberman, 44th District; Hartnett, 45th District; Higgins, 9th District; V. Johnson, 8th District; Morehead, 30th District; Pappas, 42nd District.

A BILL FOR AN ACT relating to liquors; to amend sections 53-123.05, 53-131, and 53-135.01, Reissue Revised Statutes of Nebraska, 1943, and sections 53-103, 53-123.12, and 53-124, Revised Statutes Supplement, 1985; to provide for printing certain information; to create a fund; to change provisions relating to licenses; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 873. By Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Conway, 17th District; Haberman, 44th District; Hartnett, 45th District; Higgins, 9th District; V. Johnson, 8th District; Morehead, 30th District; Pappas, 42nd District.

A BILL FOR AN ACT relating to bingo and other gambling; to amend sections 2-219, 9-127, 9-129, 9-135, 9-139, 9-140, 9-140.10, 9-151, 9-152, 9-155, 9-162, 9-167, 9-175, 14-102, 15-258, 16-226, 17-120, 17-207, 28-1101, 28-1105, 28-1110, and 28-1113 to 28-1116.01, Reissue Revised Statutes of Nebraska, 1943, sections 9-128, 9-132 to 9-134, 9-136 to 9-138, 9-140.03 to 9-140.06, 9-140.11, 9-140.12, 9-141 to 9-143, 9-144, 9-147, 9-149, 9-150, 9-154, 9-156 to 9-161, 9-163 to 9-166, 9-171, 9-172, 9-174, 9-177, 9-178, 9-181, 9-182, 9-190, 9-191, 9-193.01, and 9-195 to 9-199, Revised Statutes Supplement, 1984, and sections 9-124 to 9-126, 9-140.01, 9-140.07 to 9-140.09, 9-140.13 to 9-140.16, 9-143.01 to 9-143.04, 9-143.06, 9-145, 9-146, 9-148, 9-153, 9-170, 9-173, 9-178.01, 9-179, 9-184 to 9-186.04, 9-187 to 9-189, and 9-199.01, Revised Statutes Supplement, 1985; to adopt the Nebraska Bingo Act, the Nebraska Pickle Card Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Small Lottery and Raffle Act, and the Nebraska County and City Lottery Act; to change certain provisions relating to bingo, lotteries, raffles,

and gift enterprises; to change penalties; to harmonize provisions; and to repeal the original sections, and also sections 9-176 and 28-1116.02, Reissue Revised Statutes of Nebraska, 1943, sections 9-140.02, 9-168, 9-169, 9-192, 9-193, and 9-194, Revised Statutes Supplement, 1984, and sections 9-143.05 and 9-183, Revised Statutes Supplement, 1985.

UNANIMOUS CONSENT - Member Excused

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Adopt Permanent Rules

The Abboud pending amendment found in this day's Journal to the V. Johnson pending proposed rule change was renewed.

Mr. Haberman moved for a call of the house. The motion prevailed with 6 ayes, 2 nays, and 41 not voting.

The Chair declared the call raised.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Abboud amendment lost with 6 ayes, 19 nays, 17 present and not voting, and 7 excused and not voting.

Mr. V. Johnson requested a division of the question on his proposed rule change.

The Chair sustained the division of the question.

The first proposed rule change is as follows:

Sec. 2. Introduction of New Bills. (a) Members shall introduce only such bills as they are willing to endorse and support personally. The last name and district shall be used, unless an initial or name is necessary to identify the introducer.

(b) A standing committee or special committee may introduce a bill for any purpose, including at the request of another senator, provided

said bill receives the endorsement of a majority of the committee members whose names shall be on the bill.

(c) No bills shall be introduced after the seventh legislative day of the 1986 regular session, except:

1. "A" bills, appropriation bills, and bills introduced at the request of the Governor may be introduced at any time;

2. A standing committee or special committee may request that the Legislature consider introduction of a bill. A vote of three-fifths of the elected members of the Legislature shall be required for such bill to be introduced, and a copy of the statement of intent for such bill must be placed on each member's desk before introduction of the bill is voted upon;

(d) Individual members shall not be limited as to a bill introduction. Each committee shall be limited to 8 bills each session. Bills introduced as a result of an interim study of the Legislative Council shall be included within the limitations prescribed by this section. Bills introduced under Rule 5, Section 3(a) and bills introduced at the request of the Governor will not be included in the limitation.

(e) The introducers of all bills must submit a statement of intent for each bill to the appropriate committee chairperson at least 24 hours prior to the bill's hearing. The statement of intent should discuss clearly and completely the purposes and effects of the bill.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. V. Johnson requested a roll call vote on his proposed rule change.

Voting in the affirmative, 24:

Abboud	Hartnett	Labedz	Nelson	Scofield
Barrett	Hefner	Lamb	Pappas	Sieck
Chronister	Hoagland	Lundy	Peterson	Smith
Conway	Johnson, L.	Lynch	Pirsch	Withem
Goll	Johnson, V.	Morehead	Rupp	

Voting in the negative, 20:

Baack	Eret	Hannibal	Miller	Schmit
Chambers	Goodrich	Harris	Nichol	Vickers
Chizek	Haberman	Johnson, R.	Remmers	Warner
DeCamp	Hall	Marsh	Rogers	Wesely

Present and not voting, 1:

Higgins

Excused and not voting, 4:

Beutler	Beyer	Carsten	Landis
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The V. Johnson proposed rule change lost with 24 ayes, 20 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

The second proposed rule change is as follows:

Sec. 1. Rules promulgated and adopted as part of Rule 10 shall be in force and effect for the 89th Legislature, Second Session, only. The intent of this rule is to establish procedures for the enactment of legislation, constitutional amendments and resolutions for the 1986 regular session only.

All other rules as adopted by the 89th Legislature, Second Session, shall be in force and effect except where they may come in conflict with any of the provisions of Rule 10. In such a case the provisions of Rule 10 shall control.

Sec. 3. The Reference Committee shall refer all bills and constitutional amendments to the appropriate committee or to General File. The appropriate committee is that committee which has subject-matter jurisdiction over the issue or which has traditionally handled the issue.

Sec. 4. Each committee to whom bills and constitutional amendments are referred, shall by a majority vote of the committee, decide which bills and constitutional amendments shall receive a public hearing. All public hearings on bills and constitutional amendments shall be completed by the twenty-fifth legislative day. All bills and constitutional amendments not receiving a public hearing shall be deemed to be indefinitely postponed. Each committee shall report to the Legislature by filing with the Clerk a list by the 10th legislative day on those bills and constitutional amendments scheduled for public hearing.

Sec. 5. Any introducer of a bill or constitutional amendment, or in the case of a committee bill, the committee chairman, may file a motion to revive a bill which stands indefinitely postponed pursuant to Rule 10, Section 4. Such motion must be filed within two legislative days of the report of the committee required by Section 4. This motion must be disposed of within two legislative days after its filing. The motion shall require 25 votes to be successful. If 25 members vote to revive such bill or constitutional amendment, then the committee to whom the bill or constitutional amendment was referred shall conduct a public hearing on said bill or constitutional amendment.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mr. DeCamp offered the following amendment to the proposed rule change:

In section 4 line 3 after the word "HEARING" insert "or the amount of time to be allocated for a particular bills public hearing time."

Mr. Vickers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The DeCamp amendment lost with 10 ayes, 16 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The second V. Johnson proposed rule change lost with 7 ayes, 23 nays, 17 present and not voting, and 2 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 874. By DeCamp, 40th District.

A BILL FOR AN ACT relating to offenses involving the family relation; to eliminate the causes of action of alienation of affection

and criminal conversation and the crime of adultery; and to repeal section 28-704, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 875. By Chambers, 11th District.

A BILL FOR AN ACT relating to the Attorney General; to amend sections 32-421.01 and 32-535, Reissue Revised Statutes of Nebraska, 1943; to provide for the election of the Attorney General on a nonpartisan basis; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 876. By Chambers, 11th District.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend sections 14-201, 14-201.04, 14-204, 14-217.01, and 32-513, Reissue Revised Statutes of Nebraska, 1943, and section 14-212, Revised Statutes Supplement, 1984; to eliminate staggered elections for city council members; to eliminate filing fees and petitions as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 877. By Chambers, 11th District.

A BILL FOR AN ACT relating to cause of action; to eliminate alienation of affections and criminal conversation.

LEGISLATIVE BILL 878. By Chambers, 11th District.

A BILL FOR AN ACT relating to social security numbers; to eliminate a requirement that social security numbers be used on operator's license and other documents; and to repeal section 68-633, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 879. By Hannibal, 4th District.

A BILL FOR AN ACT relating to plumbing inspection; to amend sections 18-1901, 18-1904, 18-1906, 18-1907, and 18-1910, Reissue Revised Statutes of Nebraska, 1943; to eliminate the authority of cities of the metropolitan class to have plumbing boards; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 880. By DeCamp, 40th District.

A BILL FOR AN ACT relating to liability; to limit the amount recoverable for certain claims.

LEGISLATIVE BILL 881. By DeCamp, 40th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-1240, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to tank vehicles; to provide for a duty in altering anhydrous ammonia tanks as prescribed; to prohibit certain uses of anhydrous ammonia tanks; to provide for a penalty; and to repeal the original section.

LEGISLATIVE BILL 882. By Hefner, 19th District; Hartnett, 45th District; Higgins, 9th District; Nelson, 35th District; Landis, 46th District; L. Johnson, 15th District; Morehead, 30th District; Lundy, 36th District; Sieck, 24th District.

A BILL FOR AN ACT relating to liquors; to amend sections 53-131 to 53-133, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to licenses to sell alcoholic liquor at retail; and to repeal the original sections.

LEGISLATIVE BILL 883. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Beyer, 3rd District; Higgins, 9th District; Labedz, 5th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to political subdivisions; to adopt the Political Subdivisions Group Self-insurance Pool Act; and to declare an emergency.

LEGISLATIVE BILL 884. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Beyer, 3rd District; Haberman, 44th District; Higgins, 9th District; Labedz, 5th District; Pappas, 42nd District; Schmit, 23rd District.

A BILL FOR AN ACT relating to trade practices; to amend sections 29-813, 59-1602, 71-147, 87-307, 87-310, and 87-311, Reissue Revised Statutes of Nebraska, 1943, section 81-2004, Revised Statutes Supplement, 1984, and section 81-2005, Revised Statutes Supplement, 1985; to adopt the Nebraska Fair Trade Practices Act; to provide for the service of warrants as prescribed; to harmonize provisions; to provide a penalty; to repeal the Uniform Deceptive Trade Practices Act; and to repeal the original sections, and also sections 87-301 to 87-306, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 885. By Haberman, 44th District.

A BILL FOR AN ACT relating to counties; to provide for the appointment of public defenders in certain counties as prescribed.

LEGISLATIVE BILL 886. By Schmit, 23rd District.

A BILL FOR AN ACT relating to ground water; to amend sections 46-602, 46-603, 46-604, 46-606, and 46-657, Reissue Revised Statutes of Nebraska, 1943; to define a term; to change provision relating to certificates of well drillers and their disposition; to eliminate an obsolete statute; to harmonize provisions; and to repeal the original sections, and also section 46-605, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 887. By Wesely, 26th District.

A BILL FOR AN ACT relating to technical community colleges; to amend section 79-2647, Reissue Revised Statutes of Nebraska, 1943; to provide that a vacancy shall exist on a board for specified absences; to provide for notice and hearing; and to repeal the original section.

LEGISLATIVE BILL 888. By Lynch, 13th District.

A BILL FOR AN ACT relating to county assessors; to eliminate a specific authorization for certain county officers; and to repeal section 77-401.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 889. By Lynch, 13th District.

A BILL FOR AN ACT relating to county budgets; to amend section 23-923, Revised Statutes Supplement, 1984; to change content requirements for certain budgets; and to repeal the original section.

LEGISLATIVE BILL 890. By Sieck, 24th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,142.02, Revised Statutes Supplement, 1985; to change provisions relating to municipal elections to increase the sales and use tax as prescribed; and to repeal the original section.

MOTION - Withdraw LB 770

Mr. Haberman moved to withdraw LB 770.

Laid over.

UNANIMOUS CONSENT - Member Excused

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Adopt Permanent Rules

Mr. V. Johnson asked unanimous consent to withdraw his pending proposed rule change, Sec. 6. No objections. So ordered.

Mr. Harris renewed his pending proposed rule change found in the Journal on page 147 to Rule 10.

Mr. Hefner asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Harris moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Haberman requested a roll call vote on the Harris rule change.

Voting in the affirmative, 15:

Eret	Labeledz	Lynch	Pirsch	Sieck
Harris	Lamb	Miller	Remmers	Smith
Johnson, L.	Lundy	Nelson	Rupp	Warner

Voting in the negative, 24:

Abboud	Chambers	Hall	Morehead	Scofield
Baack	Chizek	Hoagland	Nichol	Vickers
Barrett	Conway	Johnson, V.	Pappas	Wesely
Beyer	Goll	Landis	Rogers	Withem
Carsten	Haberman	Marsh	Schmit	

Present and not voting, 6:

Chronister	Hannibal	Hartnett	Higgins	Peterson
DeCamp				

Absent and not voting, 1:

Goodrich

Excused and not voting, 3:

Beutler Hefner Johnson, R.

The Harris proposed rule change lost with 15 ayes, 24 nays, 6 present and not voting, 1 absent and not voting, and 3 excused and not voting.

Mrs. Nelson asked unanimous consent to be excused until she returns. No objections. So ordered.

The Rules Committee renewed the proposed rules changes found in the Journal on page 148.

Pending.

Messrs. Barrett and Beyer asked unanimous consent to be excused until they return. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 891. By DeCamp, 40th District.

A BILL FOR AN ACT relating to county court clerks; to amend section 24-532.01, Revised Statutes Supplement, 1985; to change provisions relating to the investment of certain funds; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 892. By DeCamp, 40th District.

A BILL FOR AN ACT relating to real property; to amend section 76-238.01, Reissue Revised Statutes of Nebraska, 1943; to provide for the applicability of certain provisions to future advances as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 893. By DeCamp, 40th District.

A BILL FOR AN ACT relating to corporations; to amend section 21-2079, Revised Statutes Supplement, 1985; to change provisions relating to the rights of certain shareholders with respect to mergers; and to repeal the original section.

LEGISLATIVE BILL 894. By Schmit, 23rd District; Beutler, 28th District; Vickers, 38th District.

A BILL FOR AN ACT relating to ground water; to amend sections 46-656 to 46-658, 46-659, 46-663, 46-666, 46-673, 46-673.03, 46-673.07, 46-673.09, and 46-674, Reissue Revised Statutes of Nebraska, 1943; to provide for the control of contaminants in ground water; to state findings; to define terms; to provide powers and duties; to provide for special ground water quality protection areas; to harmonize provisions; and to repeal the original sections, and also section 46-658.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 895. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Haberman, 44th District; Higgins, 9th District; Labedz, 5th District; Pappas, 42nd District; Schmit, 23rd District.

A BILL FOR AN ACT relating to mandated health coverage; to state intent; to provide for reports to legislative committees; to define a term; and to provide guidelines for assessing impact.

LEGISLATIVE BILL 896. By Lamb, 43rd District.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-606, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to persons working on highways; and to repeal the original section.

UNANIMOUS CONSENT - Print in Journal

The Rules Committee and the Executive Board asked unanimous consent to print the proposed rule change in the Journal. No objections. So ordered.

To amend Rule 3 Section 3 by striking all its contents and inserting.

Section 3. STANDING COMMITTEES

a.) The Standing Committees of the Legislature shall be as follows:

- Agriculture
- Appropriations
- Banking, Commerce and Insurance
- Business and Labor

- Education
- General Affairs
- Government, Military and Veterans Affairs
- Judiciary
- Natural Resources
- Public Health and Welfare
- Revenue
- Transportation
- Urban Affairs

b.) The Speaker shall not be a regular member of a standing committee.

UNANIMOUS CONSENT - Withdraw Co-Introducer

Mr. DeCamp asked unanimous consent to have his name withdrawn as co-introducer to LB 754. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following proposed rule change in the Journal. No objections. So ordered.

- 1 1. Amend Rule 2, section 4(b) to read as
- 2 follows:
- 3 (b) The presence of any member including a
- 4 member who has been excused by the Legislature may be
- 5 compelled, if necessary, by sending the Sergeant at
- 6 Arms, or such other person or persons as the membership
- 7 present may authorize, at the expense of such absent
- 8 member, unless such excuse for nonattendance is made as
- 9 the Legislature may judge sufficient, and in that case
- 10 the expense shall be paid out of the contingent fund.
- 11 The motion to compel such presence shall require a
- 12 majority vote of the members present.

Mrs. Morehead asked unanimous consent to print the following proposed rule change in the Journal. No objections. So ordered.

- 1 1. Amend Rule 2, section 4(b) to read as
- 2 follows:
- 3 (b) The presence of any member except a member
- 4 who has been excused by the Legislature may be
- 5 compelled, if necessary, by sending the Sergeant at
- 6 Arms, or such other person or persons as the membership

7 present may authorize, at the expense of such absent
8 member, ~~unless such excuse for nonattendance is made~~
9 ~~as the Legislature may judge sufficient, and in that~~
10 ~~case the expense shall be paid out of the contingent~~
11 ~~fund.~~

ADJOURNMENT

At 4:17 p.m., on a motion by Mr. Haberman, the Legislature adjourned until 9:00 a.m., Friday, January 10, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

THIRD DAY - JANUARY 10, 1986**LEGISLATIVE JOURNAL****EIGHTY-NINTH LEGISLATURE
SECOND SESSION****THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 10, 1986

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. Richard Johnson, Temple Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Peterson, Schmit, Wesely, Withem, and Mrs. Nelson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Second Day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 754, and 812-869; and legislative resolution 309.

LB	Committee
754	Public Health and Welfare
812	Government, Military and Veterans Affairs
813	Judiciary
814	Miscellaneous Subjects
815	Revenue

816	Revenue
817	Revenue
818	Agriculture and Environment
819	Revenue
820	Education
821	Public Works
822	Nebraska Retirement Systems
823	Judiciary
824	Revenue
825	Miscellaneous Subjects
826	Public Health and Welfare
827	Education
828	Public Health and Welfare
829	Public Health and Welfare
830	Urban Affairs
831	Public Works
832	Agriculture and Environment
833	Public Works
834	Education
835	Public Works
836	Public Health and Welfare
837	Business and Labor
838	Appropriations
839	Appropriations
840	Appropriations
841	Appropriations
842	Appropriations
843	Government, Military and Veterans Affairs
844	Government, Military and Veterans Affairs
845	Public Works
846	Revenue
847	Appropriations
848	Public Health and Welfare
849	Agriculture and Environment
850	Banking, Commerce and Insurance
851	Appropriations
852	Appropriations
853	Appropriations
854	Public Works
855	Government, Military and Veterans Affairs
856	Government, Military and Veterans Affairs
857	Government, Military and Veterans Affairs
858	Public Health and Welfare
859	Banking, Commerce and Insurance
860	Banking, Commerce and Insurance

861 Government, Military and Veterans Affairs
862 Government, Military and Veterans Affairs
863 Revenue
864 Public Works
865 Education
866 Education
867 Revenue
868 Miscellaneous Subjects
869 Banking, Commerce and Insurance

LR Committee
309 Constitutional Revision and Recreation

Nebraska Retirement Systems

Lou Ninegar - Public Employees Retirement Board

Public Works

C.F. (Fred) Hansen - Motor Vehicle Industry Licensing Board
Clifford E. Langel - Motor Vehicle Industry Licensing Board

Miscellaneous Subjects

Ted Kooser - Nebraska Arts Council
Paul C. Schorr - Nebraska Arts Council
Willie L. Sapp - Nebraska Arts Council
Susan K. Renken - Nebraska Arts Council

Government, Military and Veterans Affairs

Steve Torrence - Director, Nebraska Department of Personnel

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

EXECUTIVE BOARD REPORT

TO: Members of the Legislature
FROM: Senator Chris Beutler
RE: Adoption of Resolution
DATE: January 9, 1986

The Executive Board of the Legislative Council adopted the attached resolution during executive session on this date.

Said resolution establishes a special committee to address matters relating to economic development.

EXECUTIVE BOARD RESOLUTION

WHEREAS, the stagnant economy of the state is one of the most difficult problems facing Nebraska today; and

WHEREAS, issues concerning the state's economy and economic development are spread across several different standing committees; and

WHEREAS, there is clearly a need for the Legislature to place a high priority on addressing issues regarding economic development in Nebraska; and

WHEREAS, the LR 203 Ad Hoc Committee on Economic Development was established as an informal committee to research economic development issues during the 1985 interim; and

WHEREAS, this ad hoc committee is completing an inventory of current economic development programs and policies in Nebraska and is researching various alternatives to enhance the state's economy.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EXECUTIVE BOARD OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That, pursuant to section 50-404, a special committee of the Legislature be established to address the matters enumerated in this resolution and any related matters.

2. That Senator Don Wesely serve as chairperson of such committee and that the Executive Board appoint eleven additional committee members.

3. That a majority of the Special Committee shall constitute a quorum for all purposes. A member who fails to attend three consecutive or five total committee meetings shall no longer be deemed as a member of the special committee.

4. That the Special Committee shall serve to focus and coordinate legislative attention and resources on economic development issues.

5. That the Special Committee shall provide research assistance to existing standing committees who are referenced legislative proposals pertaining to economic development.

6. That the Special Committee shall evaluate the performance and impact of existing state economic development activities and the general climate for economic development in Nebraska.

7. That the Special Committee shall develop recommendations for the Legislature on what Nebraska's economic development priorities and programs should be.

8. That the activities of the Special Committee shall not interfere with or supersede the normal activities of existing committees.

9. That the Special Committee terminate on December 31, 1986, and a final report be due upon termination of the committee.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 308.

MOTION - Withdraw LB 770

Mr. Haberman renewed his pending motion found in the Journal on page 209 to withdraw LB 770.

The motion prevailed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

MOTION - Adopt Permanent Rules

The Rules Committee renewed their pending proposed rules changes found in the Journal on page 148 and considered on page 211.

Mr. Hannibal offered the following amendment to the proposed rule change:

On p. 148 of the Journal for the First Day, amend the Rules Committee's proposed amendments to Legislature Rules as follows:

1. Strike Section 2 and show as stricken.
2. In the proposed new section 4 to Rule 8, strike subsection (a) and insert the following:

(a) Each standing committee may hold a budget request review hearing on the agency, board and commission budgets reasonably encompassed in its subject matter jurisdiction. The Chairperson of the standing committee shall coordinate the scheduling of such hearings with the Chairperson of the Appropriations Committee. The standing committee shall obtain a determination from the Executive Board that the budget to be reviewed is within its subject matter jurisdiction. It may make recommendations with regard to proposed appropriations to the Appropriations Committee.

The Hannibal amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Hartnett moved for a call of the house. The motion prevailed with 9 ayes, 1 nay, and 39 not voting.

The Rules Committee proposed rule change was adopted with 30 ayes, 10 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The Rules Committee renewed their proposed rule change found in the Journal on page 150 to Rule 5, Sec. 4(d).

The rule change was adopted with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

The Rules Committee and the Executive Board renewed their proposed rule change found in the Journal on page 212 to Rule 3, Section 3.

Passed over.

Mr. Withem renewed his proposed rule change found in the Journal on page 213 to Rule 2, Section 4(b).

Mr. Chronister asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Higgins offered the following amendment to the Withem proposed rule change:

To amend rule 2 - Sec. 4 Withem amendment to strike "at the expense of such absent member."

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Higgins moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

The Higgins amendment was adopted with 25 ayes, 9 nays, 11 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Withem moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Withem requested a roll call vote on his proposed rule change.

Voting in the affirmative, 21:

Beutler	Hefner	Landis	Pappas	Smith
Chizek	Higgins	Lundy	Rupp	Warner
Conway	Hoagland	Lynch	Scofield	Wesely
Harris	Johnson, V.	Nelson	Sieck	Withem
Hartnett				

Voting in the negative, 23:

Abboud	Eret	Johnson, R.	Morehead	Remmers
Baack	Haberman	Labeledz	Nichol	Rogers
Barrett	Hall	Lamb	Peterson	Schmit
Beyer	Hannibal	Marsh	Pirsch	Vickers
DeCamp	Johnson, L.	Miller		

Present and not voting, 1:

Goll

Absent and not voting, 1:

Goodrich

Excused and not voting, 3:

Carsten Chambers Chronister

The Withem proposed rule change lost with 21 ayes, 23 nays, 1 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Messrs. R. Johnson and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Morehead renewed her proposed rule change found in the Journal on page 213 to Rule 3, Section 4(b).

The Morehead proposed rule change lost with 16 ayes, 20 nays, 8 present and not voting, and 5 excused and not voting.

Mr. Wesely offered the following proposed rule change:

Amend Rule 3, Section 3, by striking the language "Public Health and Welfare" and inserting "Health and Human Services."

The Wesely proposed rule change was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARING

Public Works

Governor Appointments Thursday, January 16, 1986 1:15 P.M.
C.F. (Fred) Hansen-Motor Vehicle Industry Licensing Board
Clifford E. Langel-Motor Vehicle Industry Licensing Board

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 546 in the Journal. No objections. So ordered.

AM1419

- 1 1. Insert the following new section:
- 2 "Sec. 4. Since an emergency exists, this act
- 3 shall be in full force and take effect, from and after
- 4 its passage and approval, according to law."

STANDING COMMITTEE REPORT

Miscellaneous Subjects

LEGISLATIVE BILL 58. Indefinitely postponed.

(Signed) Elroy M. Hefner, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 897. By Rupp, 22nd District.

A BILL FOR AN ACT relating to schools; to amend section 79-603, Reissue Revised Statutes of Nebraska, 1943; to provide for certain Class I schools to merge with other Class I schools as prescribed; to delete obsolete language; and to repeal the original section.

LEGISLATIVE BILL 898. By Agriculture and Environment Committee: R. Johnson, 34th District, Chairperson; Barrett, 39th District; Chizek, 31st District; Eret, 32nd District; Pirsch, 10th District; Sieck, 24th District; Vickers, 38th District.

A BILL FOR AN ACT relating to milk; to amend sections 2-3901 to 2-3906 and 2-3908 to 2-3912, Reissue Revised Statutes of Nebraska, 1943; to harmonize internal references in the Nebraska Pasteurized Milk Law; to change a provision relating to the restriction of the sale of milk and milk products; to change a provision relating to regulatory functions performed by political subdivisions; to eliminate provisions related to the sale of milk and cream; to provide an operative date; to repeal the original sections, and also sections 81-258 to 81-261 and 81-263, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 899. By Agriculture and Environment Committee: R. Johnson, 34th District, Chairperson; Barrett, 39th District; Chizek, 31st District; Eret, 32nd District; Pirsch, 10th District; Sieck, 24th District; Vickers, 38th District.

A BILL FOR AN ACT relating to the Nebraska Seed Law; to amend sections 81-2,147, 81-2,147.06, and 81-2,147.10, Revised Statutes Supplement, 1985; to state intent; to provide for an inspection fee as prescribed; to change a provision relating to powers and duties; to change a date relating to registration; to change a provision relating to exceptions for certain permits as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 900. By Agriculture and Environment Committee: R. Johnson, 34th District, Chairperson; Barrett, 39th District; Chizek, 31st District; Eret, 32nd District; Pirsch, 10th District; Sieck, 24th District; Vickers, 38th District.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3914, 2-3915, 2-3917 to 2-3919, 2-3922 to 2-3925, 2-3928 to 2-3930, 2-3935, and 2-3938 to 2-3947, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to change provisions relating to

the quality testing of milk, herd health requirements, storage, sanitation, and water requirements, and pasteurization; to provide a fee; to provide powers and duties for the Department of Agriculture; to eliminate provisions related to the sale of milk and cream; to harmonize provisions; to provide an operative date; to repeal the original sections, and also sections 2-3933, 81-258 to 81-261, and 81-263, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 901. By Barrett, 39th District.

A BILL FOR AN ACT relating to employment security; to amend section 48-652, Revised Statutes Supplement, 1985; to change provisions relating to contributions by an employer to an experience account as prescribed; and to repeal the original section.

LEGISLATIVE BILL 902. By Pirsch, 10th District; Lynch, 13th District; Hoagland, 6th District.

A BILL FOR AN ACT relating to natural resources districts; to amend sections 2-3201 and 2-3203, Reissue Revised Statutes of Nebraska, 1943, and sections 2-1504 and 2-3202, Revised Statutes Supplement, 1984; to exclude territory in cities of the metropolitan class from natural resources districts; to harmonize provisions; and to repeal the original sections.

RESOLUTION

LEGISLATIVE RESOLUTION 310CA.

Introduced by Abboud, 12th District.

A Resolution to propose an amendment to Article VIII of the Constitution of Nebraska by adding a new section thereto.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII of the Constitution of Nebraska by adding a new section thereto, which is hereby proposed by the Legislature:

CVIII-13 "For the purpose of promoting economic development and bringing new business into the state, the county board of any

county may, by the passage of a resolution, initiate a vote of the electors of such county to exempt, either wholly or partially, for a period not exceeding five years, real property identified by the board which is situated within such county from taxation by the county or any subdivision therein. Such real property tax exemption shall be effective if a majority of the total number of votes cast by electors upon such proposition at the general or special election or special in which the proposition is submitted are in favor of the proposition."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to authorize the county board to grant a property tax exemption upon passage of a resolution by the board and approval of such proposition by a majority vote of the electors at a general or special election.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 903. By Lynch, 13th District.

A BILL FOR AN ACT relating to insurance; to amend section 44-393, Reissue Revised Statutes of Nebraska, 1943; to provide for the reporting of fraudulent insurance transactions as prescribed; to provide for protection from civil liability as prescribed; and to repeal the original section.

LEGISLATIVE BILL 904. By Select Committee on Early Childhood Special Education: Vickers, 38th District, Chairperson; Scofield, 49th District; V. Johnson, 8th District; Wesely, 26th District; Hartnett, 45th District; Warner, 25th District; Morehead, 30th District; Beutler, 28th District.

A BILL FOR AN ACT relating to handicapped children; to amend section 83-217.01, Reissue Revised Statutes of Nebraska, 1943; to abolish the Nebraska Coordinating Council for the Handicapped; to harmonize provisions; to repeal the original section, and also sections 43-654.01 to 43-654.03 and 43-655.01 to 43-657, Reissue Revised Statutes of Nebraska, 1943, and section 43-654, Revised Statutes Supplement, 1985.

LEGISLATIVE BILL 905. Select Committee on Early Childhood Special Education: Vickers, 38th District, Chairperson; Scofield, 49th District; V. Johnson, 8th District; Wesely, 26th District; Hartnett, 45th District; Warner, 25th District; Morehead, 30th District; Beutler, 28th District.

A BILL FOR AN ACT relating to infant hearing impairment; to amend section 71-604.01, Revised Statutes Supplement, 1984; to provide for screening by a physician; to provide duties; and to repeal the original section.

LEGISLATIVE BILL 906. By Select Committee on Early Childhood Special Education: Vickers, 38th District, Chairperson; V. Johnson, 8th District; Hartnett, 45th District; Warner, 25th District; Scofield, 49th District; Wesely, 26th District; Morehead, 30th District; Beutler, 28th District.

A BILL FOR AN ACT relating to special education; to amend sections 43-643, 43-646.02, and 43-648, Reissue Revised Statutes of Nebraska, 1943; to state intent; to provide for verification of special education students as prescribed; to change provisions relating to special education plans and budget requests; to provide for reimbursement of certain special education services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 907. By DeCamp, 40th District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-1502, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to notice requirements for acquisitions of certain financial institutions; and to repeal the original section.

LEGISLATIVE BILL 908. By DeCamp, 40th District.

A BILL FOR AN ACT relating to credit unions; to amend sections 8-1,134, 8-1,136, and 8-1,137, Revised Statutes Supplement, 1984; to

provide the Director of Banking and Finance with powers relating to violations of certain provisions; and to repeal the original sections.

LEGISLATIVE BILL 909. By DeCamp, 40th District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-158, Reissue Revised Statutes of Nebraska, 1943; to change a term relating to estates; and to repeal the original section.

LEGISLATIVE BILL 910. By DeCamp, 40th District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-601, Reissue Revised Statutes of Nebraska, 1943; to provide for an assessment on holding companies of certain institutions; and to repeal the original section.

LEGISLATIVE BILL 911. By Pappas, 42nd District, DeCamp, 40th District; Higgins, 9th District; Marsh, 29th District; Nichol, 48th District; Hartnett, 45th District; Wesely, 26th District; Labedz, 5th District; Morehead, 30th District; Nelson, 35th District; Hall, 7th District; Lundy, 36th District; Conway, 17th District.

A BILL FOR AN ACT relating to liquors; to amend sections 53-132 and 53-134, Reissue Revised Statutes of Nebraska, 1943, and section 53-103, Revised Statutes Supplement, 1985; to state intent; to change provisions relating to retail and bottle club licenses; and to repeal the original sections.

LEGISLATIVE BILL 912. By Lundy, 36th District, Scofield, 49th District; Conway, 17th District; Chronister, 18th District; Remmers, 1st District.

A BILL FOR AN ACT relating to state colleges; to amend sections 85-316 and 85-408, Reissue Revised Statutes of Nebraska, 1943; to increase the amount a college may retain for certain disbursements as prescribed; to increase an expenditure limitation from surplus and replacement funds as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 913. By Nichol, 48th District; Nelson, 35th District; Rupp, 22nd District, Pappas, 42nd District.

A BILL FOR AN ACT relating to schools; to require a statement by county treasurers; to change when school funds are distributed; to provide for a forfeiture; and to repeal section 79-1307.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 914. By Eret, 32nd District.

A BILL FOR AN ACT relating to homestead exemptions; to amend section 77-3505, Reissue Revised Statutes of Nebraska, 1943; to change the definition of a qualified claimant; and to repeal the original section.

LEGISLATIVE BILL 915. By Wesely, 26th District.

A BILL FOR AN ACT relating to insurance; to eliminate provisions relating to open enrollment for health maintenance organizations; and to repeal sections 44-3255, 44-3256, and 44-3257, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 916. By Wesely, 26th District.

A BILL FOR AN ACT relating to health; to amend section 68-104, Revised Statutes Supplement, 1984; to adopt the Medically Indigent Act; to change duties of the county board; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 917. By Hall, 7th District.

A BILL FOR AN ACT relating to employment security; to amend sections 48-601, 48-624, 48-627, and 48-669, Revised Statutes Supplement, 1985; to change the weekly benefit amount; to provide for adjustments to the weekly benefit amount; to change benefit eligibility requirements; to harmonize provisions; to provide operative dates; and to repeal the original sections.

RESOLUTION**LEGISLATIVE RESOLUTION 311CA.**

Introduced by Lundy, 36th District; Rupp, 22nd District, Hefner, 19th District; Pappas, 42nd District; Sieck, 24th District; Conway, 17th District; Chronister, 18th District; Lamb, 43rd District.

A Resolution to propose an amendment to Article I, section 1, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article I, section 1, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

CI-1 "All persons are by nature free and independent, and have certain inherent and inalienable rights; among these are life, liberty, and the pursuit of happiness, and the right to keep and bear arms for the defense of their persons, families, and property and the state and for lawful hunting and recreational and other lawful purposes. Such rights shall not be abridged by the state or any subdivision thereof. To secure these rights, and the protection of property, governments are instituted among people, deriving their just powers from the consent of the governed."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to give all persons in this state the right to keep and bear arms for their personal defense and other lawful purposes.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

UNANIMOUS CONSENT - Member Excused

Mr. Rupp asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Adopt Permanent Rules

Mr. Conway offered the following proposed rule change:

Amend Rule 3, Section 13, as follows:

Sec. 13. Public Hearing, Notice. Before taking final action on a bill or resolution, a committee shall hold a public hearing thereon and shall give at least seven calendar days' notice, after the bill shall have been printed, by publication in the Legislative Journal. No bill having been set for public hearing shall be withdrawn nor the hearing

cancelled within seven calendar days of the date set for said public hearing. For the 1986 legislative session only all public hearings on bills and constitutional amendments shall be completed by the 30th legislative day.

Mr. Conway moved for a call of the house. The motion prevailed with 6 ayes, 1 nay, and 42 not voting.

Mr. Haberman requested a roll call vote on the Conway proposed rule change.

Voting in the affirmative, 14:

Abboud	DeCamp	Higgins	Lynch	Pirsch
Baack	Harris	Hoagland	Miller	Wesely
Conway	Hefner	Johnson, V.	Pappas	

Voting in the negative, 26:

Barrett	Goll	Johnson, L.	Marsh	Scofield
Beutler	Haberman	Labeledz	Nelson	Sieck
Carsten	Hall	Lamb	Nichol	Smith
Chambers	Hannibal	Landis	Remmers	Vickers
Chizek	Hartnett	Lundy	Rogers	Warner
Eret				

Present and not voting, 4:

Beyer	Morehead	Peterson	Withem
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Absent and not voting, 1:

Goodrich

Excused and not voting, 4:

Chronister	Johnson, R.	Rupp	Schmit
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The Conway proposed rule change lost with 14 ayes, 26 nays, 4 present and not voting, 1 absent and not voting, and 4 excused and not voting.

Mr. Hannibal offered the following proposed rule change:
to amend Rule 2, Section 4(b) by adding the following sentence

"The motion to compel such presence shall require a majority vote of the members present."

The Chair declared the call raised.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment to the proposed Hannibal rule change:

Strike: "The motion" and Read as follows: "To compel such presence shall require a request by any member."

Messrs. Landis, Carsten, Abboud, Sieck, Hefner, and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 8:

Chambers	Lynch	Pirsch	Smith	Vickers
Higgins	Pappas	Remmers		

Voting in the negative, 27:

Abboud	Conway	Hannibal	Johnson, V.	Nichol
Baack	DeCamp	Harris	Lamb	Rogers
Barrett	Eret	Hefner	Lundy	Scofield
Beutler	Goll	Hoagland	Marsh	Wesely
Beyer	Haberman	Johnson, L.	Miller	Withem
Chizek	Hall			

Present and not voting, 5:

Hartnett	Morehead	Nelson	Peterson	Warner
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Absent and not voting, 1:

Goodrich

Excused and not voting, 8:

Carsten	Johnson, R.	Landis	Schmit	Sieck
Chronister	Labedz	Rupp		

The Chambers amendment lost with 8 ayes, 27 nays, 5 present and not voting, 1 absent and not voting, and 8 excused and not voting.

Mr. Hannibal asked unanimous consent to withdraw his pending proposed rule change. No objections. So ordered.

The Chair declared the call raised.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 918. By R. Johnson, 34th District.

A BILL FOR AN ACT relating to the University of Nebraska; to state intent; and to require a report from the Board of Regents concerning the Institute of Agriculture and Natural Resources.

LEGISLATIVE BILL 919. By Warner, 25th District.

A BILL FOR AN ACT relating to the Supreme Court; to amend section 24-342.02, Reissue Revised Statutes of Nebraska, 1943; to provide for the establishment of a fee schedule as prescribed; and to repeal the original section.

LEGISLATIVE BILL 920. By Warner, 25th District.

A BILL FOR AN ACT relating to the Nebraska Natural Resources Commission; to amend sections 2-1503, 2-15,100, 2-15,103 to 2-15,106, and 2-15,108, Revised Statutes Supplement, 1984, and sections 2-1504.03 and 2-15,113 Revised Statutes Supplement, 1985; to change the title and manner of appointment of the director; to harmonize provisions; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 312.

Introduced by Select Committee on Early Childhood Special Education: Vickers, 38th District, Chairperson; Scofield, 49th District; Hartnett, 45th District; Beutler, 28th District; Morehead, 30th District; V. Johnson, 8th District; Wesely, 26th District; Warner, 25th District.

WHEREAS, national studies have shown that early identification of children with many handicapping conditions and early intervention leads to increased potential for learning and development of such children as well as reduced costs in special education programs in later years; and

WHEREAS, the United States Congress is currently considering legislation reauthorizing the Education for Handicapped Children Act; and

WHEREAS, Nebraska's preschool program for handicapped children has been a forerunner and model for use by other states; and

WHEREAS, the Legislature's Select Committee for Services to Handicapped Children under Age Five has made several recommendations to improve the quality, effectiveness, and efficiency of preschool programs for handicapped children, including improved coordination of assessment and programs, strengthened coordination of prevention programs, a new emphasis on parent involvement in teacher training programs, and strengthened Nebraska research and data collection programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature continues to support the preschool program for handicapped children.

2. That the Legislature supports the concept of early identification and intervention.

3. That the Legislature supports federal early intervention research now being conducted at Early Intervention Research Centers and supports continued monitoring of such research and increased state research activities to determine which types of handicapping conditions are most successfully addressed by special types of early intervention programs.

4. That the Clerk of the Legislature send a copy of this resolution to each member of the Nebraska Congressional delegation.

Laid over.

LEGISLATIVE RESOLUTION 313.

Introduced by DeCamp, 40th District; Pappas, 42nd District; Haberman, 44th District.

WHEREAS, the University of Nebraska at Curtis has major regional significance to western Nebraska and,

WHEREAS, animal and veterinary science research and service is extremely important to agriculture in Nebraska and,

WHEREAS, alternative funding mechanisms are being considered by the federal government for expanding projects which strengthen agriculture and,

WHEREAS, recently approved redirection of federal funds appropriated for the Old West Regional Veterinary College are being considered.

WHEREAS, Lincoln Campus sites and Clay Center laboratories although attractive are not the best location for animal research and training. Facilities, room for expansion, community support, assessibility to ranchers and farmers are just a few of the factors which are far more available at centrally located Curtis, Nebraska.

WHEREAS, it is imperative to act quickly on federal proposals in order to make these reallocations possible.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE SECOND SESSION:

1. That the University of Nebraska at Curtis, by and through the University of Nebraska and the Nebraska State Legislature, be offered to the federal government for its headquartered campus for animal and veterinary science research.

2. That the community of Curtis and its campus, would be an ideal location without having to do a great deal of remodeling and renovation with great cost savings.

Laid over.

LEGISLATIVE RESOLUTION 314CA.

Introduced by Warner, 25th District.

A Resolution to propose an amendment to Article XV of the Constitution of Nebraska by adding a new section thereto.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article XV of the Constitution

of Nebraska by adding a new section thereto, which is hereby proposed by the Legislature:

CXV-19 "No money derived from sales or use taxes imposed by the state on motor vehicles, trailers, or semitrailers or from fees, excises, or license fees imposed by the state relating to the registration, ownership, operation, or use of vehicles on the public highways, roads, or streets or to fuels used for the propulsion of such vehicles shall be expended for other than the cost of administering laws under which such money is derived, statutory refunds and adjustments provided therein, payment of highway obligations including highway construction bonds authorized by Article XIII, section 1, and the cost of construction, reconstruction, maintenance, and repair of public highways and bridges and county, city, township, and village roads, streets, off-street public parking owned by a municipality, and bridges. This section shall not apply to money derived from motor vehicle operators' license fees."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to provide that the net proceeds from highway use taxes, including motor vehicle license fees, motor vehicle fuel taxes, and motor vehicle sales or use taxes imposed by the state shall be used only for the purpose of construction, reconstruction, repair and maintenance of highways, streets, roads, and bridges, and payment of highway obligations including highway construction bonds authorized by Article XIII, section 1.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 921. By Public Health and Welfare Committee: Wesely, 26th District, Chairperson; Hall, 7th District; Lynch, 13th District; Smith, 33rd District;

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-1,132.05, Reissue Revised Statutes of Nebraska, 1943, sections 71-2017.02, 71-6030, and 71-6039, Revised Statutes Supplement, 1984, and sections 44-3602, 71-2017, 71-2017.01, 71-2017.03, 71-2018, 71-2020, and 81-502, Revised Statutes Supplement, 1985; to clarify a term; to redefine intermediate care facility; to harmonize provisions; to change provisions relating to hospital and health services; to change provisions relating to nursing homes; and to repeal the original sections.

LEGISLATIVE BILL 922. By Public Health and Welfare Committee: Wesely, 26th District, Chairperson; Hall, 7th District; Lynch, 13th District; Smith, 33rd District; Withem, 14th District.

A BILL FOR AN ACT relating to public health and welfare; to provide that matching funds are not required in certain areas.

LEGISLATIVE BILL 923. By Public Health and Welfare Committee: Wesely, 26th District, Chairperson; Lynch, 13th District; Smith, 33rd District; Withem, 14th District.

A BILL FOR AN ACT relating to children; to amend sections 43-248, 43-284, 43-287, and 43-1315, Reissue Revised Statutes of Nebraska, 1943, and section 43-254, Revised Statutes Supplement, 1985; to provide the Department of Social Services certain powers and duties relating to guardianships of children; to define a term; to change provisions relating to detention and placement of juveniles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 924. By Public Health and Welfare Committee: Wesely, 26th District, Chairperson; Lynch, 13th District; Smith, 33rd District; Withem, 14th District.

A BILL FOR AN ACT relating to health care facilities; to amend sections 71-2017, 71-2017.01, 71-2017.03, 71-2018, and 71-2020, Revised Statutes Supplement, 1985; to provide for the licensure of intermediate care facilities for the developmentally disabled; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 925. By Public Health and Welfare Committee: Wesely, 26th District, Chairperson; Hall, 7th District; Lynch, 13th District; Withem, 14th District.

A BILL FOR AN ACT relating to the Department of Health; to amend section 81-638, Revised Statutes Supplement, 1984; to provide for funding of the cancer registry and associated expenses; to abolish the Cancer Registry Fund; to repeal the original section, and also section 81-641, Revised Statutes Supplement, 1984.

LEGISLATIVE BILL 926. By Public Health and Welfare Committee: Wesely, 26th District, Chairperson; Hall, 7th District; Lynch, 13th District; Smith, 33rd District; Withem, 14th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-108, 71-115, 71-121.01, 71-123, 71-124, 71-125, 71-134, 71-135, 71-138, 71-147, 71-148, 71-153, 71-161.04, 71-161.05, 71-161.11, 71-163, 71-166, 71-193.04, 71-195, 71-198, 71-1,155, 71-1327, and 71-1331, Reissue Revised Statutes of Nebraska, 1943, sections 71-101, 71-129, 71-130, 71-134.01, 71-134.02, 71-155.01, 71-1,132.49, 71-1351, 71-1722, 71-1724, 71-1757, and 71-6114, Revised Statutes Supplement, 1984, and sections 71-110, 71-114, 71-116, 71-121, 71-122, 71-131, 71-134.03, 71-139, 71-161.10, 71-174.01, 71-179.01, 71-180.03, 71-1,136.01, and 71-1,162, Revised Statutes Supplement, 1985; to harmonize provisions; to change provisions relating to fees; to change the membership requirements of a board; to provide for board teleconference meetings; to change board compensation requirements; to change provisions relating to examinations, reciprocal licenses, relicensure, license denial, revocation, suspension, and reinstatement, and disciplinary actions; to provide for temporary suspension; to change a penalty; to change certain licensing and examination requirements; to eliminate certain licensure requirements; to eliminate the accredited high schools list; to eliminate registration requirements; to eliminate an exemption; to define a term; and to repeal the original sections, and also sections 71-103, 71-127, and 71-187, Reissue Revised Statutes of Nebraska, 1943, sections 71-122.01 and 71-1355, Revised Statutes Supplement, 1984, and section 71-109, Revised Statutes Supplement, 1985.

LEGISLATIVE BILL 927. By DeCamp, 40th District; Carsten, 2nd District; Schmit, 23rd District; Haberman, 44th District; Landis, 46th District; Harris, 27th District; Barrett, 39th District; R. Johnson, 34th District.

A BILL FOR AN ACT relating to accountants; to amend section 75-903, Revised Statutes Supplement, 1985; to provide that certain accountants can prepare financial documents as prescribed; and to repeal the original section.

LEGISLATIVE BILL 928. By Government, Military and Veterans Affairs Committee: Landis, 46th District, Chairperson; Chambers, 11th District; Hoagland, 6th District; Peterson, 21st District; Rogers, 41st District; Withem, 14th District.

A BILL FOR AN ACT relating to insurance; to amend section 60-1008, Reissue Revised Statutes of Nebraska, 1943; to authorize the Risk Manager to procure insurance as prescribed; and to repeal the original section.

LEGISLATIVE BILL 929. By Government, Military and Veterans Affairs Committee: Landis, 46th District, Chairperson; Abboud, 12th District; Chambers, 11th District; Hoagland, 6th District; Peterson, 21st District; Rogers, 41st District; Withem, 14th District.

A BILL FOR AN ACT relating to governmental funds; to amend sections 43-648 and 79-4,160, Reissue Revised Statutes of Nebraska, 1943, sections 77-27,137.01 and 79-1333, Revised Statutes Supplement, 1984, and section 77-27,137, Revised Statutes Supplement, 1985; to provide duties for the State Treasurer; to change the distribution of certain funds; and to repeal the original sections.

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee will be meeting in executive session in Room 1003 upon adjournment on January 13th through January 17th, 1986. Beginning on January 21st through January 30th, the Committee will be meeting in executive session at 1:30 pm., Room 1003.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Haberman asked unanimous consent to have his name added as co-introducer to LB 882. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 930. By Government, Military and Veterans Affairs Committee: Landis, 46th District, Chairperson; Abboud, 12th District; Chambers, 11th District; Hoagland, 6th District; Peterson, 21st District; Rogers, 41st District; Withem, 14th District.

A BILL FOR AN ACT relating to the Director of Administrative Services; to amend section 77-2215, Reissue Revised Statutes of Nebraska, 1943, and sections 81-104.01 and 81-1117.01, Revised Statutes Supplement, 1984; to change provisions relating to issuance of duplicate warrants, establishment of petty cash fund, and processing of payroll vouchers; and to repeal the original sections.

LEGISLATIVE BILL 931. By Government, Military and Veterans Affairs Committee: Landis, 46th District, Chairperson; Abboud, 12th District; Chambers, 11th District; Hoagland, 6th District; Peterson, 21st District; Rogers, 41st District; Withem, 14th District.

A BILL FOR AN ACT relating to the Nebraska National Guard; to amend sections 85-506 and 85-507, Reissue Revised Statutes of Nebraska, 1943, and section 85-505, Revised Statutes Supplement, 1984; to change provisions relating to the tuition credit allowed National Guard members and their families as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 932. By Government, Military and Veterans Affairs Committee: Landis, 46th District, Chairperson; Chambers, 11th District; Hoagland, 6th District; Peterson, 21st District; Rogers, 41st District; Withem, 14th District.

A BILL FOR AN ACT relating to the state personnel system; to amend sections 81-1307, 81-1311, and 81-1318, Reissue Revised Statutes of Nebraska, 1943; to provide a duty for the Director of Personnel; to provide for reimbursement of expenses for job applicants as prescribed; to provide a per diem for members of the State Personnel Board; and to repeal the original sections.

LEGISLATIVE BILL 933. By Wesely, 26th District.

A BILL FOR AN ACT relating to the Nebraska Power Review Board; to amend section 70-1017, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to disputes submitted to the board; and to repeal the original section.

LEGISLATIVE BILL 934. By Wesely, 26th District.

A BILL FOR AN ACT relating to the Nebraska Power Review Board; to state intent; to define terms; and to provide duties for the Nebraska Power Review Board prior to approving certain construction as prescribed.

MR. CONWAY PRESIDING**VISITORS**

Visitors to the Chamber were 80 fourth grade students and teachers from Arnold Elementary School, Lincoln; and Cal Coulter from Bridgeport.

ADJOURNMENT

At 12:12 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Monday, January 13, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTH DAY - JANUARY 13, 1986**LEGISLATIVE JOURNAL****EIGHTY-NINTH LEGISLATURE
SECOND SESSION****FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, January 13, 1986

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Lundy and Wesely who were excused; and Messrs. Abboud, Beutler, Goodrich, Hoagland, R. Johnson, V. Johnson, Landis, Lynch, Rogers, Rupp, Schmit, Sieck, Mesdames Higgins, Morehead, Pirsch, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Third Day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 825, 870-896, 898-911, and legislative resolutions 310 and 311.

LB	Committee
825	General File
870	Appropriations
871	Miscellaneous Subjects

872	Miscellaneous Subjects
873	Miscellaneous Subjects
874	Judiciary
875	Government, Military and Veterans Affairs
876	Government, Military and Veterans Affairs
877	Judiciary
878	Government, Military and Veterans Affairs
879	Urban Affairs
880	Banking, Commerce and Insurance
881	Judiciary
882	Miscellaneous Subjects
883	Banking, Commerce and Insurance
884	Banking, Commerce and Insurance
885	Government, Military and Veterans Affairs
886	Public Works
887	Education
888	Revenue
889	Revenue
890	Revenue
891	Judiciary
892	Banking, Commerce and Insurance
893	Banking, Commerce and Insurance
894	Public Works
895	Banking, Commerce and Insurance
896	Public Works
898	Agriculture and Environment
899	Agriculture and Environment
900	Agriculture and Environment
901	Business and Labor
902	Public Works
903	Banking, Commerce and Insurance
904	Public Health and Welfare
905	Public Health and Welfare
906	Education
907	Banking, Commerce and Insurance
908	Banking, Commerce and Insurance
909	Banking, Commerce and Insurance
910	Banking, Commerce and Insurance
911	Miscellaneous Subjects

LR**Committee**

310	Constitutional Revision and Recreation
311	Constitutional Revision and Recreation

(Signed) Chris Beutler, Chairperson

Legislative Council
Executive Board**NATURAL RESOURCE DISTRICT REPORT**

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1985 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Twin Platte	
Nielsen & Birch Law Office	\$17,416.50

MESSAGES FROM THE GOVERNOR

January 8, 1986

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the State Board of Health requiring legislative confirmation.

Appointees:

Jeanette Masek, M.D., c/o Health America, 17th and N Street,
Lincoln, NE 68508, 475-7000, Term: 1/8/86 to 9/14/86,
Succeeds: Peter Kongstvedt, resigned

Edward D. Adickes, D.O., c/o Veterans Administration Hospital,
4101 Woolworth Avenue, Omaha, NE 68105, 346-8800 x3389,
Term: 1/8/86 to 9/14/88, Succeeds: William Drost, term expired

Jerald R. Schenken, M.D., c/o Methodist Hospital, 8303 Dodge
Street, Omaha, NE 68114, 390-4540, Term: 1/8/86 to 9/14/88,
Succeeds: Robert C. Rosenlof, term expired

John J. Clark, R.P., 210 North Cherokee, McCook, NE 69001,
308/345-2650, Term: 1/8/86 to 9/14/88, Succeeds: is reappointed

Julie Brown-Arfmann, D.D.S., Box 277, Gering, NE 69341,
308-436-3197, Term: 1/8/86 to 9/14/88, Succeeds: is reappointed

Judith A. Quinn, R.N., 5330 Bay Meadows Road, Omaha, NE.,
559-4403, Term: 1/8/86 to 9/14/88, Succeeds: Phyllis Haberman,
term expired

These appointments are respectfully submitted for your
consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Staff Assistant to the Governor
Accountability and Disclosure Commission
Department of Administrative Services
Board of Health

RK:mr

January 8, 1986

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I
have made the following appointment to the Public Employees
Retirement Board requiring legislative confirmation.

Appointee:

Alcurtis Robinson, 11422 Kansas Plaza, Omaha, NE 68164,
342-7600(o), Term: 1/8/86 to 1/1/89, Succeeds: is reappointed

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Staff Assistant to the Governor
Accountability and Disclosure Commission
Department of Administrative Services
Public Employees Retirement Board

RK:mr

January 8, 1986

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Arts Council requiring legislative confirmation:

Appointee:

Robert C. Ripley, 3022 Williams Street, Lincoln, NE 68502,
471-3191, Term: 1/8/86 to 9/2/88, Succeeds: Paul C. Schorr,
resigned

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Staff Assistant to the Governor
Accountability and Disclosure Commission
Department of Administrative Services
Nebraska Arts Council

RK:mr

RESOLUTIONS

LEGISLATIVE RESOLUTION 312. Read. Considered.

LR 312 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 313. Read. Considered.

Mr. Hefner asked unanimous consent to be excused until he returns.
No objections. So ordered.

Mr. Vickers offered the following amendment to LR 313:

Strike the contents of LR 313 and insert the following:

WHEREAS, the agricultural industry in the State of Nebraska is in a state of economic crisis; and

WHEREAS, a technical agricultural education is designed to train young people for the State's agricultural industry; and

WHEREAS, the University of Nebraska School of Technical Agriculture at Curtis, Nebraska, helps to furnish an outstanding technical agricultural education to the young people of the State of Nebraska; and

WHEREAS, every county in the State of Nebraska has graduates from the University of Nebraska School of Technical Agriculture and 90% of the graduates from said school have remained in the State of Nebraska; and

WHEREAS, an adequate supply of well trained agricultural technicians is a part of the answer to our present agricultural crisis.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

The Board of Regents of the University of Nebraska should be encouraged to operate and maintain the University of Nebraska School of Technical Agriculture at Curtis, Nebraska, to help supply well trained agricultural technicians.

Messrs. Chambers and Warner asked unanimous consent to be excused until they return. No objections. So ordered.

The Vickers amendment was adopted with 28 ayes, 1 nay, 12 present and not voting, and 8 excused and not voting.

LR 313, as amended, was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Beutler asked unanimous consent to have his name added as co-introducer to LB 850. No objections. So ordered.

Mr. Lynch asked unanimous consent to have his name added as co-introducer to LB 91. No objections. So ordered.

NOTICE OF COMMITTEE HEARING Banking, Commerce and Insurance

FOR INFORMATIONAL PURPOSES

(Signed) John DeCamp, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 935. By Hartnett, 45th District.

A BILL FOR AN ACT relating to the Nebraska Bingo and Lottery Control Act; to amend sections 9-144, 9-181, and 9-195, Revised Statutes Supplement, 1984; to change provisions relating to the location of certain gambling activities; to change provisions relating to records; to change provisions relating to lottery by the sale of pickle cards; and to repeal the original sections.

LEGISLATIVE BILL 936. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to the Department of Revenue; to amend sections 57-919, 66-410.01, 66-421, 66-473, 66-479, 66-605.02, 66-638, 74-1321, 77-2613, 77-27,144, 81-1253, 81-1254, and 81-1261, Reissue Revised Statutes of Nebraska, 1943, sections 66-642, 77-2612, and 77-27,132, Revised Statutes Supplement, 1984, sections 3-148 and 57-705, Revised Statutes Supplement, 1985, and section 77-2602, Revised Statutes Supplement, 1985, as amended by section 1, Legislative Bill 3, Eighty-ninth Legislature, Second Special Session, 1985; to create a fund; to provide the Tax Commissioner certain powers and duties; to provide the State Treasurer certain duties; to provide for administration fees as provided; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 937. By R. Johnson, 34th District.

A BILL FOR AN ACT relating to livestock; to amend section 54-2113, Reissue Revised Statutes of Nebraska, 1943; to provide for the adjustment of fees to comply with federal legislation; and to repeal the original section.

LEGISLATIVE BILL 938. By Wesely, 26th District.

A BILL FOR AN ACT relating to state employees retirement; to amend section 84-1307, Revised Statutes Supplement, 1984; to change membership provisions; and to repeal the original section.

MOTION - Adopt Permanent Rules

Mrs. Morehead moved to adopt the permanent rules.

The Rules Committee renewed the pending proposed rule change found in the Journal on page 212 and considered on page 220 to Rule 3, Section 3.

The Rules Committee offered the following substitute rule change:
amend Rule 3 Section 3 by striking all its contents and inserting.
Section 3. STANDING COMMITTEES

a.) The Standing Committees of the Legislature shall be as follows:

- Agriculture
- Appropriations
- Banking, Commerce and Insurance
- Business and Labor
- Education
- General Affairs
- Government, Military and Veterans Affairs
- Judiciary
- Natural Resources
- Public Health and Welfare
- Revenue
- Transportation
- Urban Affairs

b.) The Speaker shall not be a regular member of a standing committee.

c.) This rule shall become operative January 7, 1987.

MR. LAMB PRESIDING

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Morehead moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Haberman requested a roll call vote on the Rules Committee proposed rule change.

Voting in the affirmative, 25:

Beutler	Eret	Johnson, L.	Miller	Scotfield
Chambers	Goll	Johnson, V.	Morehead	Smith
Chronister	Hannibal	Landis	Nichol	Vickers
Conway	Hartnett	Lynch	Pirsch	Warner
DeCamp	Hoagland	Marsh	Schmit	Withem

Voting in the negative, 19:

Abboud	Carsten	Harris	Labeledz	Remmers
Baack	Goodrich	Hefner	Lamb	Rupp
Barrett	Haberman	Higgins	Nelson	Sieck
Beyer	Hall	Johnson, R.	Peterson	

Present and not voting, 1:

Pappas

Excused and not voting, 4:

Chizek	Rogers
Lundy	Wesely

The Rules Committee rule change was adopted with 25 ayes, 19 nays, 1 present and not voting, and 4 excused and not voting.

The pending motion to adopt the permanent rules prevailed with 27 ayes, 16 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 315.

Introduced by Abboud, 12th District; Baack, 47th District; Barrett, 39th District; Beutler, 28th District; Beyer, 3rd District; Carsten, 2nd District; Chambers, 11th District; Chizek, 31st District; Chronister, 18th District; Conway, 17th District;

DeCamp, 40th District; Eret, 32nd District; Goll, 16th District; Goodrich, 20th District; Haberman, 44th District; Hall, 7th District; Hannibal, 4th District; Harris, 27th District; Hartnett, 45th District; Hefner, 19th District; Higgins, 9th District; Hoagland, 6th District; L. Johnson, 15th District; R. Johnson, 34th District; V. Johnson, 8th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Lynch, 13th District; Marsh, 29th District; Miller, 37th District; Morehead, 30th District; Nelson, 35th District; Nichol, 48th District; Pappas, 42nd District; Peterson, 21st District; Pirsch, 10th District; Remmers, 1st District; Rogers, 41st District; Rupp, 22nd District; Schmit, 23rd District; Scofield, 49th District; Sieck, 24th District; Smith, 33rd District; Vickers, 38th District; Warner, 25th District; Wesely, 26th District; Withem, 14th District.

WHEREAS, Julia A. Lundy, a resident of Wichita, Kansas, was a loving wife and mother; and

WHEREAS, at age 96, Mrs. Lundy departed from this life; and

WHEREAS, services for Mrs. Lundy will be held Monday, January 13, 1986, in Wichita.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature express their sympathy to the family of Julia A. Lundy.

2. That a copy of this resolution be presented to her son, Senator Ray Lundy on behalf of the Lundy family as an expression of regret for his mother's passing.

Laid over.

LEGISLATIVE RESOLUTION 316.

Introduced by Education Committee: Vickers, 38th District, Chairperson; Baack, 47th District; Eret, 32nd District; Lamb, 43rd District; Morehead, 30th District; Nelson, 35th District.

PURPOSE: To study alternatives to special education for students with learning problems. The costs of special education and the growth in special education programs over the last decade has brought about efforts to develop strategies to contain growth which is not cost-effective. The state should consider the effects of these strategies on students who may no longer qualify for special education services.

The study should include an examination of the feasibility of establishing alternative programs for those with learning problems, including a consideration of funding for compensatory or remedial programs, block grant programs for the mildly handicapped, and other methods by which regular education programs can be supplemented to provide services for students with learning problems without identification and labeling of such students as handicapped.

The study should consider (1) programs in other states, (2) cost-efficiencies in various compensatory programs as opposed to funding through special education, (3) the availability of services through Chapter I programs, and (4) any other factors necessary to assess the feasibility of compensatory education programs as an alternative to special education.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 317.

Introduced by Education Committee: Vickers, 38th District, Chairperson; Baack, 47th District; Eret, 32nd District; Lamb, 43rd District; Morehead, 30th District; Nelson, 35th District.

WHEREAS, the Department of Roads purchases vehicles for the Nebraska Public Transportation Program through the Department of Administrative Services; and

WHEREAS, the Department of Roads receives an eighteen to twenty-two per cent discount off the sticker price of these vehicles because of the quantity of vehicles purchased; and

WHEREAS, the Transportation and Related Services subcommittee of the Special Education Cost Containment interim study, LR 151, recommended that such a procedure be used in the purchasing of vehicles for special education programs, utilizing the discount for buying in mass quantity rather than each school bidding separately for these vehicles.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature directs the State Department of Education and the Department of Administrative Services to examine the feasibility of utilizing a system such as the one used by the Department of Roads in purchasing vehicles for the transportation of students in special education programs.

2. That the State Department of Education and the Department of Administrative Services report the results and the recommendations of their study to the Education Committee of the Legislature by November 1, 1986.

3. That a copy of this resolution be sent to the State Department of Education, the Department of Administrative Services, and the Department of Roads.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Miller asked unanimous consent to print the following amendment to LB 507 in the Journal. No objections. So ordered.

AM1687

- 1 1. Insert the following new section:
- 2 "Sec. 2. That section 77-2018.05, Reissue
- 3 Revised Statutes of Nebraska, 1943, be amended to read
- 4 as follows:
- 5 77-2018.05. Notwithstanding ~~the provisions of~~
- 6 ~~sections 77-2008.01, 77-2008.03, and 77-2009~~ 77-2001 to
- 7 77-2039, the court shall have the authority, upon the
- 8 written application of any of the parties subject to the
- 9 tax imposed under such sections, to determine a final
- 10 inheritance tax on any property devised, bequeathed, or
- 11 otherwise transferred, based upon the probabilities at
- 12 the time of the decedent's death rather than taxing the
- 13 property at the rates specified in such sections."
- 14 2. On page 2, line 25, strike "2" and insert
- 15 "3", strike "section" and insert "sections", and after
- 16 "77-2018.04" insert "and 77-2018.05"; and in line 26
- 17 strike "is" and insert "are".

Mr. Schmit asked unanimous consent to print the following amendment to LB 301 in the Journal. No objections. So ordered.

AM1731

1 1. On page 2, line 5, strike "January" and
2 insert "October"; and in line 26 strike "and the" and
3 insert " , liquefied petroleum gas tanks with a capacity
4 of three thousand five hundred gallons or less, and
5 fertilizer and agricultural chemical application and
6 distribution equipment transported in units with a
7 capacity of three thousand five hundred gallons or less.
8 The".

9 2. On page 3, after line 25, insert new
10 subsections as follows:

11 "(3) Liquefied petroleum gas tanks with a
12 capacity of three thousand five hundred gallons or less,
13 anhydrous ammonia tanks with a capacity of three
14 thousand gallons or less, and flammable liquid tanks
15 with a capacity of three thousand gallons or less shall
16 be exempt from the provisions of subsection (1) of this
17 section to the extent provided in Part 173 and Part 177.

18 (4) Liquefied petroleum gas tanks with a
19 capacity of three thousand five hundred gallons or less
20 shall be exempt from the provisions of section
21 173.315(k)(5) adopted under subdivision (1)(c) of this
1 section if such tanks have been inspected and tested in
2 accordance with the State Fire Marshal's rules and
3 regulations."

4 3. Strike original sections 7 and 10 and
5 insert a new section as follows:

6 "Sec. 7. The Nebraska State Patrol shall
7 provide each county treasurer and the Department of
8 Motor Vehicles with copies of a declaration which states
9 that the motor carrier safety regulations in sections 1
10 to 6 of this act have been enacted into state law. The
11 declaration shall be distributed by the county treasurer
12 and the Department of Motor Vehicles to each applicant
13 for registration of commercial motor vehicles subject to
14 sections 1 and 2 of this act. The applicant shall sign
15 the registration form to acknowledge that the applicant
16 has read the declaration and is aware that the motor
17 carrier safety regulations are part of state law.
18 Nothing in this section shall be construed to impose any
19 liability upon any county treasurer or the Department of
20 Motor Vehicles or any employee thereof as a result of
21 any act or failure to act under this section."

22 4. On page 4, in lines 6, 8, and 14 before
23 "Nebraska" insert "carrier enforcement division of the";

- 24 and in line 16 after "out" insert "and enforce".
1 5. On page 6, line 15, strike "January" and
2 insert "October".
3 6. Remove underscoring in original sections 1
4 to 6.

Mr. Schmit asked unanimous consent to print the following amendment to LB 284 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM1655.)

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 939. By Select Committee on Early Childhood Special Education: Vickers, 38th District, Chairperson; V. Johnson, 8th District; Scofield, 49th District; Wesely, 26th District; Baack, 47th District; Nelson, 35th District; Hartnett, 45th District; Warner, 25th District; Morehead, 30th District; Eret, 32nd District.

A BILL FOR AN ACT relating to special education; to amend sections 43-643, 43-646.02, and 43-648, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to special education plans and budget requests; to provide for reimbursement of certain special education services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 940. By Education Committee: Vickers, 38th District, Chairperson; Baack, 47th District; Barrett, 39th District; Eret, 32nd District; R. Johnson, 34th District; Lamb, 43rd District; Morehead, 30th District; Nelson, 35th District.

A BILL FOR AN ACT relating to schools; to state intent; and to provide for arrangements for transportation of handicapped children as prescribed.

LEGISLATIVE BILL 941. By Education Committee: Vickers, 38th District, Chairperson; Baack, 47th District; Eret, 32nd District; R. Johnson, 34th District; Nelson, 35th District.

A BILL FOR AN ACT relating to special education programs; to amend sections 43-611, 43-643, and 43-646.08, Reissue Revised

Statutes of Nebraska, 1943, and section 43-649, Revised Statutes Supplement, 1985; to provide for certain application deadlines; to change provisions relating to school board submission of plans and budgets and their contents; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 942. By Education Committee: Vickers, 38th District, Chairperson; Baack, 47th District; Barrett, 39th District; Eret, 32nd District; R. Johnson, 34th District; Lamb, 43rd District; Morehead, 30th District; Nelson, 35th District.

A BILL FOR AN ACT relating to special education; to amend sections 43-611, 43-643, 43-646.02, and 43-648, Reissue Revised Statutes of Nebraska, 1943; to state intent; to provide for rules and regulations; to change provisions for reimbursement for costs related to certain handicapped children; to school districts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 943. By Education Committee: Vickers, 38th District, Chairperson; Baack, 47th District; Eret, 32nd District; R. Johnson, 34th District; Nelson, 35th District.

A BILL FOR AN ACT relating to educational service units; to amend sections 43-643, 43-646.02, and 43-648, Reissue Revised Statutes of Nebraska, 1943, and section 79-2201, Revised Statutes Supplement, 1984; to state intent; to provide powers and duties; to harmonize provisions; to change certain provisions relating to special education; to state purpose; to eliminate obsolete provisions; and to repeal the original sections, and also sections 79-2201.01, 79-2203.02, 79-2203.03, 79-2204.01, and 79-2215, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 944. By Education Committee: Vickers, 38th District, Chairperson; Baack, 47th District; Eret, 32nd District; R. Johnson, 34th District; Lamb, 43rd District; Nelson, 35th District.

A BILL FOR AN ACT relating to postsecondary education; to state intent; and to provide powers and duties.

LEGISLATIVE BILL 945. By Schmit, 23rd District.

A BILL FOR AN ACT relating to habilitative services for persons with mental retardation; to state intent; to define terms; to provide for cost determinations; to provide for transfer from intermediate

care facilities for the mentally retarded to community-based programs; to provide for payment of services; to provide powers and duties for the Director of Social Services; to provide for an appeal process; to provide for severability; and to declare an emergency.

LEGISLATIVE BILL 946. By Schmit, 23rd District.

A BILL FOR AN ACT to amend Laws 1985, LB 628, section 1; to extend an operative date; and to repeal original Laws 1985, LB 628, section 1.

LEGISLATIVE BILL 947. By Schmit, 23rd District.

A BILL FOR AN ACT relating to oils, fuels, and energy; to amend sections 66-410 and 66-428, Revised Statutes Supplement, 1985; to change provisions relating to motor fuel which is subject to tax as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 948. By Schmit, 23rd District.

A BILL FOR AN ACT relating to power districts and corporations; to amend sections 70-1025 to 70-1027, Reissue Revised Statutes of Nebraska, 1943; to require a report as prescribed; to change provisions relating to certain reports; and to repeal the original sections.

LEGISLATIVE BILL 949. By Schmit, 23rd District.

A BILL FOR AN ACT relating to public power districts; to amend sections 70-602, 70-603, 70-604, 70-604.01, 70-604.02, 70-604.05, 70-605, and 70-662, Reissue Revised Statutes of Nebraska, 1943, sections 70-610 and 70-612, Revised Statutes Supplement, 1984, and sections 70-601, 70-604.03, and 70-619, Revised Statutes Supplement, 1985; to state intent; to redefine terms; to change provisions relating to the formation of districts and changes in such districts; to change provisions relating to a district's operating area; to change provisions relating to the election of directors; to change a provision relating to director qualifications; to harmonize provisions; to provide duties for the Revisor of Statutes; and to repeal the original sections, and also section 70-604.07, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 950. By Business and Labor Committee: Barrett, 39th District, Chairperson; Chronister, 18th District; Eret, 32nd District; Hall, 7th District; Labedz, 5th District; Vickers, 38th District.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-602, Revised Statutes Supplement, 1985; to redefine terms; and to repeal the original section.

LEGISLATIVE BILL 951. By Business and Labor Committee: Barrett, 39th District, Chairperson; Chronister, 18th District; Eret, 32nd District; Hall, 7th District; Labedz, 5th District; Vickers, 38th District.

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-602 and 48-648.01, Revised Statutes Supplement, 1985; to redefine a term; to change a provision relating to quarterly reports; and to repeal the original sections.

LEGISLATIVE BILL 952. By Business and Labor Committee: Barrett, 39th District, Chairperson; Chronister, 18th District; Eret, 32nd District; Hall, 7th District; Labedz, 5th District; Vickers, 38th District.

A BILL FOR AN ACT relating to employment security; to amend sections 48-626 and 48-646, Revised Statutes Supplement, 1985; to delete an obsolete provision relating to the maximum annual unemployment benefit amount; to change provisions relating to attorney's fees; and to repeal the original sections.

LEGISLATIVE BILL 953. By Pappas, 42nd District.

A BILL FOR AN ACT relating to gasohol; to require certain retailers to make gasohol available as prescribed; to define terms; and to provide a penalty.

LEGISLATIVE BILL 954. By Vickers, 38th District.

A BILL FOR AN ACT relating to municipal improvements; to amend sections 19-2427 to 19-2429, Reissue Revised Statutes of Nebraska, 1943; to provide for the creation of certain additional improvement districts as prescribed; to change an interest rate as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 955. By Vickers, 38th District.

A BILL FOR AN ACT relating to the school retirement system; to amend sections 79-1514 and 79-1522, Reissue Revised Statutes of Nebraska, 1943, and section 79-1501, Revised Statutes Supplement, 1985; to change provisions relating to the repayment of accumulated contributions and credit for service outside the state and in educational service units; to provide opportunities to reenter the system; to provide powers and duties for the Public Employees Retirement Board; and to repeal the original sections.

LEGISLATIVE BILL 956. By Schmit, 23rd District; Pirsch, 10th District.

A BILL FOR AN ACT relating to restitution by parolees; to amend sections 29-2204 and 83-1,116, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to sentencing; to provide restitution as a possible condition of parole; and to repeal the original sections.

LEGISLATIVE BILL 957. By Chambers, 11th District.

A BILL FOR AN ACT relating to court costs; to amend sections 29-2262 and 39-669.13, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to costs for chemical tests as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 958. By Hoagland, 6th District.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-121.01, Revised Statutes Supplement, 1985; to provide for maximum and minimum weekly benefits; to provide for adjustments as prescribed; and to repeal the original section.

LEGISLATIVE BILL 959. By Lynch, 13th District.

A BILL FOR AN ACT relating to the Department of Economic Development; to require the department to issue a housing authority manual as prescribed; and to provide a fee.

GENERAL FILE**LEGISLATIVE BILL 729.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 730. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 731. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 732. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 733. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 734. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 735. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 736. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 737. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 738. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 739. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 741. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 742. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 743. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 744. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 745. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 746. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 747. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 748. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 749. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 750. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 960. By Hartnett, 45th District.

A BILL FOR AN ACT relating to newspaper publication; to amend sections 8-167, 8-213, 8-215, 8-408.01, 12-505, 12-701, 12-802, 17-511, 17-958, 17-971, 17-972, 19-922, 19-1103, 19-1303, 19-2203, 19-2404, 19-3316, 23-114.03, 23-318, 23-370, 23-1728, 31-309, 31-375, 31-909, 32-550, 39-1502, 39-1503, 39-1513, 39-1724, 46-1,129, 46-229.03, 46-640, 51-216, 51-511, 66-436, 66-437, 72-410, 77-2206, 77-2804, 79-4,100, 79-810, and 79-1066, Reissue Revised Statutes of Nebraska, 1943; to provide for publication in areas which do not publish newspapers as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 961. By Hartnett, 45th District; Withem, 14th District.

A BILL FOR AN ACT relating to state aid to schools; to amend section 79-1333.01, Revised Statutes Supplement, 1984; to change the percentage of aid to school districts with increased or decreased membership; and to repeal the original section.

LEGISLATIVE BILL 962. By Goodrich, 20th District.

A BILL FOR AN ACT relating to the Nebraska Educational Facilities Authority; to amend sections 79-2905 and 79-2907,

Reissue Revised Statutes of Nebraska, 1943, and section 79-2901, Revised Statutes Supplement, 1984; to include operating indebtedness in legislative findings and the definition of project and cost; to include library books as a project; and to repeal the original sections.

LEGISLATIVE BILL 963. By Goodrich, 20th District.

A BILL FOR AN ACT relating to credit unions; to amend section 21-17,120.01, Revised Statutes Supplement, 1985; to revise the power of credit unions; to repeal the original section; and to declare and emergency.

VISITORS

Visitors to the Chamber were Joanne and Peggy Ferguson from Milburn; Lois Bergstrom from Merna; and 55 fourth grade students and teachers from Pyrtle Elementary School, Lincoln.

RECESS

At 11:57 a.m., on a motion by Mr. Hall, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:40 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Lundy and Wesely who were excused; and Messrs. Beutler, Carsten, Chambers, Chronister, Haberman, Hoagland, R. Johnson, Lamb, Peterson, Schmit, Vickers, and Mesdames Labeledz, Nelson, and Pirsch who were excused until they arrive.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 10, 1986. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

- Agee, W. B. - Lincoln, MCI Telecommunications Corporation
Beverage, Roger M. - Omaha, U.S.A.A. Federal Savings Bank
Blount, Thomas - Omaha, Nebraska Association of Cosmetology
Schools
Borman, William G. - Lincoln, Nebraska Association of Nurse
Anesthetists
Crosby, Guenzel, Davis, Kessner & Kuester
Crosby, Robert B. - Lincoln, Nebraska Association of
Resources Districts (Withdrawn 85/12/11)
Orton, Leroy W. - Lincoln, Nebraska Association of Resources
Districts (Withdrawn 85/12/11)
Seglin, Steven G. - Lincoln, Nebraska Association of Resources
Districts (Withdrawn 85/12/11)
Cutshall, Bruce A. - Lincoln, Nebraska Association of Resources
Districts; Nucor Corporation (Withdrawn 85/12/31); South
Central Irrigators Association (Withdrawn 85/12/381);
Taxpayers for Video Lottery (Withdrawn 85/12/31)
Dennis, Michael E. - Lincoln, Sierra Club, Nebraska Chapter
(Withdrawn 85/06/05)
Frey, John O. - Lincoln, Nebraska Dairy Industries Fluid Milk
Processors
Gelber, Elaine - Lincoln, Planned Parenthood of Lincoln
Hall, Larry M. - Lincoln, Nebraska Farmers Union
Knudsen, Berkheimer, Richardson & Endacott
Mueller, William J. - Lincoln, First Commerce Bancshares, Inc.
(Formerly know as Commerce Group, Inc.); Great Plains
Chapter, Paralyzed Veterans of America (Withdrawn
86/01/08); Nebraska Academy of Physician Assistants
(Withdrawn 86/01/08); South Central Irrigators Association
(Withdrawn 86/01/08)
Ruth, Larry L. - Lincoln, First Commerce Bancshares, Inc.
(Formerly known as Commerce Group, Inc.); Nebraska
Academy of Physician Assistants (Withdrawn 86/01/08);
South Central Irrigators Association (Withdrawn 86/01/08)
Kunz, David N. - Lincoln, Nebraska Dental Hygienists'
Association
Lauerman, Meg - Lincoln, Lincoln Public Schools
McCullough, Mardy - Grant, MCI Telecommunications
Corporation (Withdrawn 85/12/31); Nebraska Petroleum
Marketers, Inc. (Withdrawn 85/12/31)
McMullen Jr., Frank D. - Omaha, Greater Omaha Chamber of
Commerce

- Noren, Charles F. - Hickman, Nebraska Dental Hygienists' Association (Withdrawn 85/12/05)
- O'Hara & Associates, Inc. - Lincoln, HNG InterNorth (Formerly known as InterNorth); Winnebago Tribe of Nebraska
- Oxton, Neil - Lincoln (Withdrawn 86/01/09), Nebraska Farmers Union (Withdrawn 86/01/09)
- Radcliffe, Walter/Tews & Radcliffe
- Radcliffe, Walter H. - Lincoln, Concerned Citizens Council (Withdrawn 85/12/31); Domestic Preference Premium Tax Group; Howard, Weil, Labouisse, Friedrichs, Inc. (Withdrawn 85/12/31)
- Rasmussen, Dennis - Lincoln, Nebraska Petroleum Marketers, Inc.
- Ross, Karen Barrett - Lincoln, Nebraska Rural Electric Association
- Rowson, Joseph P. - Lincoln, Lincoln Public Schools (Withdrawn 85/09/01)
- Ryan, James E. - Lincoln, Domestic Preference Premium Tax Group; Governors of the Knights of Ak-Sar-Ben; Health Future Foundation; National Solid Wastes Management Association; Thoroughbred Racing Association of Nebraska (Withdrawn 85/12/31)
- Sanne, Richard D. - Lincoln, Nebraska Grain & Feed Dealers Association
- Skarda Jr., William R. - Gretna, (Withdrawn 85/12/16); Nebraska Motor Carriers' Association (Withdrawn 85/12/16)
- Sturner, Peter C. & Associates
- Sturner, Peter C. - Lincoln, Nebraska Association of Professional Investigators
- Wilson, Stanley F. - Lincoln, Nebraska Chiropractic Physicians Association
- Zabel, Judith K. - Western, (Withdrawn 85/12/05), Concerned Women for America (Withdrawn 85/12/05)

NOTICE OF COMMITTEE HEARINGS

Banking, Commerce and Insurance

LB 767	Tuesday, January 21, 1986	1:30 P.M.
LB 781	Tuesday, January 21, 1986	2:10 P.M.
LB 792	Tuesday, January 21, 1986	2:30 P.M.
LB 801	Tuesday, January 21, 1986	2:50 P.M.
LB 903	Tuesday, January 21, 1986	3:15 P.M.
LB 869	Tuesday, January 21, 1986	3:45 P.M.
LB 892	Tuesday, January 21, 1986	4:00 P.M.
LB 893	Tuesday, January 21, 1986	4:15 P.M.

LB 907	Tuesday, January 21, 1986	4:30 P.M.
LB 908	Tuesday, January 21, 1986	4:45 P.M.
LB 909	Tuesday, January 21, 1986	5:00 P.M.
LB 910	Tuesday, January 21, 1986	5:15 P.M.

(Signed) John DeCamp, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 529 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM1732.)

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 964. By Morehead, 30th District; Landis, 46th District; Wesely, 26th District; Smith, 33rd District; R. Johnson, 34th District; Conway, 17th District; Chronister, 18th District.

A BILL FOR AN ACT relating to industrial development; to state intent; and to provide powers and duties.

LEGISLATIVE BILL 965. By Wesely, 26th District; Landis, 46th District; Smith, 33rd District; Hefner, 19th District; Nelson, 35th District; Schmit, 23rd District; R. Johnson, 34th District; Conway, 17th District; Hoagland, 6th District; Abboud, 12th District; Beutler, 28th District; Chronister, 18th District.

A BILL FOR AN ACT relating to the Department of Economic Development; to amend sections 81-1226, 81-1227, and 81-1229 to 81-1238, Reissue Revised Statutes of Nebraska, 1943, and section 81-1228, Revised Statutes Supplement, 1984; to create the Economic Advisory Commission; to provide powers and duties; to create a fund; to eliminate the Nebraska Economic Development Committee; and to repeal the original sections, and also sections 81-1239 to 81-1243, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 966. By Hannibal, 4th District; Scofield, 49th District; Smith, 33rd District; Miller, 37th District; Wesely, 26th District; Barrett, 39th District; Hoagland, 6th District; Schmit, 23rd

District; Landis, 46th District; Sieck, 24th District; Conway, 17th District; Nelson, 35th District; Beutler, 28th District; R. Johnson, 34th District; Chronister, 18th District.

A BILL FOR AN ACT relating to travel and tourism; to amend sections 81-1229 and 81-1252, Reissue Revised Statutes of Nebraska, 1943; to create a board as prescribed; to provide that the Department of Economic Development develop certain plans; to provide requirements relating to the awarding of certain contracts; to provide a minimum qualification for a certain director; to create a fund as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 967. By Scofield, 49th District; Eret, 32nd District; Landis, 46th District; Wesely, 26th District; Smith, 33rd District; Hefner, 19th District; Barrett, 39th District; Schmit, 23rd District; Abboud, 12th District; R. Johnson, 34th District; Sieck, 24th District; Withem, 14th District; Nelson, 35th District; Conway, 17th District; Hoagland, 6th District; Beutler, 28th District; Chronister, 18th District; Hannibal, 4th District.

A BILL FOR AN ACT relating to the Small Business Development Authority Act; to amend sections 58-301, 58-302, 58-303, 58-309, and 58-320, Reissue Revised Statutes of Nebraska, 1943; to restate Legislative findings; to define a term; to provide powers and duties; to create a fund; and to repeal the original sections.

LEGISLATIVE BILL 968. By Rogers, 41st District.

A BILL FOR AN ACT relating to liens; to define terms; and to provide for agricultural production inputs liens as prescribed.

GENERAL FILE

LEGISLATIVE BILL 546. Title read. Considered.

Standing Committee amendments, AM0855, found in the Journal on page 1623 for the 61st Day, First Session, were adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Mr. Landis renewed his pending amendment, AM1419, found in the Journal on page 222, First Session.

The Landis amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for Review with 33 ayes, 0 nays, 4 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 452. Title read. Considered.

Mr. DeCamp asked unanimous consent to bracket LB 452 until April 15, 1986. No objections. So ordered.

LEGISLATIVE BILL 325. Title read. Considered.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendments, AM1112, found in the Journal on page 1670 for the 62nd Day, First Session, were considered.

Mr. V. Johnson offered the following amendment to the Standing Committee amendments:

To amend the Committee Amendment to LB 325 by adding the following new section:

"6. Strike Sections 4, 6, and subsection 2 of Section 7 of LB 325."

The V. Johnson amendment was adopted with 17 ayes, 0 nays, 25 present and not voting, and 7 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. DeCamp renewed his pending amendment, AM1703, found in the Journal on page 161.

Mr. Pappas moved the previous question. The question is, "Shall the debate now close?" The motion lost with 11 ayes, 15 nays, and 23 not voting.

Mr. Chizek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Landis requested a record vote on the DeCamp amendment.

Voting in the affirmative, 33:

Baack	Eret	Hefner	Nichol	Rupp
Barrett	Goll	Hoagland	Pappas	Schmit
Beyer	Goodrich	Johnson, L.	Peterson	Sieck
Chizek	Haberman	Lamb	Pirsch	Smith
Chronister	Hannibal	Marsh	Remmers	Vickers
Conway	Harris	Morehead	Rogers	Withem
DeCamp	Hartnett	Nelson		

Voting in the negative, 4:

Abboud Hall Johnson, V. Landis

Present and not voting, 7:

Chambers Johnson, R. Miller Scofield Warner
Higgins Lynch

Excused and not voting, 5:

Beutler Carsten Labedz Lundy Wesely

The DeCamp amendment was adopted with 33 ayes, 4 nays, 7 present and not voting, and 5 excused and not voting.

Mr. Pappas asked unanimous consent to withdraw his pending amendment, AM1685, found in the Journal on page 166. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 4 nays, 12 present and not voting, and 5 excused and not voting.

Messrs. Pappas, Schmit, and Rogers asked unanimous consent to be excused until they return. No objections. So ordered.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Conway asked unanimous consent to have his name added as co-introducer to LB 955. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 825 in the Journal. No objections. So ordered.

AM1738

- 1 1. Strike original sections 1, 3, and 4.
- 2 2. On page 6, line 15, strike "sections
- 3 25-2221," and insert "section"; in line 16 strike
- 4 "84-104.02, and 84-104.03,"; and in line 17 strike "are"
- 5 and insert "is".
- 6 3. Renumber the remaining sections
- 7 accordingly.

MOTION - Rerefer LB 894

Mr. R. Johnson moved to rerefer from Public Works to Agriculture and Environment: LB 894, a bill to provide for control of contaminants in ground water.

Laid over.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 969. By Conway, 17th District; Remmers, 1st District.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-1241, 28-1242, and 28-1245, Reissue Revised Statutes of Nebraska, 1943; to define a term; to provide for a display permit to purchase certain fireworks; to provide a fee; to provide an exception; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 970. By Urban Affairs Committee: Withem, 14th District, Chairperson; Baack, 47th District; Haberman, 44th District; Higgins, 9th District; Morehead, 30th District; Pappas, 42nd District.

A BILL FOR AN ACT relating to elections; to amend section 32-4,152, Reissue Revised Statutes of Nebraska, 1943; to provide for special meetings to fill vacancies in city and village elected offices as prescribed; to provide that appointed members shall have the same rights as elected members; and to repeal the original section.

LEGISLATIVE BILL 971. By Urban Affairs Committee: Withem, 14th District, Chairperson; Baack, 47th District; Haberman, 44th District; Higgins, 9th District; Morehead, 30th District; Pappas, 42nd District.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-405, Reissue Revised Statutes of Nebraska, 1943; to change requirements for protesting a zoning change as prescribed; to define a term; and to repeal the original section.

LEGISLATIVE BILL 972. By Urban Affairs Committee: Withem, 14th District, Chairperson; Baack, 47th District; Higgins, 9th District; Morehead, 30th District; Pappas, 42nd District.

A BILL FOR AN ACT relating to cities and villages; to amend section 19-922, Reissue Revised Statutes of Nebraska, 1943; to change the required number of codes filed for public use as prescribed; and to repeal the original section.

LEGISLATIVE BILL 973. By DeCamp, 40th District.

A BILL FOR AN ACT relating to credit unions; to amend section 21-1777, Reissue Revised Statutes of Nebraska, 1943, and section 21-17,120.02, Revised Statutes Supplement, 1984; to change provisions relating to maintenance of insurance; to eliminate obsolete provisions; to permit the Department of Banking and Finance to secure the appointment of the National Credit Union Administration Board as receiver as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 974. By DeCamp, 40th District; Beutler, 28th District.

A BILL FOR AN ACT relating to civil actions; to amend sections 25-824 and 87-303, Reissue Revised Statutes of Nebraska, 1943; to state intent; to define terms; to provide for the award of litigation expenses in certain cases as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 975. By Remmers, 1st District.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-1215 and 28-1217, Reissue Revised Statutes of Nebraska, 1943; to eliminate an exception relating to the possession or sale of explosive materials; and to repeal the original sections.

LEGISLATIVE BILL 976. By DeCamp, 40th District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-140, Revised Statutes Supplement, 1985; to change provisions governing certain loans; to define a term; to provide powers and duties; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 977. By Urban Affairs Committee: Withem, 14th District, Chairperson; Baack, 47th District; Higgins, 9th District; R. Johnson, 34th District; Morehead, 30th District; and Scofield, 49th District.

A BILL FOR AN ACT relating to the Department of Economic Development; to define terms; to provide that the Department of Economic Development shall administer the Community Development Block Grant program; to create an advisory committee as prescribed; and to provide certain duties for the committee.

LEGISLATIVE BILL 978. By Eret, 32nd District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-409, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 5, Eighty-ninth Legislature, Second Special Session, 1985, and section 60-2116, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 5, Eighty-ninth Legislature, Second Special Session, 1985; to revive sections relating to driver education courses, instructors, and funds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 979. By Abboud, 12th District.

A BILL FOR AN ACT relating to criminal proceeds; to adopt the Proceeds of Stories of Felons' Act.

NOTICE OF COMMITTEE HEARINGS Public Works

LB 854	Wednesday, January 22, 1986	1:30 P.M.
LB 894	Wednesday, January 22, 1986	1:30 P.M.
LB 886	Wednesday, January 22, 1986	1:30 P.M.
LB 778	Wednesday, January 22, 1986	1:30 P.M.
LB 831	Wednesday, January 22, 1986	1:30 P.M.
LB 845	Thursday, January 23, 1986	1:30 P.M.
LB 779	Thursday, January 23, 1986	1:30 P.M.
LB 780	Thursday, January 23, 1986	1:30 P.M.

LB 759	Thursday, January 23, 1986	1:30 P.M.
LB 769	Thursday, January 23, 1986	1:30 P.M.
LB 864	Thursday, January 23, 1986	1:30 P.M.
LB 821	Friday, January 24, 1986	1:30 P.M.
LB 783	Friday, January 24, 1986	1:30 P.M.
LB 833	Friday, January 24, 1986	1:30 P.M.
LB 790	Friday, January 24, 1986	1:30 P.M.
LB 787	Friday, January 24, 1986	1:30 P.M.

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Barrett asked unanimous consent to have his name added as co-introducer to LB 794. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 548. Title read. Considered.

Standing Committee amendments, AM1118, found in the Journal on page 1688 for the Sixty-Third Day were considered.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Landis requested a division of the question on the Standing Committee amendments.

The Chair sustained the division of the question.

The first Standing Committee amendment is all of the Standing Committee amendments except Section 12.

The first Standing Committee amendments were adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

The second Standing Committee amendment is Section 12.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. V. Johnson requested a roll call vote on the second Standing Committee amendment.

Voting in the affirmative, 20:

Baack	DeCamp	Hartnett	Johnson, R.	Nelson
Beyer	Haberman	Hefner	Johnson, V.	Remmers
Chronister	Hall	Higgins	Lamb	Sieck
Conway	Hannibal	Johnson, L.	Lynch	Withem

Voting in the negative, 17:

Abboud	Goodrich	Marsh	Nichol	Smith
Barrett	Harris	Miller	Rogers	Vickers
Eret	Hoagland	Morehead	Scofield	Warner
Goll	Landis			

Present and not voting, 3:

Peterson	Pirsch	Rupp
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Absent and not voting, 1:

Chambers

Excused and not voting, 8:

Beutler	Chizek	Lundy	Schmit	Wesely
Carsten	Labeledz	Pappas		

The second Standing Committee amendment lost with 20 ayes, 17 nays, 3 present and not voting, 1 absent and not voting, and 8 excused and not voting.

Mr. Landis asked unanimous consent to withdraw his pending amendment, AM1596, found in the Journal on page 2541, First Session. No objections. So ordered.

The Chair declared the call raised.

Mr. DeCamp renewed his pending amendment, AM1371, found in the Journal on page 2189, First Session, as follows:

- 1 1. Insert the following new section:
- 2 "Sec. 10. That section 49-1474, Reissue
- 3 Revised Statutes of Nebraska, 1943, be amended to read
- 4 as follows:
- 5 49-1474. (†) No political newsletter or other

6 campaign mass mailing shall be sent at public expense by
 7 or on behalf of any elected official after that person
 8 has announced his or her candidacy for any office. An
 9 elected official violating the provisions of this
 10 ~~subsection~~ section shall be guilty of a Class III
 11 misdemeanor.

12 ~~(2) No person shall write, print, publish,~~
 13 ~~post or circulate, or cause to be written, printed,~~
 14 ~~published, posted or circulated, any letter, circular,~~
 15 ~~bill, placard, poster or other publication, or cause any~~
 16 ~~advertisement to be placed in a newspaper or any other~~
 17 ~~publication, or singly or with others pay for any such~~
 18 ~~advertisement, knowing such letter, circular, bill,~~
 19 ~~placard, poster, publication or advertisement to contain~~
 20 ~~any false statement of material fact relating to any~~
 21 ~~candidate or committee or, if he is a candidate, to~~
 22 ~~himself, or any false statement of material fact~~
 23 ~~relating to any ballot question. Any person violating~~
 1 ~~the provisions of this subsection shall be guilty of a~~
 2 ~~Class III misdemeanor."~~

3 2. On page 9, lines 14 and 19, strike "12"
 4 and insert "13".

5 3. On page 11, line 15, after the comma
 6 insert "49-1474,".

7 4. Renumber remaining sections accordingly.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment, AM1441, which was found in the Journal on page 2317, First Session. No objections. So ordered.

(Amendments to Standing Committee Amendments)

1 1. On page 3, strike beginning with "A" in
 2 line 14 through "occupy" in line 15, show the old matter
 3 as stricken, and insert "An individual who occupies".

STANDING COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 46. Indefinitely postponed.

LEGISLATIVE BILL 519. Indefinitely postponed.

(Signed) Ron Withem, Chairperson

MOTION - Reconsider Adoption of Permanent Rules

Mr. DeCamp moved to reconsider the adoption of the Permanent Rules.

Laid over.

MOTION - Reconsider Rule 3, Section 3

Mr. DeCamp moved to reconsider Rule 3 Section 3 which concerns the renaming and restructuring of the Standing Committees.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 980. By Pappas, 42nd District.

A BILL FOR AN ACT relating to counties; to adopt the County Option Revenue Act.

VISITORS

Visitors to the Chamber were Barry Greenberg from New York City; and 38 sixth grade students and teachers from Calvert School, Lincoln.

ADJOURNMENT

At 4:38 p.m., on a motion by Mrs. Higgins, the Legislature adjourned until 9:00 a.m., Tuesday, January 14, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTH DAY - JANUARY 14, 1986

LEGISLATIVE JOURNAL

FIFTH DAY - JANUARY 14, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 14, 1986

Pursuant to adjournment, the Legislature met at 9:05 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. Alex Wacker, St. Andrew Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Wesely who was excused; and Messrs. Beutler, Hannibal, V. Johnson, Lundy, Sieck, and Mrs. Morehead who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 266, line 34, strike "First Session".

Page 274, line 31, after "First Session" add "to LB 548".

The Journal for the Fourth Day was approved as corrected.

REPORTS

Received statement of deposits to the Highway Cash Fund and Roads Operation Cash Fund for the calendar month of December from the Nebraska Department of Roads in compliance with Section 66-476, R.S. Supp. 1980.

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1985 to attorneys, lobbyists,

and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT**FEE**

Natural Resources Commission None

Other entities prepared by Ayres and Associates: For service rendered by that firm the Commission paid a total of \$3,000.00 to the Soil Conservation Service, U.S.D.A.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 912-963, legislative resolution 314, and Governor appointments.

LB	Committee
912	Education
913	Education
914	Revenue
915	Banking, Commerce and Insurance
916	Health and Human Services
917	Business and Labor
918	Education
919	Judiciary
920	Public Works
921	Health and Human Services
922	Health and Human Services
923	Judiciary
924	Health and Human Services
925	Health and Human Services
926	Health and Human Services
927	Agriculture and Environment
928	Banking, Commerce and Insurance
929	Government, Military and Veterans Affairs
930	Government, Military and Veterans Affairs
931	Government, Military and Veterans Affairs
932	Government, Military and Veterans Affairs
933	Public Works
934	Public Works
935	Miscellaneous Subjects
936	Revenue
937	Agriculture and Environment
938	Nebraska Retirement Systems
939	Education
940	Education

941	Education
942	Education
943	Education
944	Education
945	Health and Human Services
946	Agriculture and Environment
947	Revenue
948	Public Works
949	Public Works
950	Business and Labor
951	Business and Labor
952	Business and Labor
953	Agriculture and Environment
954	Urban Affairs
955	Nebraska Retirement Systems
956	Judiciary
957	Judiciary
958	Business and Labor
959	Banking, Commerce and Insurance
960	Miscellaneous Subjects
961	Education
962	Education
963	Banking, Commerce and Insurance
LR	Committee
314	Constitutional Revision and Recreation

Miscellaneous Subjects

Robert C. Ripley - Nebraska Arts Council

Nebraska Retirement Systems

Alcortis Robinson (R) - Public Employees Retirement Board

Health and Human Services

Jeanette Masek, M.D. - State Board of Health

Edward D. Adickes D.O. - State Board of Health

Jerald R. Schenken, M.D. - State Board of Health

John J. Clark, R.P. (R) - State Board of Health

Jule Brown-Arfmann DDS (R) - State Board of Health

Judith A. Quinn, R.N. - State Board of Health

(R) Indicates Reappointment

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 312 and LR 313.

RESOLUTION

LEGISLATIVE RESOLUTION 315. Read. Considered.

LR 315 was adopted with 33 ayes, 0 nays, and 16 not voting.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Rogers asked unanimous consent to have his name added as co-introducer to LB 131. No objections. So ordered.

MOTION - Suspend Rules

Mr. DeCamp moved to suspend Rule 6, Section 2, so as to permit consideration of Legislative Bill 825 on General File today.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The DeCamp motion prevailed with 31 ayes, 1 nay, 12 present and not voting, and 5 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 825. Title read. Considered.

Mr. DeCamp renewed his pending amendment, AM1738, found in the Journal on page 268.

The DeCamp amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Expedite LB 825

Mr. DeCamp asked unanimous consent to expedite LB 825. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 981. By Haberman, 44th District.

A BILL FOR AN ACT relating to proof of financial responsibility; to amend sections 60-529 and 60-533, Reissue Revised Statutes of Nebraska, 1943, and section 60-302, Revised Statutes Supplement, 1985; to authorize coverage by certain foreign insurance carriers as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 982. By Withem, 14th District.

A BILL FOR AN ACT relating to civil liability; to provide an immunity from liability as prescribed; and to define terms.

LEGISLATIVE BILL 983. By DeCamp, 40th District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-141, Reissue Revised Statutes of Nebraska, 1943; to provide for processing of certain loans within lending limits as prescribed; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 318CA.

Introduced by Rupp, 22nd District.

A Resolution to propose an amendment to Article III, sections 2 and 3, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, sections 2 and 3,

of the Constitution of Nebraska, which is hereby proposed by the Legislature:

CIII-2 "The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by ~~seven~~ eight per cent of the electors of the state and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ten per cent of such electors. In all cases the electors signing such petition shall be so distributed as to include five per cent of the electors of each of two-fifths of the counties of the state and when thus signed the petition shall be filed with the Secretary of State, who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, oftener than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative.

CIII-3 The second power reserved is the referendum which may be invoked, by petition, against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. Petitions invoking the referendum shall be signed by not less than ~~five~~ eight per cent of the electors of the state, distributed as required for initiative petitions, and filed in the office of the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed shall have adjourned sine die or for more than ninety days. Such petition shall set out the title of the act against which the referendum is invoked, and in addition thereto, when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of such petition.

When the referendum is invoked, as to any act or part of act, other than emergency acts or those for the immediate preservation of the public peace, health or safety, by petition signed by not less than ten per cent of the electors of the state, distributed as aforesaid, it shall

suspend the taking effect of such act or part of act until the same has been approved by the electors of the state.”.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

“A constitutional amendment to change the number of signatures required for the enactment of a law by the initiative power and to invoke the referendum power.

For

Against”.

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

STANDING COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 178. Indefinitely postponed.

LEGISLATIVE BILL 467. Indefinitely postponed.

LEGISLATIVE BILL 566. Indefinitely postponed.

(Signed) David Landis, Chairperson

GENERAL FILE

LEGISLATIVE BILL 548. Considered.

Mr. DeCamp renewed his pending amendment, AM1371, found in the Journal on page 2189, First Session, and reconsidered on page 273, Second Session.

The DeCamp amendment was adopted with 25 ayes, 3 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Landis renewed his pending amendment, AM1441, found in the Journal on page 2317, First Session, and printed on page 274, Second Session.

The Landis amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excuse and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 212. Title read. Considered.

Standing Committee amendments, AM1161, found in the Journal on page 1901 for the Sixty-Sixth Day, First Session, were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 599. Title read. Considered.

Standing Committee amendment, AM0982, found in the Journal on page 1902 for the Sixty-Sixth Day, First Session, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 593. Title read. Considered.

Mrs. Marsh renewed her pending amendment, AM0914, found in the Journal on page 1394, First Session.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Nichol requested a ruling of the Chair on whether the Marsh amendment is germane to the bill.

The Chair ruled the Marsh amendment is not germane to the bill.

Mrs. Marsh asked unanimous consent to withdraw her pending amendment, AM1265, found in the Journal on page 2010, First Session. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 122. Title read. Considered.

Standing Committee amendment, AM0257, found in the Journal on page 697 for the Twenty-Eighth Day, First Session, was considered.

Mr. Haberman renewed his pending amendment, AM1425, found in the Journal on page 2255, First Session.

The Haberman amendment was adopted with 17 ayes, 0 nays, 26 present and not voting, and 6 excused and not voting.

MR. DECAMP PRESIDING

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

PRESIDENT MCGINLEY PRESIDING

Messrs. DeCamp and Conway asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Warner moved to indefinitely postpone LB 122.

Mr. Haberman moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Haberman requested a roll call vote on the Warner motion to indefinitely postpone.

Voting in the affirmative, 14:

Abboud	Hannibal	Johnson, L.	Miller	Remmers
Carsten	Hefner	Landis	Morehead	Warner
Goll	Hoagland	Marsh	Pirsch	

Voting in the negative, 24:

Baack	Eret	Labeledz	Pappas	Scofield
Barrett	Haberman	Lamb	Peterson	Sieck
Beyer	Harris	Lynch	Rogers	Smith
Chizek	Higgins	Nelson	Rupp	Vickers
DeCamp	Johnson, R.	Nichol	Schmit	

Present and not voting, 8:

Beutler	Chronister	Goodrich	Hartnett
Chambers	Conway	Hall	Withem

Excused and not voting, 3:

Johnson, V. Lundy Wesely

The Warner motion to indefinitely postpone lost with 14 ayes, 24 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Warner offered the following amendment to LB 122:

1. On page 2, line 25, strike the first comma and insert "or": strike the material from the first "or" in line 25 through "factory" in line 26.

2. On page 5, line 2, strike "and" and insert a comma and after "allowed" insert "and the road or roads upon which the vehicle may operate".

3. On page 6, line 7, after "permits" insert "and renewals"; in line 8, after "permits" insert "and renewals"; in line 10, before the underscored period insert ", except that the total period for the year must be continuous".

Messrs. Abboud, Beutler, and DeCamp asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Haberman moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. Haberman requested a roll call vote on the Warner amendment.

Voting in the affirmative, 28:

Abboud	Conway	Johnson, L.	Morehead	Sieck
Barrett	Goll	Lamb	Pirsch	Smith
Beyer	Hannibal	Landis	Remmers	Vickers
Carsten	Harris	Lynch	Rupp	Warner
Chambers	Hefner	Marsh	Scofield	Withem
Chronister	Hoagland	Miller		

Voting in the negative, 14:

Baack	Haberman	Higgins	Nelson	Rogers
Chizek	Hall	Johnson, R.	Nichol	Schmit
Eret	Hartnett	Labeledz	Pappas	

Present and not voting, 2:

Goodrich Peterson

Excused and not voting, 5:

Beutler DeCamp Johnson, V. Lundy Wesely

The Warner amendment was adopted with 28 ayes, 14 nays, 2 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 26 ayes, 8 nays, 10 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 729. Placed on Select File.

LEGISLATIVE BILL 730. Placed on Select File.

LEGISLATIVE BILL 731. Placed on Select File.

LEGISLATIVE BILL 732. Placed on Select File.

LEGISLATIVE BILL 733. Placed on Select File as amended.

E & R amendments to LB 733:

AM5188

- 1 1. On page 1, line 5, after "references"
- 2 insert "to repealed statutes; to eliminate obsolete
- 3 provisions relating to the applicability of certain
- 4 statutes".
- 5 2. On page 2, line 9, strike the first comma
- 6 and show as stricken.
- 7 3. On page 4, in lines 22 and 25 strike the
- 8 comma and show as stricken.

(Signed) Timothy Hall, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 319CA.

Introduced by Withem, 14th District.

A Resolution to propose an amendment to Article VIII of the Constitution of Nebraska by adding a new section thereto.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VIII of the Constitution of Nebraska by adding a new section 13, which is hereby proposed by the Legislature:

CVIII-13 "The Legislature, notwithstanding any other provision in the Constitution, may by general law and upon any terms, conditions, and restrictions it prescribes authorize vocational schools to incur indebtedness for the purpose of job training and the creation of new jobs. A vocational school may pledge for the payment of such indebtedness all taxes levied by all taxing bodies on the assessed valuation of the real and personal property of the business which creates new jobs in excess of the assessed valuation of such property for the year prior to the creation of such jobs."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"Constitutional amendment to provide that the Legislature may authorize vocational schools to incur indebtedness for job training and creation of new jobs and to pay such indebtedness by receipt of additional property taxes from new valuations on the business property which creates new jobs.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 984. By Chizek, 31st District.

A BILL FOR AN ACT relating to county courts; to amend section 24-536, Revised Statutes Supplement, 1984; to change provisions relating to jury trials; and to repeal the original section.

LEGISLATIVE BILL 985. By Sieck, 24th District; R. Johnson, 34th District.

A BILL FOR AN ACT relating to liens; to amend sections 52-1201 and 52-1202, Revised Statutes Supplement, 1985; to authorize public power and irrigation districts to have a lien on crops as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 986. By Sieck, 24th District.

A BILL FOR AN ACT relating to food; to state intent; to define terms; to provide standards for organic food as prescribed; to prohibit certain marketing, labeling, and advertising; to provide duties for the Department of Agriculture; and to provide an operative date.

LEGISLATIVE BILL 987. By Hefner, 19th District.

A BILL FOR AN ACT relating to civil actions; to amend section 25-824, Reissue Revised Statutes of Nebraska, 1943; to provide for the award of expenses for the commencement of certain actions; to change provisions relating to frivolous or bad faith pleadings; and to repeal the original section.

LEGISLATIVE BILL 988. By Beutler, 28th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the district courts as prescribed; and to declare an emergency.

LEGISLATIVE BILL 989. By Beutler, 28th District.

A BILL FOR AN ACT relating to judges; to amend sections 24-820, 24-821, and 49-801, Reissue Revised Statutes of Nebraska, 1943; to provide for retention elections for certain judges; to provide a definition; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 990. By Beutler, 28th District.

A BILL FOR AN ACT relating to appropriations; to eliminate the statutory criteria for appropriations; and to repeal sections 49-804 and 49-805, Reissue Revised Statutes, 1943.

LEGISLATIVE BILL 991. By Beutler, 28th District.

A BILL FOR AN ACT relating to state statute books; to amend section 49-707, Reissue Revised Statutes of Nebraska, 1943; to provide for sale or disposal of superseded books; to eliminate a duty of the Secretary of State regarding such books; to repeal the original section, and also sections 49-510 and 49-511, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 992. By Beutler, 28th District.

A BILL FOR AN ACT relating to rules of administrative agencies; to amend sections 84-901, 84-902, 84-905.01, 84-906, 84-906.05, 84-907, 84-907.01, 84-907.02, and 84-908, Reissue Revised Statutes of Nebraska, 1943, and section 84-906.03, Revised Statutes Supplement, 1984; to abolish the position of Revisor of Regulations, the Legislature's Administrative Rules and Regulations Review Committee, and the Administrative Rules and Regulations Review Committee; to provide powers and duties for the Secretary of State; to harmonize provisions; to repeal the original sections, and also sections 84-901.01, 84-901.02, 84-904, 84-906.02, and 84-908.01 to 84-908.05, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 993. By Beutler, 28th District.

A BILL FOR AN ACT relating to the Legislature; to repeal provisions relating to the office of the Nebraska Unicameral Research Institute and the Legislative Council Executive Director; to delete powers and duties; and to repeal sections 50-118, 50-127, 50-401.02, 50-401.03, 50-426 to 50-429, 66-817, and 66-818, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 994. By Beutler, 28th District.

A BILL FOR AN ACT relating to the statutes; to amend section 49-702, Reissue Revised Statutes of Nebraska, 1943; to delete provisions governing the 1943 Statute Commission; to delete a provision relating to pocket parts to the statutes; and to repeal the original section, and also sections 49-601 to 49-616, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 995. By Beutler, 28th District.

A BILL FOR AN ACT relating to revenue bonds; to amend sections 79-1438.05 and 85-404, Reissue Revised Statutes of Nebraska, 1943; to change provisions governing approval of certain plans; and to repeal the original sections.

LEGISLATIVE BILL 996. By Beutler, 28th District.

A BILL FOR AN ACT relating to the Legislature; to amend sections 50-405, 50-416, 50-418, 50-419, and 50-419.01, Reissue Revised Statutes of Nebraska, 1943; to delete references to the Legislative Council Budget Committee; and to repeal the original sections.

LEGISLATIVE BILL 997. By Education Committee: Vickers, 38th District, Chairperson; Baack, 47th District; Barrett, 39th District; Eret, 32nd District; R. Johnson, 34th District; Lamb, 43rd District; Morehead, 30th District; Nelson, 35th District.

A BILL FOR AN ACT relating to education; to amend sections 79-4,140.05 to 79-4,140.08, Revised Statutes Supplement, 1984, and sections 79-4,140.04 and 79-1247.05, Revised Statutes Supplement, 1985; to provide for certain programs upon the appropriation of funds; to redefine a term; to change the due date of a report; to delete obsolete material; to eliminate a certain requirement for teacher's certification; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 998. By Education Committee: Vickers, 38th District, Chairperson; Baack, 47th District; Barrett, 39th District; Eret, 32nd District; R. Johnson, 34th District; Lamb, 43rd District; Morehead, 30th District; Nelson, 35th District.

A BILL FOR AN ACT relating to accreditation of schools; to amend section 79-1241, Revised Statutes Supplement, 1985; to provide for a limitation of biennial secondary courses as prescribed; and to repeal the original section.

LEGISLATIVE BILL 999. By R. Johnson, 34th District.

A BILL FOR AN ACT relating to real estate; to amend sections 25-1084, 25-1505, 25-1506, 25-1530, 40-101, 40-103, and 40-110, Reissue Revised Statutes of Nebraska, 1943; to provide the right to cure default; to provide the farmer-debtor be the receiver; to provide an exception to bonding requirements; to increase the maximum

period for a stay of execution; to provide for partial redemption; to redefine the homestead exemption; to change a provision relating to when the homestead exemption is inoperative; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1000. By Eret, 32nd District.

A BILL FOR AN ACT relating to motor vehicle permits; to amend sections 39-6,105, 39-6,106.01, and 60-407, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to persons charged with traffic infractions; to harmonize provisions; to change provisions relating to limited, learner's, and special driving permits; and to repeal the original sections.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Conway asked unanimous consent to have his name added as co-introducer to LB 891. No objections. So ordered.

Mrs. Nelson asked unanimous consent to have her name added as co-introducer to LB 955. No objections. So ordered.

Mr. Hoagland asked unanimous consent to have his name added as co-introducer to LB 91. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 301. Title read. Considered.

Standing Committee amendments, AM0546, found in the Journal on page 923 for the Thirty-Eighth Day, First Session, were adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Speaker Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmit asked unanimous consent to withdraw his pending amendment, AM1731, found in the Journal on page 252. No objections. So ordered.

Mr. Schmit offered the following amendment:

AM1744

- 1 1. On page 2, line 5, strike "January" and
- 2 insert "October"; and in line 26 strike "and the" and

3 insert “, liquefied petroleum gas tanks with a capacity
4 of three thousand five hundred gallons or less, and
5 fertilizer and agricultural chemical application and
6 distribution equipment transported in units with a
7 capacity of three thousand five hundred gallons or less.
8 The”.

9 2. On page 3, after line 25, insert new
10 subsections as follows:

11 “(3) Liquefied petroleum gas tanks with a
12 capacity of three thousand five hundred gallons or less,
13 anhydrous ammonia tanks with a capacity of three
14 thousand gallons or less, and flammable liquid tanks
15 with a capacity of three thousand gallons or less shall
16 be exempt from the provisions of subsection (1) of this
17 section to the extent provided in Part 173 and Part 177.

18 (4) Liquefied petroleum gas tanks with a
19 capacity of three thousand five hundred gallons or less
20 shall be exempt from the provisions of section
21 173.315(k)(5) adopted under subdivision (1)(c) of this
1 section if such tanks have been inspected and tested in
2 accordance with the State Fire Marshal’s rules and
3 regulations.”.

4 3. Strike original sections 7 and 10 and
5 insert a new section as follows:

6 “Sec. 7. The Nebraska State Patrol shall
7 provide each county treasurer and the Department of
8 Motor Vehicles with copies of a declaration which states
9 that the motor carrier safety regulations in sections 1
10 to 6 of this act have been enacted into state law. The
11 declaration shall be distributed by the county
12 treasurers and the Department of Motor Vehicles to each
13 applicant for registration of commercial motor vehicles
14 subject to sections 1 and 2 of this act. The applicant
15 shall sign the registration form to acknowledge that the
16 applicant has read the declaration and is aware that the
17 motor carrier safety regulations are part of state law.
18 Nothing in this section shall be construed to impose any
19 liability upon any county treasurer or the Department of
20 Motor Vehicles or any employee thereof as a result of
21 any act or failure to act under this section.”.

22 4. On page 4, in lines 8 and 14 after
23 “Patrol” insert “or the carrier enforcement division”;
24 and in line 16 after “out” insert “and enforce”.

1 5. On page 6, line 15, strike “January” and
2 insert “October”.

- 3 6. Remove underscoring in original sections 1
4 to 6.

The Schmit amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

VISITORS

Visitors to the Chamber were 12 sixth grade students and teacher from Sacred Heart School, Lincoln; and former Senator Maurice Kremer.

RECESS

At 12:01 p.m., on a motion by Mr. Hall, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:34 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Mr. Wesely who was excused; and Messrs. Beutler, Chambers, Eret, Haberman, Hannibal, Harris, Schmit, Warner, and Mrs. Morehead who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 644. Title read. Considered.

Standing Committee amendment, AM0533, found in the Journal on page 938 for the Thirty-Eighth Day, First Session, was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 217. Title read. Considered.

Standing Committee amendments, AM0484, found in the Journal on page 1004 for the Fortieth Day, First Session, lost with 0 ayes, 18 nays, 25 present and not voting, and 6 excused and not voting.

Mr. Vickers renewed his pending amendment, AM0486, found in the Journal on page 865, First Session.

Mr. Vickers asked unanimous consent to withdraw his pending amendment, AM0486. No objections. So ordered.

Mr. Sieck asked unanimous consent to withdraw his pending amendment, AM0549, found in the Journal on page 1067, First Session. No objections. So ordered.

Mr. Abboud renewed his pending amendment, found in the Journal on page 1599, First Session.

Mrs. Marsh moved for a call of the house. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

Mr. Abboud requested a roll call vote on his amendment.

Voting in the affirmative, 8:

Abboud	DeCamp	Hoagland	Pirsch
Conway	Hartnett	Marsh	Sieck

Voting in the negative, 27:

Baack	Higgins	Landis	Nelson	Rogers
Barrett	Johnson, L.	Lundy	Nichol	Rupp
Chronister	Johnson, R.	Lynch	Pappas	Schmit
Eret	Johnson, V.	Miller	Peterson	Smith
Goll	Labeledz	Morehead	Remmers	Warner
Hefner	Lamb			

Present and not voting, 12:

Beutler	Chambers	Haberman	Harris	Vickers
Beyer	Chizek	Hall	Scofield	Withem
Carsten	Goodrich			

Excused and not voting, 2:

Hannibal Wesely

The Abboud amendment lost with 8 ayes, 27 nays, 12 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Messrs. Vickers and R. Johnson offered the following amendment:
AM1745

1 1. Strike original section 6 and insert the
2 following new sections;
3 "Sec. 4. Any farm or residential tank or tank
4 used for storing heating oil, as defined in subdivisions
5 (7)(a) and (7)(b) of section 3 of this act shall be
6 registered with the State Fire Marshal. The
7 registration shall be accompanied by a one-time fee of
8 five dollars and shall be valid until the State Fire
9 Marshal is notified that a tank so registered has been
10 abandoned. Such registration shall specify the
11 ownership, location, and substance stored in the tank to
12 be registered.

13 Sec. 7. Before the State Fire Marshal shall
14 deny an application for a permit, the affected person
15 shall be given notice and opportunity for a hearing
16 under procedures established by the State Fire Marshal.
17 Upon receipt of the notification, any person aggrieved
18 by the denial or revocation of a permit may request a
19 hearing within ten days or the decision of the State
20 Fire Marshal shall become final. When the State Fire
21 Marshal has reason to believe that a permitholder's
1 activities create an immediate threat to public safety,
2 a permit may be suspended until the hearing process is
3 complete. Any person aggrieved by a final decision of
4 the State Fire Marshal may appeal such action pursuant
5 to Chapter 84, article 9.

6 Sec. 10. (1) Beginning thirty days after
7 January 1, 1987, any person who deposits regulated
8 substances in an underground storage tank shall
9 reasonably notify the owner or operator of such tank of
10 the owner's or operator's registration requirements
11 pursuant to the Petroleum Products and Hazardous
12 Substances Storage and Handling Act.

13 (2) The Department of Environmental Control

14 shall design and make available a printed notice of
15 registration for owners of underground storage tanks to
16 any person who deposits regulated substances in an
17 underground storage tank.

18 (3) Any person who deposits regulated
19 substances in underground storage tanks shall provide
20 the State Fire Marshal with a list of the locations of
21 the tanks to which such substances are delivered and the
22 owners or operators of such tanks. Such lists shall be
23 provided annually to the State Fire Marshal no later
24 than January 15 of each year, beginning January 15,
1 1987."

2 2. On page 2, line 1, strike "8" and insert
3 "10".

4 3. On page 4, line 13, after "thousand"
5 insert "one hundred" and after "gallons" insert "or
6 less"; in line 14 after "stored" insert "subject to a
7 one-time fee"; in line 15 strike "less than"; in line 16
8 after "thousand" insert "one hundred" and after
9 "gallons" insert "or less"; in line 17 after "stored"
10 insert "subject to a one-time fee"; and in line 26
11 strike "1986" and insert "1987".

12 4. On page 5, line 3, strike "1986" and
13 insert "1987"; in line 9 after the period insert "Such
14 permits shall contain the information specified in
15 subsection (4) of this section."; and in line 27 after
16 "permit" insert "issued under subsection (2) of this
17 section".

18 5. On page 6, line 1, strike "five dollars
19 per tank." and insert "based on the size of the tank as
20 follows:

21 (a) Less than two thousand five hundred
22 gallons, seven dollars and fifty cents per tank;

23 (b) Two thousand five hundred one to five
24 thousand gallons, ten dollars per tank;

1 (c) Five thousand one to seven thousand five
2 hundred gallons, twelve dollars and fifty cents per
3 tank;

4 (d) Over seven thousand five hundred gallons,
5 fifteen dollars per tank.", insert paragraphing before
6 "The", and after "fee" insert ", collected pursuant to
7 this subsection or section 4 of this act."; in line 4
8 strike "revolving" and insert "cash"; and strike
9 beginning with "The" in line 12 through the colon in
10 line 21 and insert "The State Fire Marshal shall adopt

11 and promulgate rules and regulations governing release,
12 detection, prevention, and correction regulations
13 applicable to all owners and operators as may be
14 necessary to protect human health, public safety, and
15 the environment. Regulations may distinguish between
16 types, classes, and ages of underground storage tanks.
17 In making such distinctions, the State Fire Marshal may
18 consider, but not be limited to, location of the tanks,
19 soil and climate condition, uses of the tanks, history
20 of maintenance, age of the tanks, current industry
21 recommended practices, national consensus codes,
22 hydrogeology, depth to the groundwater, size of the
23 tanks, quantity of regulated substances periodically
24 deposited in or dispensed from the tanks, the technical
1 capability of the owners and operators, and the
2 compatibility of the regulated substance and the
3 materials of which the tank is fabricated. Before
4 adoption, such regulations shall be reviewed and
5 approved by the Director of the Department of
6 Environmental Control. The director shall determine
7 whether the proposed regulations are adequate to protect
8 the environment. Rules and regulations adopted and
9 promulgated pursuant to this section shall include, but
10 not be limited to:".

11 6. On page 7, line 26, strike "and".

12 7. On page 8, line 2, strike the underscored
13 period and insert an underscored semicolon; and after
14 line 2 insert the following new subdivisions:

15 "(7) Financial responsibility requirements,
16 taking into account the financial responsibility
17 requirements established pursuant to 49 U.S.C. 6991b(d);

18 (8) Requirements for maintaining a leak
19 detection system, an inventory system, and a tank
20 testing or comparable system or method designed to
21 identify releases in a manner consistent with the
22 protection of human health, public safety, and the
23 environment; and

24 (9) Requirements for maintaining records of
1 any monitoring or leak detection system, inventory
2 control system, or tank testing or comparable system.".

3 8. On page 9, strike lines 7 through 10.

4 9. Strike the Standing Committee amendments.

5 10. Renumber the remaining sections
6 accordingly.

Mr. Pappas offered the following amendment to the Vickers-R. Johnson amendment:

To amend AM1745

Pg. 4 line 13 strike "may" and insert "shall" line 17 strike "may" and insert "shall"

The Pappas amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

The Vickers-R. Johnson amendment, as amended, was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Vickers asked unanimous consent to withdraw his pending amendments, AM0983, found in the Journal on page 1517, First Session, and his amendment found in the Journal on page 1067, First Session. No objections. So ordered.

Advanced to E & R for Review with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 753	Tuesday, January 21, 1986	1:30 p.m.
LB 816	Tuesday, January 21, 1986	1:30 p.m.
LB 817	Tuesday, January 21, 1986	1:30 p.m.
LB 819	Tuesday, January 21, 1986	1:30 p.m.
LB 863	Tuesday, January 21, 1986	1:30 p.m.
LB 774	Wednesday, January 22, 1986	1:30 p.m.

(Signed) Vard R. Johnson, Chairperson

Education

LB 784	Tuesday, January 21, 1986	1:30 p.m.
LB 796	Tuesday, January 21, 1986	1:30 p.m.
LB 802	Tuesday, January 21, 1986	1:30 p.m.
LB 820	Tuesday, January 21, 1986	1:30 p.m.
LB 887	Tuesday, January 21, 1986	1:30 p.m.

(Signed) Tom Vickers, Chairperson

SELECT COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 825. Placed on Select File as amended.
E & R amendment to LB 825:

AM5189

- 1 1. On page 1, line 1, strike "holidays" and
- 2 insert "negotiable instruments" and strike "sections"
- 3 and insert "section"; in line 2 strike "25-2221," and
- 4 "84-104.02, and 84-104.03,;" in line 5 strike "to
- 5 harmonize provisions,;" and in line 6 strike "sections"
- 6 and insert "section".

(Signed) Timothy Hall, Chairperson

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 563. Placed on General File as amended.
Standing Committee amendment to LB 563:

AM0553

- 1 1. Strike the original sections and insert
- 2 new sections as follows:
- 3 "Section 1. The Legislature finds that:
- 4 (1) The preservation of cultural resources
- 5 will enrich life for Nebraska's citizens both today and
- 6 for future generations;
- 7 (2) Many cultural resources are owned by the
- 8 state; and
- 9 (3) Efforts should be made by the state to
- 10 identify, preserve, maintain, and restore such cultural
- 11 resources whenever possible.
- 12 Sec. 2. For purposes of this act, unless the
- 13 context otherwise requires, cultural resources shall
- 14 mean sites, buildings, structures, and objects
- 15 significant in American history, architecture,
- 16 archeology, engineering, and culture on a local, state,
- 17 or national level.
- 18 Sec. 3. Improvements, alterations, or changes
- 19 made on or to any state-owned cultural resource by the
- 20 state or its agencies and departments shall be
- 21 adequately assessed and shall be in keeping with its
- 1 historical or architectural significance. Such
- 2 assessments and alterations shall be made according to
- 3 standards set by the United States Department of the
- 4 Interior and shall be subject to approval by the state

5 historical preservation officer. A state agency or
6 department shall only be required to comply with this
7 section if it has been notified in writing by the state
8 historical preservation officer that a particular site,
9 building, structure, or object is a cultural resource.”.

(Signed) David Landis, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1001. By Peterson, 21st District.

A BILL FOR AN ACT relating to bee husbandry; to amend sections 81-2,165 to 81-2,171, 81-2,173, 81-2,176, and 81-2,177.01, Reissue Revised Statutes of Nebraska, 1943, and section 81-2,174, Revised Statutes Supplement, 1984; to define and redefine terms; to change provisions relating to the prevention and control of contagious and infectious bee diseases, parasites, and pests; to authorize inspections; to provide for fees; to harmonize provisions; and to repeal the original sections, and also section 81-2,175, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1002. By Urban Affairs Committee: Withem, 14th District, Chairperson; Baack, 47th District; Higgins, 9th District; R. Johnson, 34th District; Morehead, 30th District; Pappas, 42nd District; Peterson, 21st District; and Scofield, 49th District.

A BILL FOR AN ACT relating to public meetings; to amend section 84-1413, Reissue Revised Statutes of Nebraska, 1943, and section 84-1411, Revised Statutes Supplement, 1984; to change provisions relating to agenda and voting requirements; and to repeal the original sections.

LEGISLATIVE BILL 1003. By Urban Affairs Committee: Withem, 14th District, Chairperson; Baack, 47th District; Higgins, 9th District; R. Johnson, 34th District; Morehead, 30th District; Peterson, 21st District; and Scofield, 49th District.

A BILL FOR AN ACT relating to regulating natural gas rates; to amend section 18-414, Reissue Revised Statutes of Nebraska, 1943, and section 59-1617, Revised Statutes Supplement, 1985; to change provisions relating to certain gas rate increases; to provide an

exemption from the Consumer Protection Act; and to repeal the original sections.

LEGISLATIVE BILL 1004. By Landis, 46th District; Smith, 33rd District.

A BILL FOR AN ACT relating to motorcycles; to amend sections 60-403.01 and 60-2109 to 60-2119, Reissue Revised Statutes of Nebraska, 1943; to adopt the Motorcycle Safety Education Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1005. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Beyer, 3rd District; Haberman, 44th District; Higgins, 9th District; Pappas, 42nd District; Schmit, 23rd District.

A BILL FOR AN ACT relating to insurance; to amend sections 44-2824, 44-2825, 44-2827, 44-2829, 44-2831, 44-2832, and 44-2833, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the Nebraska Hospital-Medical Liability Act, health care providers, claims, and surcharges; and to repeal the original sections.

LEGISLATIVE BILL 1006. By Withem, 14th District.

A BILL FOR AN ACT relating to state employees; to amend section 81-1315, Reissue Revised Statutes of Nebraska, 1943; to eliminate a prohibition on holding office in a political party; and to repeal the original section.

LEGISLATIVE BILL 1007. By Agriculture and Environment Committee: R. Johnson, 34th District, Chairperson; Barrett, 39th District; Chizek, 31st District; Eret, 32nd District; Pirsch, 10th District; Remmers, 1st District; Sieck, 24th District; Vickers, 38th District.

A BILL FOR AN ACT relating to the Grain Buyer Act; to amend section 75-905, Revised Statutes Supplement, 1985; to change a provision relating to recourse to the grain dealer's security; and to repeal the original section.

LEGISLATIVE BILL 1008. By Agriculture and Environment Committee: R. Johnson, 34th District, Chairperson; Barrett, 39th District; Eret, 32nd District; Pirsch, 10th District; Remmers, 1st District; Sieck, 24th District; Vickers, 38th District.

A BILL FOR AN ACT relating to environmental control; to amend sections 81-1502, 81-1505, and 81-1531.02, Revised Statutes Supplement, 1984; to define a term; to provide for additional considerations in adopting regulations as prescribed; to change provisions relating to uranium mining as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1009. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to paupers and public assistance; to amend section 68-126, Revised Statutes Supplement, 1984; to change a provision relating to the standard of need for medical assistance as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1010. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to schools; to amend sections 79-426.05, 79-426.07, and 79-426.08, Reissue Revised Statutes of Nebraska, 1943; to change the membership provisions relating to county reorganization committees as prescribed; to require the state reorganization committee to compile a manual as prescribed; to harmonize provisions; and to repeal the original sections.

UNANIMOUS CONSENT - Print in Journal

Mr. Pappas asked unanimous consent to print the following amendment to LR 57 in the Journal. No objections. So ordered.

AM1740

- 1 1. Strike beginning with the first WHEREAS
- 2 through the last period in paragraph 4. and insert:
- 3 "WHEREAS, pursuant to Public Law 280, the
- 4 State of Nebraska was granted criminal and civil
- 5 jurisdiction over the Winnebago Indian Reservation in
- 6 1953; and
- 7 WHEREAS, the assumption of state jurisdiction
- 8 over the Winnebago Reservation has led to steadily
- 9 increasing costs for civil and criminal law enforcement
- 10 in Thurston County, such costs falling heavily upon the
- 11 taxpayers of Nebraska and Thurston County since the
- 12 federal government has wholly failed to provide federal
- 13 financial assistance for P.L. 280 law enforcement; and
- 14 WHEREAS, due to the tax-exempt status of
- 15 tribal trust land and individual Indian allotments on

16 the Winnebago Reservation, Thurston County has not had a
17 sufficient tax base to meet the ever-increasing costs of
18 law enforcement on the Winnebago Reservation; and

19 WHEREAS, since 1957 state assistance has been
20 provided for law enforcement purposes in Thurston
21 County, and the cost of this assistance has increased
1 each biennium; and

2 WHEREAS, Public Law 90-284 adopted as an Act
3 of Congress on April 11, 1968, contains a number of
4 provisions dealing with civil rights and jurisdiction of
5 Indians; and

6 WHEREAS, Section 403 (a) of Public Law 90-284
7 provides that the United States is authorized to accept
8 a retrocession of all or any measure of the jurisdiction
9 acquired by a state pursuant to Public Law 280 of 1953;
10 and

11 WHEREAS, the Winnebago Tribe has petitioned
12 the State of Nebraska to effectuate retrocession of
13 criminal jurisdiction over the Winnebago Reservation to
14 the United States and has demonstrated the capability to
15 assume its portion of associated responsibilities; and

16 WHEREAS, the Bureau of Indian Affairs has
17 confirmed that it will detail law enforcement personnel
18 to the Winnebago Reservation immediately upon the
19 effective date of retrocession, thereby assuring that a
20 law enforcement vacuum will not result; and

21 WHEREAS, the Nebraska State Patrol, the
22 Winnebago Tribe, and the Bureau of Indian Affairs have
23 agreed to enter into a cross-deputization agreement to
24 be effective on the date of retrocession to fully

1 empower (1) all officers of the Nebraska State Patrol to
2 enforce all federal and tribal laws within the exterior
3 boundaries of the Winnebago Reservation and (2) Bureau
4 of Indian Affairs and tribal officers to enforce all
5 state laws within the Winnebago Reservation; and

6 WHEREAS, due to recent publicity concerning
7 Indian gaming activities nationwide, many citizens of
8 Nebraska believe that the Winnebago Tribe wishes to
9 achieve retrocession in order to broaden its authority
10 to conduct unregulated gaming activities, yet according
11 to opinions issued by the Department of Justice of the
12 State of Nebraska, federal courts, and other
13 authorities, retrocession will in no respect affect the
14 rights of the Winnebago Tribe to undertake gambling
15 activities; and

16 WHEREAS, the Winnebago Tribal Council, on
17 behalf of the Winnebago Tribe, passed a resolution dated
18 January 9, 1986, declaring it 'has no intention to, nor
19 will it, establish any gambling operations that
20 contravenes either state or federal law, nor does it
21 have any plans whatsoever to establish any gambling
22 operations on the Nebraska portion of the Reservation
23 prior to the year 2000 A.D.'; and

24 WHEREAS, the Nebraska Legislature thus
1 concludes, based on the law and upon the representations
2 made by the Tribe, that gambling and gaming operations
3 are not pertinent to the issue of retrocession and that
4 retrocession will not grant the Tribe any additional
5 authority to undertake such operations.

6 NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS
7 OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND
8 SESSION:

9 1. That the Legislature retrocedes criminal
10 jurisdiction over the Winnebago Reservation acquired by
11 the State of Nebraska pursuant to Public Law 280 of
12 1953, such retrocession to be effective at 12:01 A.M.,
13 July 1, 1986.

14 2. That the State of Nebraska and its
15 political subdivisions shall take all necessary action
16 to effectuate this resolution, including cooperative
17 agreements with the Winnebago Tribe, the Bureau of
18 Indian Affairs, or the Department of Interior deemed by
19 the affected parties to be necessary to enhance the
20 efficiency and effectiveness of criminal law enforcement
21 on the Winnebago Reservation.”.

MOTION - Place LB 178 on General File

Mr. DeCamp moved that LB 178 be placed on General File notwithstanding the action of the committee.

Laid over.

NOTICE OF COMMITTEE HEARINGS

Judiciary

Governor Appointments Tuesday, January 21, 1986 1:15 P.M.
Robert L. Tagg - Superintendent of the Nebraska State Patrol

Jim Joneson - Executive Director of the Nebraska Commission on
Law Enforcement and Criminal Justice

LB 760	Tuesday, January 21, 1986	1:30 P.M.
LB 788	Tuesday, January 21, 1986	1:30 P.M.
LB 791	Tuesday, January 21, 1986	1:30 P.M.
LB 772	Tuesday, January 21, 1986	1:30 P.M.

Governor Appointment Wednesday, January 22, 1986 1:15 P.M.
Ronald L. Bartee - Chairman of the Nebraska Parole Board

LB 813	Wednesday, January 22, 1986	1:30 P.M.
LB 874	Wednesday, January 22, 1986	1:30 P.M.
LB 877	Wednesday, January 22, 1986	1:30 P.M.
LB 823	Wednesday, January 22, 1986	1:30 P.M.
LB 923	Wednesday, January 22, 1986	1:30 P.M.

(Signed) Peter Hoagland, Chairperson

GENERAL FILE

LEGISLATIVE BILL 217A. Title read. Considered.

Mr. Landis offered the following amendment:

AM1739

- 1 1. On page 2, line 4, strike "1985" and
- 2 insert "1986"; in line 5 strike "1986" and insert
- 3 "1987"; in line 8 strike "1986" and insert "1987" and
- 4 strike "1987" and insert "1988"; in line 11 strike
- 5 "First Session, 1985" and insert "Second Session, 1986";
- 6 in line 15 strike "1985" and insert "1986" and strike
- 7 "1986" and insert "1987"; in line 16 strike "1986" and
- 8 insert "1987" and strike "1987" and insert "1988"; in
- 9 line 18 strike "\$37,107" and insert "\$38,509"; in line
- 10 20 strike "1985" and insert "1986" and strike "1986" and
- 11 insert "1987"; in line 22 strike "1986" and insert
- 12 "1987" and strike "1987" and insert "1988"; and in line
- 13 25 strike "First Session, 1985" and insert "Second
- 14 Session, 1986".
- 15 2. On page 3, line 1, strike "\$21,702" and
- 16 insert "\$22,356"; in line 2 strike "1985" and insert
- 17 "1986", strike "1986" and insert "1987", and strike
- 18 "\$22,787" and insert "\$44,711"; in line 3 strike "1986"
- 19 and insert "1987" and strike "1987" and insert "1988";

20 in line 5 strike "\$88,593" and insert "\$62,191"; in line
21 7 strike "1985" and insert "1986", strike "1986" and
1 insert "1987", and strike "\$109,578" and insert
2 "\$73,882"; in line 9 strike "1986" and insert "1987" and
3 strike "1987" and insert "1988"; in line 12 strike
4 "First" and insert "Second"; and in line 13 strike
5 "1985" and insert "1986".

The Landis amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 172. Title read. Considered.

Standing Committee amendment, AM0273, found in the Journal on page 1038 for the Forty-Second Day, First Session, was considered.

Mr. V. Johnson offered the following amendment to the Standing Committee amendment:

AM1664

(Amendments to Standing Committee amendments)

- 1 1. On page 1, line 20, strike "1985" and
- 2 insert "1986".

The V. Johnson amendment was adopted with 21 ayes, 0 nays, 26 present and not voting, and 2 excused and not voting.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 5 nays, 17 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 4 nays, 18 present and not voting, and 2 excused and not voting.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 302. Title read. Considered.

Standing Committee amendments, AM0710, printed separate from the Journal and referred to on page 1076 for the Forty-Third Day, First Session, were adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 520 in the Journal. No objections. So ordered.

On page 2, line 12, after the word "agreement," add the following sentence: "Agreements between employers and employees or between their respective representatives and agreements between parties for the construction of any project other than single-family dwellings, may include an agreement to submit any existing controversy to arbitration and/or a provision in a written contract to submit to arbitration any controversy thereafter arising between such parties".

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

LB 763	Tuesday, January 21, 1986	1:30 pm
LB 828	Tuesday, January 21, 1986	1:30 pm
LB 904	Tuesday, January 21, 1986	1:30 pm
LB 922	Tuesday, January 21, 1986	1:30 pm

(Signed) Don Wesely, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1011. By Judiciary Committee: Hoagland, 6th District, Chairperson; Abboud, 12th District; Beutler, 28th District; Chambers, 11th District; Chizek, 31st, District; Conway, 17th District; Remmers, 1st District; Rupp, 22nd District.

A BILL FOR AN ACT relating to private detectives; to amend section 71-3205, Revised Statutes Supplement, 1984; to change provisions relating to the licensing of private detectives; and to repeal the original section.

VISITORS

Visitors to the Chamber were 8 members and leader of the Sierra Club; and John P. McNiel and son, Dayton, from South Sioux City.

ADJOURNMENT

At 3:59 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Wednesday, January 15, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTH DAY - JANUARY 15, 1986**LEGISLATIVE JOURNAL****EIGHTY-NINTH LEGISLATURE
SECOND SESSION****SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 15, 1986

Pursuant to adjournment, the Legislature met at 9:03 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. G. L. Collins, Mount Zion Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Wesely who was excused; and Messrs. Chambers, Harris, V. Johnson, Rupp, and Mrs. Higgins who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 278, correct spelling of Julie Brown-Arfmann.
The Journal for the Fifth Day was approved as corrected.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

LEGISLATIVE BILL 734. Placed on Select File as amended.
E & R amendment to LB 734:
AM5190

- 1 1. On page 3, line 6, strike the comma and
- 2 show as stricken.

LEGISLATIVE BILL 735. Placed on Select File.

LEGISLATIVE BILL 736. Placed on Select File as amended.
E & R amendments to LB 736:

AM5191

- 1 1. On page 1, line 2, strike "an" and insert
- 2 "the".
- 3 2. On page 2, line 2, strike "Suplement" and
- 4 insert "Supplement".

LEGISLATIVE BILL 737. Placed on Select File.

LEGISLATIVE BILL 738. Placed on Select File.

LEGISLATIVE BILL 739. Placed on Select File.

LEGISLATIVE BILL 741. Placed on Select File.

LEGISLATIVE BILL 742. Placed on Select File.

LEGISLATIVE BILL 743. Placed on Select File.

LEGISLATIVE BILL 744. Placed on Select File.

(Signed) Timothy Hall, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the rereferral of legislative bill 804, the referral of legislative bills 964-983, and legislative resolution 318.

LB	Committee
804	Health and Human Services
964	Education
965	Government, Military and Veterans Affairs
966	Banking, Commerce and Insurance
967	Banking, Commerce and Insurance
968	Banking, Commerce and Insurance
969	Judiciary
970	Government, Military and Veterans Affairs
971	Urban Affairs
972	Urban Affairs
973	Banking, Commerce and Insurance
974	Judiciary
975	Judiciary
976	Banking, Commerce and Insurance
977	Urban Affairs
978	Education
979	Judiciary
980	Revenue
981	Banking, Commerce and Insurance

982 Judiciary
983 Banking, Commerce and Insurance

LR Committee
318 Constitutional Revision and Recreation

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 315.

MOTION - Rerefer LB 894

Mr. R. Johnson renewed his pending motion found in the Journal on page 269 to rerefer LB 894 to the Agriculture and Environment Committee.

Mr. R. Johnson asked unanimous consent to withdraw his pending motion. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 825. E & R amendment, AM5189, found in the Journal on page 299 for the Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 729. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 730. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 731. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 732. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 733. E & R amendments, AM5188, found in the Journal on page 286 for the Fifth Day were adopted.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 643. Title read. Considered.

Standing Committee amendments, AM0735, found in the Journal on page 1173 for the Forty-Sixth Day, First Session, were considered.

Mr. Pappas offered the following amendment to the Standing Committee amendments:

AM1733

(Amendments to Standing Committee amendments)

- 1 1. On page 1, strike beginning with "strike"
- 2 in line 1 through the second comma in line 2 and insert
- 3 "strike 'crypts, or niches' and insert 'a crypt or
- 4 niche'; in line 6 after the first comma insert "after
- 5 line 5 insert:
- 6 '(11) Letter of credit shall mean an
- 7 irrevocable undertaking issued by any financial
- 8 institution which qualifies as a trustee under the
- 9 Burial Pre-Need Sale Act, given to a pre-need seller,
- 10 and naming the director as the beneficiary, wherein the
- 11 issuer agrees to honor drafts or other demands for
- 12 payment by the beneficiary up to a specified amount';
- 13 in line 9 strike '(12)' and insert '(13)'; in line 12
- 14 strike '(13)' and insert '(14)'; in"; in line 7 before
- 15 the period insert "; in line 16, strike '(14)' and
- 16 insert '(15)'; in line 20 strike '(15)' and insert
- 17 '(16)'; and in line 24 strike '(16)' and insert '(17)";
- 18 in line 8 after the first comma insert "line 7, strike
- 19 '(17)' and insert '(18)'; in line 10 strike '(18)' and
- 20 insert '(19)'; after line 13 insert:
- 1 '(20) Surety bond shall mean an undertaking
- 2 given by an incorporated surety company, naming the
- 3 director as the beneficiary and conditioned upon the
- 4 faithful performance of a contract for the construction
- 5 of a mausoleum, columbarium, or lawn crypt by a pre-need
- 6 seller'; in line 14 strike '(19)' and insert '(21)';
- 7 in"; in line 10 before the period insert "; in line 21
- 8 strike '(20)' and insert '(22)'; in line 26 strike
- 9 '(21)' and insert '(22)'; and in line 27 strike
- 10 'deposits' and insert 'retainages'"; in line 11, after
- 11 the first comma insert "line 7, after 'trust' insert 'or
- 12 a letter of credit or surety bond has been approved in
- 13 lieu thereof'; in"; in line 20 strike "(2)(h)" and
- 14 insert "(3)"; in line 21 before the period insert "; in
- 15 line 25 before the underscored period insert 'after
- 16 deducting the amount computed under section 14 of this
- 17 act'; and in line 27 strike 'contributions' and insert
- 18 'retainages'"; in line 22 after the first comma insert

19 "line 1, strike 'or' and insert 'and'; in"; and in line
20 23 strike "and in line" and insert "in line 21 strike
21 'placed' and insert 'held'; and strike beginning with
22 'after' in line 24 through 'by' in line 26 and insert
23 'than any balance remaining in the pre-need purchaser's
24 trust account shall immediately be paid over to the".

1 2. On page 2, strike lines 1 and 2; strike
2 beginning with "after" in line 3 through the final
3 quotation marks in line 4 and insert "strike 'the
4 funds held in trust' and insert 'pursuant to section 6
5 of this act, the trustee shall immediately pay over to
6 the pre-need seller any amounts otherwise excludable
7 from trust under section 4 of this act if such amounts
8 have not previously been retained by the pre-need
9 seller. Thereafter, the amount required to be held in
10 trust shall be computed by the trustee and the amount so
11 computed shall be held by the trustee separate from the
12 trust in an individual account in the name of the
13 pre-need purchaser and such account'; in line 6 strike
14 'trust' and insert 'individual'; in line 9 strike the
15 second 'or'; in line 12 strike 'trust' and insert
16 'individual'; in line 19 after the semicolon insert
17 'or'; and after line 19 insert:

18 '(iii) The balance remaining in such pre-need
19 purchaser's trust account after transfer of the computed
20 amount to the individual account shall be paid over to
21 the pre-need seller.'; in line 6 before the period
22 insert "; and in line 27 strike 'and' and insert 'or'".

23 3. Insert the following new amendments:

24 "4. On page 7, strike lines 6 through 14 and
1 insert the following:

2 '(3) Proceeds from the sale of a crypt or
3 niche located in a mausoleum, columbarium, or lawn crypt
4 upon which construction has not been substantially
5 completed may be retained by the pre-need seller as
6 follows: (a) All proceeds, if the pre-need seller has
7 submitted to and received the written approval of the
8 director of a letter of credit or surety bond securing
9 the substantial completion of the mausoleum,
10 columbarium, or lawn crypt or (b) the first thirty-five
11 per cent of the retail sales price of such sale. In
12 either event described in subdivision (2)(a) or (2)(b)
13 of this section, the pre-need seller shall agree, in
14 writing, as a part of the pre-need sale that in the
15 event of the death of the person for whose benefit the

16 pre-need sale of a crypt or niche is made prior to the
17 completion of construction of the mausoleum,
18 columbarium, or lawn crypt, that:’.

19 7. On page 13, line 10, strike ‘March’ and
20 insert ‘December’.

21 11. On page 18, line 10, after the semicolon
22 insert ‘and’; in line 23 strike ‘; and’ and insert an
23 underscored period; in line 24 strike ‘(h)’ and insert
24 ‘(3)’; in line 25 strike ‘of’ and insert ‘from’; and in
1 line 27 strike ‘deposit’ and insert ‘retainage’.

2 12. On page 19, strike beginning with ‘shall’
3 in line 4 through ‘year’ in line 8 and insert ‘compute
4 each year the total amount of the trust principal of
5 each trust account determined as of December 31 of the
6 immediately preceding year, and then multiply that
7 amount by the percentage increase in the National
8 Consumer Price Index for that year. When determined,
9 this shall be the amount of the current year’s income
10 that is required to be retained in trust by the trustee
11 before the balance of the income for the current year
12 can be paid out to the pre-need seller as provided in
13 subsection (1) of section 13 of this act.’.

14 15. Insert the following new section:

15 ‘Sec. 20. The director may collect the
16 proceeds of any letter of credit, surety bond, or trust
17 funds held pursuant to subdivision (2)(a) of section 13
18 of this act upon the failure of the pre-need seller to
19 perform the obligations secured thereby. Thereafter in
20 the director’s discretion he or she may use such
21 proceeds to secure completion of the mausoleum,
22 columbarium, or lawn crypt or take any actions necessary
23 to reimburse all pre-need purchasers of a crypt or niche
24 therein to the extent of money paid or consideration
1 given by the pre-need purchasers.’.

2 16. On page 23, strike with ‘Burial’ in line
3 15 through ‘Act’ in line 16 and insert ‘section 6 of
4 this act’; and in line 18 strike ‘1986’ and insert
5 ‘1987’.

6 17. Renumber remaining sections
7 accordingly.”.

8 4. Strike original amendment 12.

9 5. Renumber remaining amendments.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Pappas amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Hefner asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

SPEAKER NICHOL PRESIDING

Advanced to E & R for Review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 643A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 320.

Introduced by Baack, 47th District; Morehead, 30th District; Nelson, 35th District; Eret, 32nd District; Vickers, 38th District.

WHEREAS, the Legislature adopted legislation in 1973 to assure all children, regardless of physical or mental capacity, the right to a meaningful educational program; and

WHEREAS, the Legislature required every school district to provide or contract for special education programs for all resident children who would benefit from such programs; and

WHEREAS, the Legislature required the state to provide reimbursement to schools via an excess cost funding approach for services to handicapped children of school age; and

WHEREAS, in 1985 the Legislature's Education Committee conducted an interim study to examine alternative financing methods for special education services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature shall adopt the findings of the interim study conducted by the Education Committee, which findings support the continuation of an excess cost funding approach for services to handicapped children of school age.

2. That the Legislature shall continue to use the excess cost funding approach in conjunction with its efforts to contain special education costs.

Laid over.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Beutler asked unanimous consent to have his name added as co-introducer to LB 474. No objections. So ordered.

Mr. Withem asked unanimous consent to have his name added as co-introducer to LB 988. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1012. By V. Johnson, 8th District; Lynch, 13th District; Hartnett, 45th District; Labedz, 5th District; Hall, 7th District.

A BILL FOR AN ACT relating to the Metropolitan Transit Authority; to amend sections 14-1805 and 14-1821, Reissue Revised Statutes of Nebraska, 1943; to increase the tax which may be levied for a metropolitan transit authority; and to repeal the original sections.

LEGISLATIVE BILL 1013. By Pappas, 42nd District.

A BILL FOR AN ACT relating to school tuition; to amend section 79-1103.05, Reissue Revised Statutes of Nebraska, 1943; to abolish an appeal to the State Board of Education and the transfer of certain tuition funds; and to repeal the original section.

LEGISLATIVE BILL 1014. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to the Department of Social Services; to amend sections 43-503, 43-646, 71-4728, 79-1446 to 79-1449, 79-1453, and 83-211.02, Reissue Revised Statutes of Nebraska, 1943, and section 43-654, Revised Statutes Supplement, 1985; to state intent; to place the Division of Rehabilitation Services and the Division of Rehabilitation Services for the Visually Impaired under the direction of the Department of Social Services; to create the Division for the Hearing Impaired; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1015. By Vickers, 38th District.

A BILL FOR AN ACT relating to setoffs; to amend sections 8-101, 8-230, 8-357, and 21-17,118, Reissue Revised Statutes of Nebraska, 1943; to provide that certain financial institutions shall give notice of the right to setoff as prescribed; to provide definitions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1016. By Hartnett, 45th District; Nelson, 35th District; Beutler, 28th District; Conway, 17th District, R. Johnson, 34th District; Sieck, 24th District; Eret, 32nd District; Barrett, 39th District; Vickers, 38th District; Remmers, 1st District; Pirsch, 10th District; Morehead, 30th District; Rogers, 41st District; Hefner, 19th District; Smith, 33rd District; Scofield, 49th District; Higgins, 9th District; Chizek, 31st District; Wesely, 26th District.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-1804, 2-2309, 2-2501, 2-2502, 2-2504, 2-2504.01, 2-2505, 2-2507, 2-3311, 2-3407, 2-3801 to 2-3804, 2-3807 to 2-3809, 2-3812, 2-4011, 54-2112, and 81-1226, Reissue Revised Statutes of Nebraska, 1943, and section 2-3622, Revised Statutes Supplement, 1985; to rename an act and a fund; to state intent; to define terms; to provide powers and duties related to agricultural economic development activities; to change provisions relating to marketing of agricultural products and agricultural products research; to provide powers for commodity boards; to change provisions relating to the purposes and duties of the Department of Economic Development; to eliminate a restriction on marketing units; and to repeal the original sections, and also section 2-3810, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1017. By Morehead, 30th District; Miller, 37th District.

A BILL FOR AN ACT relating to sales and income tax; to amend section 77-2702, Revised Statutes Supplement, 1985; to change the definition of retailer as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1018. By Hefner, 19th District; Lundy, 36th District.

A BILL FOR AN ACT relating to liquors; to amend sections 20-113, 53-117, 53-120 to 53-122, 53-127, 53-131 to 53-135, 53-188, 53-1,100, and 53-1,116, Reissue Revised Statutes of Nebraska, 1943, and sections 53-123 and 53-124, Revised Statutes Supplement, 1985; to provide powers and duties for certain governing bodies; to change provisions relating to retailer's licenses; to change duties of the Nebraska Liquor Control Commission; and to repeal the original sections.

LEGISLATIVE BILL 1019. By Withem, 14th District.

A BILL FOR AN ACT relating to employment security; to amend section 48-649, Revised Statutes Supplement, 1985; to provide a duty for the Commissioner of Labor; and to repeal the original section.

LEGISLATIVE BILL 1020. By Beyer, 3rd District; DeCamp, 40th District.

A BILL FOR AN ACT relating to highways and bridges; to amend section 39-2215, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the use of the Highway Trust Fund; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 321CA.

Introduced by Hefner, 19th District; Lundy, 36th District.

A Resolution to propose an amendment to Article III, section 22, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 22, of the

Constitution of Nebraska, which is hereby proposed by the Legislature:

CIII-22 "Each Legislature shall make appropriations for the expenses of the Government. And whenever it is deemed necessary to make further appropriations for deficiencies, the same shall require a two-thirds vote of all the members elected to the Legislature. Bills making appropriations for the pay of members and officers of the Legislature, and for the salaries of the officers of the Government, shall contain no provision on any other subject.

When any act of the Legislature requires that any new program or service be provided by any municipality, county, or other political subdivision or when the Legislature requires the expansion or change in any existing program or service, which creation, expansion, or change will result in an increased expenditure of funds by the affected political subdivision, the Legislature shall appropriate the necessary funds for the benefit of the affected political subdivision each and every year during which the program or service is required to continue, except that if any county, municipality, or other political subdivision requests the Legislature to create, expand, or change any program or service, the Legislature shall not be required to appropriate the funds necessary to fund the created, expanded, or changed program or service. After January 1, 1987, when any act of the Legislature removes property from the tax base of any political subdivision or reduces the taxing allowance or authority of any political subdivision, the Legislature shall appropriate funds to the affected political subdivision in an amount equivalent to the revenue lost to such political subdivision as a result of such removal or reduction each and every year during which the removal or reduction remains in effect."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to require the Legislature to appropriate funds for certain newly created, expanded, or changed programs and services provided by political subdivisions and for revenue lost by political subdivisions due to tax exemptions or reduced taxing allowance or authority.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

NOTICE OF COMMITTEE HEARINGS
Urban Affairs

LB 761	Wednesday, January 22, 1986	1:30 P.M.
LB 808	Wednesday, January 22, 1986	1:30 P.M.
LB 830	Wednesday, January 22, 1986	1:30 P.M.
LB 977	Wednesday, January 29, 1986	1:30 P.M.

(Signed) Ron Withem, Chairperson

GENERAL FILE

LEGISLATIVE BILL 520. Title read. Considered.

Standing Committee amendment, AM0563, found in the Journal on page 1311 for the Fifty-First Day, First Session, was considered.

Messrs. Hoagland and Beutler offered the following amendment to the Standing Committee amendment:

1. Amend Committee Amendments found on page 1311 of the Journal by added the following new language: "On page 2, line 12, after the word "agreement," add the following sentence: "In addition to the foregoing, agreements between employers and employees or between their respective representatives and agreements between parties for the construction of any project other than single-family dwellings, may include a provision in a written contract to submit to arbitration any controversy thereafter arising between such parties and such agreements are valid, enforceable and irrevocable, save upon such grounds as exist at law or in equity for the revocation of any contract."

The Hoagland-Beutler amendment was adopted with 13 ayes, 2 nays, 29 present and not voting, and 5 excused and not voting.

Mr. Beutler moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Beutler requested a roll call vote on the Standing Committee amendment.

Voting in the affirmative, 24:

Abboud	Eret	Hoagland	Marsh	Scofield
Barrett	Haberman	Johnson, V.	Morehead	Smith
Beutler	Hall	Labeledz	Pappas	Vickers
Chizek	Hartnett	Landis	Pirsch	Withem
Conway	Higgins	Lynch	Schmit	

Voting in the negative, 9:

Baack	Chronister	Goll	Lamb	Remmers
Carsten	DeCamp	Johnson, L.	Nelson	

Present and not voting, 10:

Beyer	Johnson, R.	Miller	Peterson	Sieck
Hannibal	Lundy	Nichol	Rogers	Warner

Absent and not voting, 1:

Goodrich

Excused and not voting, 5:

Chambers	Harris	Hefner	Rupp	Wesely
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The Standing Committee amendment, as amended, lost with 24 ayes, 9 nays, 10 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hoagland asked unanimous consent to withdraw his pending amendment found in the Journal on page 307. No objections. So ordered.

Mr. Lamb moved to indefinitely postpone LB 520.

MRS. LABEDZ PRESIDING

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Lamb moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Lamb requested a roll call vote on his motion to indefinitely postpone LB 520.

Voting in the affirmative, 20:

Abboud	Chronister	Hannibal	Lundy	Remmers
Baack	DeCamp	Hefner	Nelson	Rogers
Beyer	Goll	Johnson, L.	Nichol	Smith
Carsten	Haberman	Lamb	Peterson	Warner

Voting in the negative, 22:

Barrett	Goodrich	Johnson, V.	Marsh	Schmit
Beutler	Hall	Labeledz	Miller	Scofield
Chizek	Harris	Landis	Morehead	Vickers
Conway	Higgins	Lynch	Pappas	Withem
Eret	Hoagland			

Present and not voting, 4:

Chambers	Hartnett	Pirsch	Sieck
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Excused and not voting, 3:

Johnson, R.	Rupp	Wesely
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The Lamb motion to indefinitely postpone lost with 20 ayes, 22 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

Messrs. Rogers, Nichol, Landis, L. Johnson, and Mrs. Pirsch asked unanimous consent to be excused until they return. No objections. So ordered.

The following bills were read for the first time by title:

LEGISLATIVE BILL 1021. By Labedz, 5th District; Hall, 7th District; Pappas, 42nd District; Higgins, 9th District; DeCamp, 40th District; Lynch, 13th District; Haberman, 44th District.

A BILL FOR AN ACT relating to gambling; to amend sections 2-219, 14-102, 15-258, 16-226, 17-120, 17-207, 28-602, 60-1001, 77-3001, 77-3005 to 77-3011, 81-146, and 81-1316, Reissue Revised Statutes of Nebraska, 1943, 9-140.04, 9-140.05, 9-140.12, 9-142, 9-143, 9-149, 9-156, 9-158, 9-160, 9-164, 9-165, 9-169, 9-174, 9-177, 9-178, 9-181, 9-195, 9-196, 9-199, 28-1101, 28-1113, and 77-3002 to 77-3004, Revised Statutes Supplement, 1984, and sections 9-124, 9-140.01, 9-140.13, 9-143.01, 9-143.02, 9-143.04, 9-143.06, 9-170, 9-173, 9-178.01, 9-179, 9-184 to 9-189, 9-199.01, and 28-1105, Revised Statutes Supplement, 1985; to create the Nebraska State Lottery Commission; to adopt the Nebraska State Lottery Act; to provide powers, duties, and penalties; to change provisions relating to bingo, lottery by the sale of pickle cards, and mechanical amusement devices; to transfer certain powers and duties of the Department of Revenue to the commission; to rename an act; to provide exemptions; to harmonize provisions; to provide severability; to provide operative dates; to repeal the original sections, and also sections 9-140.02 and 9-191 to 9-194, Revised Statutes Supplement, 1984, and sections 9-143.05 and 9-183, Revised Statutes Supplement, 1985; and to declare an emergency.

LEGISLATIVE BILL 1022. By Wesely, 26th District; Vickers, 38th District; Lynch, 13th District; Rupp, 22nd District.

A BILL FOR AN ACT relating to the personnel system; to amend section 81-1302, Reissue Revised Statutes of Nebraska, 1943; to state intent; to define terms; to provide for increases in pay to state employees as prescribed; to provide merit increases as prescribed; to change a definition; and to repeal the original section.

LEGISLATIVE BILL 1023. By Business and Labor Committee: Barrett, 39th District, Chairperson; Chronister, 18th District; Eret, 32nd District; Hall, 7th District; Labedz, 5th District; Vickers, 38th District;

A BILL FOR AN ACT relating to employment security; to amend section 48-665.01, Reissue Revised Statutes of Nebraska, 1943, and section 48-665, Revised Statutes Supplement, 1985; to change

provisions relating to erroneous, unlawful, or excessive payments; and to repeal the original sections.

LEGISLATIVE BILL 1024. By Marsh, 29th District.

A BILL FOR AN ACT relating to adoption; to amend section 71-627.02, Reissue Revised Statutes of Nebraska, 1943; to provide for recognition of foreign adoption decrees as prescribed; to provide for duties of the Director of Health as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1025. By DeCamp, 40th District.

A BILL FOR AN ACT relating to corporations; to adopt the Name Protection Act.

LEGISLATIVE BILL 1026. By Lundy, 36th District.

A BILL FOR AN ACT relating to exemptions; to exempt certain property from attachment, garnishment, or other process.

LEGISLATIVE BILL 1027. By Revenue Committee: V. Johnson, 8th District, Chairperson; Hartnett, 45th District; Hefner, 19th District; Landis, 46th District; Miller, 37th District; Rogers, 41st District; Sieck, 24th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 66-448 and 77-27,147, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2702 to 77-2704 and 77-2715, Revised Statutes Supplement, 1985; to provide for a change of credit gasoline containers; to redefine terms; to provide for the expiration of certain exemption certificates; to provide for presumptions of use of certain property as prescribed; to provide for refund of sales and use tax on certain contracts as prescribed; to provide for a charge for publications published by the Department of Revenue; to create a fund; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1028. By Revenue Committee: V. Johnson, 8th District, Chairperson; Hartnett, 45th District; Hefner, 19th District; Landis, 46th District; Miller, 37th District; Rogers, 41st District; Sieck, 24th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2702, Revised Statutes Supplement, 1985; to redefine what

engaged in business in this state means; to provide an operative date; to provide severability; and to repeal the original section.

UNANIMOUS CONSENT - Add Co-Introducers

Mrs. Marsh asked unanimous consent to have her name added as co-introducer to LB 754. No objections. So ordered.

Mr. Hall asked unanimous consent to have his name added as co-introducer to LB 988. No objections. So ordered.

Mrs. Labeledz asked unanimous consent to have her name added as co-introducer to LB 988. No objections. So ordered.

Mr. Rogers asked unanimous consent to have his name added as co-introducer to LR 306CA. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS Business and Labor

Governor's Appointment Wednesday, January 22, 1986 1:30 P.M.
Thom K. Cope - Commission of Industrial Relations

LB 809	Wednesday, January 22, 1986	1:30 P.M.
LB 810	Wednesday, January 22, 1986	1:30 P.M.
LB 811	Wednesday, January 22, 1986	1:30 P.M.
LB 837	Wednesday, January 22, 1986	1:30 P.M.

(Signed) Bill Barrett, Chairperson

VISITORS

Visitors to the Chamber were Senator Abboud's mother, Mrs. Bonny Abboud, and aunt, Betty Haas.

RECESS

At 11:52 a.m., on a motion by Mrs. Higgins, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Mr. Wesely who was excused; and Messrs. Chambers, Haberman, R. Johnson, Rogers, Rupp, Schmit, Sieck, Withem, Mesdames Labeledz, Nelson, and Ms. Scofield who were excused until they arrive.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: LB 825.

(Signed) Timothy Hall, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1029. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 81-1108.33, Reissue Revised Statutes of Nebraska, 1943, and section 77-2602, Revised Statutes Supplement, 1985, as amended by section 1, Legislative Bill 3, Eighty-ninth Legislature, Second Special Session, 1985; to adopt the Financial Integrity Act; to change provisions relating to the cigarette tax; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1030. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 44-1213, 44-2407, 44-2716, 44-3110, 77-907, 77-910 to 77-913, and 81-523, Reissue Revised Statutes of Nebraska, 1943, sections 13-206 and 77-909, Revised Statutes Supplement, 1984, and sections 13-203, 13-207, 44-4233, and 77-2734.03, Revised Statutes Supplement, 1985; to provide a refund procedure for overpayment of fees as prescribed; to change the tax rates for premium taxes as prescribed; to change the distribution of the revenue from such tax; to eliminate obsolete provisions; to provide an operative date; and to repeal the original sections, and also section 77-914, Reissue Revised Statutes of Nebraska, 1943, and section 77-908, Revised Statutes Supplement, 1984.

GENERAL FILE

LEGISLATIVE BILL 520. Considered.

Messrs. Beutler and Hoagland offered the following amendment:

1. "On page 2, line 12, after the word "agreement," add the following sentence: "In addition to the foregoing, agreements between employers and employees or between their respective representatives and agreements between parties for the construction of any project other than single-family dwellings, may include a provision in a written contract to submit to arbitration any controversy thereafter arising between such parties and such agreements are valid, enforceable and irrevocable, save upon such grounds as exist at law or in equity for the revocation of any contract, provided, however, that any provision to arbitrate in a written contract must be entered into voluntarily."

2. On page 2, line 4, strike beginning with "or" through "parties" on Page 2, line 6.

Mr. Baack asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Beutler moved for a call of the house. The motion prevailed with 5 ayes, 0 nays, and 44 not voting.

Mr. Chambers moved the call be raised. The motion lost with 15 ayes, 16 nays, and 18 not voting.

The Beutler-Hoagland amendment was adopted with 25 ayes, 15 nays, 3 present and not voting, and 6 excused and not voting.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion lost with 16 ayes, 7 nays, and 26 not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Beutler requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 21:

Beutler	Harris	Labeledz	Morehead	Sieck
Chizek	Higgins	Landis	Pappas	Smith
Conway	Hoagland	Lynch	Pirsch	Vickers
Eret	Johnson, V.	Marsh	Scofield	Withem
Hall				

Voting in the negative, 21:

Abboud	Chronister	Hartnett	Lundy	Peterson
Baack	DeCamp	Hefner	Miller	Remmers
Barrett	Goll	Johnson, L.	Nelson	Rogers
Beyer	Haberman	Lamb	Nichol	Warner
Carsten				

Present and not voting, 2:

Chambers Hannibal

Absent and not voting, 1:

Goodrich

Excused and not voting, 4:

Johnson, R. Rupp Schmit Wesely

Failed to advance to E & R for Review with 21 ayes, 21 nays, 2 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Member Excused

Mr. Goodrich asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORTS **Enrollment and Review**

LEGISLATIVE BILL 745. Placed on Select File.
LEGISLATIVE BILL 746. Placed on Select File.

LEGISLATIVE BILL 747. Placed on Select File.

LEGISLATIVE BILL 748. Placed on Select File.

LEGISLATIVE BILL 749. Placed on Select File.

LEGISLATIVE BILL 750. Placed on Select File as amended.

E & R amendments to LB 750:

AM5193

1 1. On page 1, line 1, strike "civil
2 procedure" and insert "courts" and strike "section" and
3 insert "sections 24-209, 24-302.01, and"; in line 3,
4 after "1943" insert ", and section 76-1456, Revised
5 Statutes Supplement, 1984" and strike "a reference" and
6 insert "references"; and in line 4 strike "section" and
7 insert "sections".

8 2. Strike original section 2 and insert the
9 following new sections:

10 "Section 1. That section 24-209, Revised
11 Statutes Supplement, 1985, be amended to read as
12 follows:

13 24-209. (1) One copy of the Supreme Court
14 Reports shall be furnished by the Supreme Court to each
15 judge of the Supreme, district, separate juvenile,
16 workmen's compensation, and county courts, to each
17 county law library, to each state library, to each
18 officer of the executive departments of this state, to
19 the Clerk of the Legislature, and to each judge of the
20 United States District and Circuit Courts of this state;
21 to the Legislative Council, two copies; to the library
1 of the College of Law of the University of Nebraska, as
2 provided in sections 85-176 and 85-177; to the Nebraska
3 Publications Clearinghouse, eight copies; and to the
4 State Court Administrator's Office, up to ten copies.

5 (2) One advance copy of the opinions of the
6 Nebraska Supreme Court in pamphlet form, known as the
7 Nebraska Advance Sheets, shall be furnished to each
8 judge of the Supreme, district, separate juvenile,
9 county, ~~and~~ workmen's compensation, ~~and municipal~~
10 courts, as many advance copies as may be requested by
11 the members of the Legislature shall be furnished to the
12 Clerk of the Legislature, two advance copies shall be
13 furnished to each standing committee of the Legislature,
14 up to twenty-five advance copies shall be furnished to
15 the Attorney General, and the State Court Administrator
16 shall be furnished as many advance copies as he or she
17 deems necessary for the operation of the Supreme Court.

18 (3) The balance of the Supreme Court Reports
19 and Nebraska Advance Sheets shall be sold as called for
20 at such price as shall be prescribed by the Supreme
21 Court. The Supreme Court shall also prescribe the price
22 for microform copies of the reports. The money received
23 from such sales shall be paid into the Supreme Court
24 Reports Cash Fund which is hereby created.

1 (4) Upon request from any office or entity
2 entitled to free copies of the Supreme Court Reports or
3 the Nebraska Advance Sheets, the court may stop sending
4 the publications to such office or entity until the
5 request is withdrawn.

6 Sec. 2. That section 24-302.01, Reissue
7 Revised Statutes of Nebraska, 1943, be amended to read
8 as follows:

9 24-302.01. The county ~~or municipal~~ court
10 shall certify proceedings to the district court of the
11 county in which an action is pending when the pleadings
12 or discovery proceedings indicate there is an amount in
13 controversy in excess of ten thousand dollars. The
14 county ~~or municipal~~ court shall certify the proceedings
15 to the district court and file the original papers of
16 such action and a certified transcript of the docket
17 entries with the clerk of the district court. The
18 action shall then be tried and determined by the
19 district court as if the proceedings were originally
20 brought in such district court, except that no new
21 pleadings need be filed unless ordered by the district
22 court.

23 If it is determined, upon adjudication, that
24 the allegations of either party to such action are
1 asserted with the intention solely of avoiding the
2 jurisdiction of the county ~~or municipal~~ court, the
3 offending party shall not recover any costs in the
4 county ~~or municipal~~ court or the district court.

5 Sec. 4. That section 76-1456, Revised Statutes
6 Supplement, 1984, be amended to read as follows:

7 76-1456. The district, ~~or county, or~~
8 ~~municipal~~ court of this state may exercise jurisdiction
9 over any landlord or tenant with respect to any conduct
10 in this state governed by the Mobile Home Landlord and
11 Tenant Act or with respect to any claim arising from a
12 transaction subject to the act for a dwelling unit
13 located within its jurisdictional boundaries. Service
14 outside this state may be made in the manner provided in

- 15 section 25-540.
 16 Sec. 5. That original sections 24-209,
 17 24-302.01, and 25-2301, Reissue Revised Statutes of
 18 Nebraska, 1943, and section 76-1456, Revised Statutes
 19 Supplement, 1985, are repealed.”.
 20 3. Renumber the remaining section
 21 accordingly.

LEGISLATIVE BILL 546. Placed on Select File as amended.
 E & R amendments to LB 546:
 AM5192

- 1 1. In the Standing Committee amendments,
 2 AM0855, adopted January 13, 1985, on page 1, line 4,
 3 strike “full time” and insert “full-time”; in line 5
 4 strike “part time” and insert “part-time”; in line 10
 5 strike “is” and insert “shall be”; and in line 12 strike
 6 “that” and insert “such”.
 7 2. On page 1, line 7, strike “a”; in line 8,
 8 strike “and”; and in line 9 after “sections” insert “; ”
 9 and to declare an emergency”.
 10 3. On page 4, line 18, strike the comma and
 11 show as stricken.

(Signed) Timothy Hall, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1031. By DeCamp, 40th District.

A BILL FOR AN ACT relating to adoption; to amend section 71-626.01, Reissue Revised Statutes of Nebraska, 1943, and section 43-113, Revised Statutes Supplement, 1985; to adopt the Adoption Information Act; to eliminate provisions relating to access to certain information and consent and nonconsent forms; to harmonize provisions; and to repeal the original sections, and also sections 43-119 to 43-129, 43-133 to 43-137, 43-139 to 43-142, and 43-144 to 43-146, Reissue Revised Statutes of Nebraska, 1943, and sections 43-130 to 43-132, 43-138, and 43-143, Revised Statutes Supplement, 1985.

LEGISLATIVE BILL 1032. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to credit unions; to amend section 21-1773, Reissue Revised Statutes of Nebraska, 1943; to authorize the deposit of certain public funds in credit unions as prescribed; to provide conditions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1033. By Government, Military and Veterans Affairs Committee: Landis, 46th District, Chairperson; Abboud, 12th District; Chambers, 11th District; Chronister, 18th District; Hoagland, 6th District; Peterson, 21st District; Rogers, 41st District; Withem, 14th District.

A BILL FOR AN ACT relating to elections; to amend sections 19-3023, 32-210.01, 32-215, 32-216, 32-216.02, 32-403, 32-433, 32-491, 32-503.01, 32-504, and 32-1402, Reissue Revised Statutes of Nebraska, 1943, section 10-703.01, Revised Statutes Supplement, 1984, and section 32-223, Revised Statutes Supplement, 1985; to change dates for the publication or posting of sample ballots; to permit clerks of elections to sign ballots; to change provisions relating to the appointment of election inspectors; to provide the polling place and registration of certain voters as prescribed; to change provisions relating to voter registration forms; to provide for certain write-in votes to be listed together as prescribed; to provide a filing time for an incumbent as prescribed; to change a provision relating to nomination by petition; to provide for recall of elected county officers; to harmonize provisions; and to repeal the original sections.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bill 988.

LB **Committee**
988 Appropriations

(Signed) Chris Beutler, Chairperson
 Legislative Council
 Executive Board

NOTICE OF COMMITTEE HEARING

Appropriations

LB 988 Thursday, January 23, 1986

4:00 P.M.

(Signed) Jerome Warner, Chairperson

GENERAL FILE

LEGISLATIVE BILL 529. Title read. Considered.

Standing Committee amendments, AM0864, found in the Journal on page 1384 for the Fifty-Fourth Day, First Session, were considered.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

MRS. MARSH PRESIDING

The Standing Committee amendments were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Hoagland asked unanimous consent to withdraw his pending amendment, AM0958, printed separate from the Journal and referred to on page 1517, First Session. No objections. So ordered.

Mr. Hoagland renewed his pending amendment, AM1732, printed separate from the Journal and referred to on page 265.

Mr. Haberman offered the following amendment to the Hoagland amendment:

to amend the Hoagland amendment #AM1732
On pg. 10, line 23 following the word "plaintiff" add "attorney"

The Haberman amendment was adopted with 11 ayes, 0 nays, 33 present and not voting, and 5 excused and not voting.

Mr. Hoagland moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

The Hoagland amendment, as amended, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 540. Title read. Considered.

Standing Committee amendments, AM0896, found in the Journal on page 1404 for the Fifty-Fourth Day, First Session, were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1034. By Eret, 32nd District.

A BILL FOR AN ACT relating to schools; to amend section 79-488.04, Reissue Revised Statutes of Nebraska, 1943; to eliminate personal liability of school board members for transportation expense of public school children; and to repeal the original section.

LEGISLATIVE BILL 1035. By DeCamp, 40th District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-126, Reissue Revised Statutes of Nebraska, 1943; to provide for members of the boards of directors as prescribed; to delete obsolete language; and to repeal the original section.

LEGISLATIVE BILL 1036. By Lundy, 36th District; Hannibal, 4th District; Chizek, 31st District; Barrett, 39th District; L. Johnson, 15th District.

A BILL FOR AN ACT relating to workers' compensation; to provide an assessment; and to create a fund and specify the source and use of the fund.

LEGISLATIVE BILL 1037. By Lundy, 36th District; Hannibal, 4th District; Chizek, 31st District; Barrett, 39th District; L. Johnson, 15th District.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-128, Reissue Revised Statutes of Nebraska, 1943; to provide an additional use for the Second Injury Fund; and to repeal the original section.

ADJOURNMENT

At 3:48 p.m., on a motion by Mrs. Pirsch, the Legislature adjourned until 9:00 a.m., Thursday, January 16, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTH DAY - JANUARY 16, 1986

LEGISLATIVE JOURNAL

SEVENTH DAY - JANUARY 16, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 16, 1986

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. Terry Bock, College View Seventh-Day Adventist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Withem who was excused; and Messrs. Chambers, Schmit, and Warner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixth Day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 984-987, 989, 997-1028; and legislative resolutions 319 and 321.

LB	Committee
984	Judiciary
985	Agriculture and Environment
986	Agriculture and Environment
987	Judiciary
989	Judiciary

997	Education
998	Education
999	Judiciary
1000	Public Works
1001	Agriculture and Environment
1002	Government, Military and Veterans Affairs
1003	Public Works
1004	Public Works
1005	Banking, Commerce and Insurance
1006	Government, Military and Veterans Affairs
1007	Agriculture and Environment
1008	Agriculture and Environment
1009	Health and Human Services
1010	Education
1011	Judiciary
1012	Revenue
1013	Education
1014	Education
1015	Banking, Commerce and Insurance
1016	Agriculture and Environment
1017	Revenue
1018	Miscellaneous Subjects
1019	Business and Labor
1020	Appropriations
1021	Miscellaneous Subjects
1022	Government, Military and Veterans Affairs
1023	Business and Labor
1024	Judiciary
1025	Banking, Commerce and Insurance
1026	Judiciary
1027	Revenue
1028	Revenue

LR Committee

319	Constitutional Revision and Recreation
321	Constitutional Revision and Recreation

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Conway asked unanimous consent to have his name added as co-introducer to LB 1021. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 734. E & R amendment, AM5190, found in the Journal on page 309 for the Sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 735. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 736. E & R amendments, AM5191, found in the Journal on page 310 for the Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 737. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 738. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 739. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 741. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 742. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 743. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 744. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 745. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 746. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 747. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 748. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 749. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 750. E & R amendments, AM5193, found in the Journal on page 329 for the Sixth Day were adopted.

Advanced to E & R for Engrossment.

MOTION - Reconsider Adoption of Permanent Rules

Mr. DeCamp renewed his pending motion found in the Journal on page 275 to reconsider the adoption of the Permanent Rules.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Labeledz moved the previous question. The question is, "Shall the debate now close?" The motion lost with 16 ayes, 17 nays, and 16 not voting.

Mr. Pappas moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

The DeCamp motion to reconsider prevailed with 25 ayes, 18 nays, 5 present and not voting, and 1 excused and not voting.

MOTION - Reconsider Rule 3, Section 3

Mr. DeCamp renewed his pending motion found in the Journal on page 275 to reconsider Rule 3, Section 3 which concerns the renaming and restructuring of the Standing Committees.

Mr. R. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. DeCamp moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mrs. Labeledz requested a roll call vote on the DeCamp motion to reconsider Rule 3, Section 3.

Voting in the affirmative, 24:

Abboud	Conway	Haberman	Labeledz	Remmers
Baack	DeCamp	Hall	Lamb	Rogers
Barrett	Eret	Hefner	Nichol	Rupp
Beyer	Goll	Higgins	Pappas	Sieck
Carsten	Goodrich	Johnson, R.	Peterson	

Voting in the negative, 24:

Beutler	Harris	Landis	Morehead	Smith
Chambers	Hartnett	Lundy	Nelson	Vickers
Chizek	Hoagland	Lynch	Pirsch	Warner
Chronister	Johnson, L.	Marsh	Schmit	Wesely
Hannibal	Johnson, V.	Miller	Scofield	

Excused and not voting, 1:

Withem

The DeCamp motion lost with 24 ayes, 24 nays, and 1 excused and not voting.

MOTION - Adopt Permanent Rules

Mr. Beutler moved to adopt the permanent rules.

Mr. DeCamp offered the following amendment to the Beutler motion:

To amend the Beutler motion by striking "permanent" and inserting "temporary."

Mr. DeCamp withdrew his pending amendment.

The Chair declared the call raised.

Messrs. R. Johnson and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Morehead moved for a call of the house. The motion prevailed with 9 ayes, 4 nays, and 36 not voting.

Mr. Haberman requested a roll call vote on the Beutler motion.

Voting in the affirmative, 27:

Beutler	Eret	Johnson, V.	Miller	Sieck
Beyer	Hannibal	Landis	Morehead	Smith
Chambers	Harris	Lundy	Nelson	Vickers
Chizek	Hartnett	Lynch	Pappas	Warner
Chronister	Hoagland	Marsh	Scofield	Wesely
Conway	Johnson, L.			

Voting in the negative, 19:

Abboud	DeCamp	Hall	Lamb	Remmers
Baack	Goll	Hefner	Nichol	Rogers
Barrett	Goodrich	Higgins	Peterson	Rupp
Carsten	Haberman	Labeledz	Pirsch	

Excused and not voting, 3:

Johnson, R. Schmit Withem

The Beutler motion to adopt the permanent rules prevailed with 27 ayes, 19 nays, and 3 excused and not voting.

The Chair declared the call raised.

Messrs. Sieck and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Constitutional Revision and Recreation

LR 304CA	Thursday, January 23, 1986	1:30 P.M.
LR 309CA	Thursday, January 23, 1986	1:30 P.M.

(Signed) Lee Rupp, Chairperson

Government, Military and Veterans Affairs

LB 765	Thursday, January 23, 1986	1:30 P.M.
LB 785	Thursday, January 23, 1986	1:30 P.M.
LB 777	Thursday, January 23, 1986	1:30 P.M.
LB 878	Thursday, January 23, 1986	1:30 P.M.
LB 776	Friday, January 24, 1986	1:30 P.M.
LB 806	Friday, January 24, 1986	1:30 P.M.
LB 812	Friday, January 24, 1986	1:30 P.M.
LB 885	Friday, January 24, 1986	1:30 P.M.
LB 855	Thursday, January 30, 1986	1:30 P.M.
LB 856	Thursday, January 30, 1986	1:30 P.M.
LB 857	Thursday, January 30, 1986	1:30 P.M.
LB 861	Thursday, January 30, 1986	1:30 P.M.
LB 844	Friday, January 31, 1986	1:30 P.M.
LB 843	Friday, January 31, 1986	1:30 P.M.
LB 862	Friday, January 31, 1986	1:30 P.M.

(Signed) David Landis, Chairperson

Agriculture and Environment

LB 1016	Thursday, January 23, 1986	1:30 P.M.
LB 775	Thursday, January 23, 1986	1:30 P.M.
LB 986	Thursday, January 23, 1986	1:30 P.M.
LB 898	Friday, January 24, 1986	1:30 P.M.
LB 899	Friday, January 24, 1986	1:30 P.M.
LB 900	Friday, January 24, 1986	1:30 P.M.
LB 795	Friday, January 24, 1986	1:30 P.M.
LB 832	Friday, January 24, 1986	1:30 P.M.
LB 849	Thursday, January 30, 1986	1:30 P.M.

(Signed) Rod Johnson, Chairperson

STANDING COMMITTEE REPORT
Agriculture and Environment

LEGISLATIVE BILL 322. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal
and on file in the Clerk's Office - Room 1102 - AM1734.)

(Signed) Rod Johnson, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 322CA.

Introduced by DeCamp, 40th District.

A Resolution to propose an amendment to Article III, section 24,
of the Constitution of Nebraska.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS
OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA,
SECOND SESSION:**

Section 1. That at the general election in November 1986 there
shall be submitted to the electors of the State of Nebraska for
approval the following amendment to Article III, section 24, of the
Constitution of Nebraska, which is hereby proposed by the
Legislature:

CIII-24 "The Legislature shall not authorize any game of chance,
nor any lottery, or gift enterprise where the consideration for a
chance to participate involves the payment of money for the purchase
of property, services, chance or admission ticket, or requires an
expenditure of substantial effort or time, except ; ~~PROVIDED~~, that

it may authorize and regulate other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises. Nothing in this section shall be construed to prohibit the enactment of laws providing for the licensing and regulation of wagering on the results of horse races by the parimutuel or certificate method, when conducted by licensees within the race track enclosure at licensed horse race meetings, or to prohibit the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that such ; ~~PROVIDED~~; bingo games ~~cannot~~ shall not be conducted by agents or lessees of such associations on a percentage basis. The Legislature shall establish a lottery program which (1) provides the most efficient type of lottery, as determined by the Legislature, for the purpose of raising money, (2) provides that all proceeds and profits of such lottery will be used for state and local governmental programs which directly or indirectly provide property tax relief, (3) guarantees that such lottery and other lottery activity authorized pursuant to this section are adequately policed and regulated and are not subverted by improper elements, and (4) ensures that lottery activity which is not authorized by this section is properly policed and prevented."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to require the Legislature to establish a lottery program to provide for the most efficient type of lottery for the purpose of raising money for state and local property tax relief programs, to guarantee adequate policing and regulation of authorized lottery activity, and to ensure proper policing and prevention of unauthorized lottery activity. For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 323.

Introduced by Vickers, 38th District.

WHEREAS, the Legislature wishes to recognize the dedication and service to the State of Nebraska by Norm Hubertus; and

WHEREAS, Norm Hubertus was appointed by the Legislature to the position of Sergeant at Arms and has served as such an officer until his decision to retire in 1985; and

WHEREAS, he has served the Legislature for many years, faithfully executing legislative commands and enforcing legislative rules; and

WHEREAS, Norm Hubertus has always conducted himself in a dignified and responsible fashion; and

WHEREAS, the members of the Legislature will miss him and wish to thank him for his unfailing courteousness.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature acknowledges the dedicated service and achievements of Norm Hubertus.

2. That the Legislature wishes health and happiness to Norm Hubertus during his retirement.

3. That the Legislature present a copy of this resolution to Norm Hubertus, with the best wishes of the Legislature.

Laid over.

LEGISLATIVE RESOLUTION 324.

Introduced by DeCamp, 40th District.

WHEREAS, terrorism, a recent historical phenomenon, has given rise to heinous acts such as hijacking airplanes, seizing hostages, and murdering innocent people; and

WHEREAS, breeding grounds for terrorists include refugee camps and possibly sovereign nations where hatred is nurtured, terrorists are trained and protected and financed; and

WHEREAS, one apparent fertile ground for the seeds of hatred and terrorism is Libya where Moammar Khadafy appears to want to engage in a campaign of religious hatred and support of terrorism; and

WHEREAS, the Legislature abhors terrorism of all types and from whatever sources as a method of resolving political conflicts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature goes on record as denouncing all acts of terrorism; and, to the degree that Moammar Khadafy supports terrorism and aids and abets it, to that degree the Legislature condemns Khadafy and all who aid and abet Khadafy in such support of terrorism.

Laid over.

LEGISLATIVE RESOLUTION 325.

Introduced by Beyer, 3rd District.

WHEREAS, trucks and buses provide essential transportation services to all Americans; and

WHEREAS, five million trucks travel more than one hundred and thirty-eight billion miles each year, bringing raw materials, finished goods, food, and other essential products to market; and

WHEREAS, the trucking industry alone employs more than seven million four hundred thousand Americans and generates annual revenue in excess of \$200,000,000,000; and

WHEREAS, the bus industry employs approximately fifty thousand people and provides service to over ten thousand cities and communities; and

WHEREAS, the safe maintenance and operation of trucks and buses is vital to the health and safety of motorists, pedestrians, and other users of the nation's highways, roads, and streets; and

WHEREAS, the safe maintenance and operation of trucks and buses is also vital to the companies and individuals directly involved in the provision of such transportation services; and

WHEREAS, the safe maintenance and operation of trucks carrying hazardous materials is essential not only to the safety of the immediate highway environment, but often to the surrounding environment as well; and

WHEREAS, state governments are increasing their efforts to improve safety compliance both on their own and with funding assistance provided by the federal government; and

WHEREAS, there is a continuing need for congressional inducement to improve highway safety; and

WHEREAS, improvements in the safe operation of trucks and buses result from activities undertaken by management and labor, including activities to ensure driver professionalism.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Governor is authorized and requested to designate the week of January 26, 1986, to February 1, 1986, as Truck and Bus Safety Week.

2. That federal, state, and local governmental agencies and all Nebraskans join in observing such week with appropriate programs, ceremonies, and activities.

Laid over.

MOTION - Withdraw LB 288

Messrs. Hefner and Lundy moved to withdraw LB 288.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 740 in the Journal. No objections. So ordered.

AM1759

- 1 1. Insert the following new section:
- 2 "Section 1. That section 79-2202, Reissue
- 3 Revised Statutes of Nebraska, 1943, be amended to read
- 4 as follows:
- 5 79-2202. ~~Until July 1, 1970, the educational~~
- 6 ~~service units established by section 79-2201 shall be as~~
- 7 ~~follows:~~
- 8 (1) ~~The counties of Cedar, Dixon, Dakota,~~
- 9 ~~Wayne, Knox, and Thurston;~~
- 10 (2) ~~The counties of Cuming, Burt, Dodge, and~~
- 11 ~~Saunders;~~
- 12 (3) ~~The counties of Washington, Douglas,~~
- 13 ~~Sarpy, and Cass;~~
- 14 (4) ~~The counties of Otoe, Johnson, Nemaha,~~
- 15 ~~Pawnee, and Richardson;~~
- 16 (5) ~~The counties of Thayer, Jefferson, and~~
- 17 ~~Gage;~~
- 18 (6) ~~The counties of York, Seward, Lancaster,~~
- 19 ~~Fillmore, and Saline;~~
- 20 (7) ~~The counties of Greeley, Boone, Platte,~~
- 21 ~~Colfax, Nance, Polk, and Butler;~~
- 1 (8) ~~The counties of Boyd, Holt, Wheeler,~~
- 2 ~~Antelope, Pierce, Madison, and Stanton;~~

- 3 (9) ~~The counties of Adams, Clay, Webster, and~~
 4 ~~Nuckolls;~~
 5 (10) ~~The counties of Howard, Merriek, Hall,~~
 6 ~~and Hamilton;~~
 7 (11) ~~The counties of Gosper, Phelps, Kearney,~~
 8 ~~Furnas, Harlan, and Franklin;~~
 9 (12) ~~The counties of Dawson, Buffalo, and~~
 10 ~~Sherman;~~
 11 (13) ~~The counties of Blaine, Loup, Garfield,~~
 12 ~~Custer, and Valley;~~
 13 (14) ~~The counties of Keya Paha, Brown, Rock,~~
 14 ~~and Cherry;~~
 15 (15) ~~The counties of Chase, Hayes, Frontier,~~
 16 ~~Dundy, Hitchcock, and Red Willow;~~
 17 (16) ~~The counties of Grant, Hooker, Thomas,~~
 18 ~~Arthur, McPherson, Logan, Keith, Perkins, and Lincoln;~~
 19 (17) ~~The counties of Sioux, Dawes, Box Butte,~~
 20 ~~Sheridan, and Morrill;~~
 21 (18) ~~The counties of Scotts Bluff and Banner;~~
 22 ~~and~~
 23 (19) ~~The counties of Kimball, Garden,~~
 24 ~~Cheyenne, and Deuel.~~
 1 ~~After July 1, 1970, the~~ The educational
 2 service units established by section 79-2201 shall be as
 3 follows:
 4 (1) The counties of Cedar, Dixon, Dakota,
 5 Wayne, Knox, and Thurston;
 6 (2) The counties of Cuming, Burt, Dodge, and
 7 Saunders;
 8 (3) The counties of Washington, ~~Douglas,~~
 9 Sarpy, and Cass and the area in Douglas county outside a
 10 Class V school district;
 11 (4) The counties of Otoe, Johnson, Nemaha,
 12 Pawnee, and Richardson;
 13 (5) The counties of Thayer, Jefferson, and
 14 Gage;
 15 (6) The counties of York, Seward, ~~Lancaster,~~
 16 Fillmore, and Saline and the area in Lancaster County
 17 outside a Class IV school district;
 18 (7) The counties of Boone, Platte, Colfax,
 19 Nance, Merrick, Polk, and Butler;
 20 (8) The counties of Boyd, Holt, Wheeler,
 21 Antelope, Pierce, Madison, and Stanton;
 22 (9) The counties of Adams, Clay, Webster,
 23 Nuckolls, Hamilton, and that portion of Hall lying south

24 of the Platte River;

1 (10) The counties of Howard, Greeley,
2 Garfield, Loup, Blaine, Custer, Sherman, Dawson,
3 Buffalo, Valley, and that portion of Hall lying north of
4 the Platte River;

5 (11) The counties of Gosper, Phelps, Kearney,
6 Furnas, Harlan, and Franklin;

7 (12) The counties of Sheridan, Dawes, Sioux,
8 Box Butte, and Morrill;

9 (13) The counties of Scotts Bluff and Banner;

10 (14) The counties of Kimball, Garden,
11 Cheyenne, and Deuel;

12 (15) The counties of Chase, Hayes, Frontier,
13 Dundy, Hitchcock, and Red Willow;

14 (16) The counties of Grant, Hooker, Thomas,
15 Arthur, McPherson, Logan, Keith, Perkins, and Lincoln;
16 and

17 (17) The counties of Keya Paha, Brown, Rock,
18 and Cherry;

19 (18) A Class IV school district which has,
20 prior to July 1, 1974, elected to become a separate
21 educational service unit; and

22 (19) A Class V school district which has,
23 prior to July 1, 1974, elected to become a separate
24 educational service unit.

1 This section shall not be construed as
2 including in an educational service unit a county which
3 previously has been excluded under the provisions of
4 section 79-2203 unless and until such time as such
5 county is readmitted to the educational service unit to
6 which it is assigned in the manner provided by
7 subsection (2) of section 79-2203. No county which has
8 once been excluded from an educational service unit and
9 then readmitted shall be permitted to take any further
10 action to be excluded from an educational service
11 unit.”.

12 2. On page 2, line 1, after “That” insert
13 “original section 79-2202, Reissue Revised Statutes of
14 Nebraska, 1943, and also”; and in line 2 strike “is” and
15 insert “are”.

16 3. Renumber original section 1 as section 2.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1038. By L. Johnson, 15th District; Warner, 25th District; Goll, 16th District; Lundy, 36th District; Scofield, 49th District; Hannibal, 4th District; Lamb, 43rd District; Barrett, 39th District; R. Johnson, 34th District; Peterson, 21st District; Carsten, 2nd District; Remmers, 1st District; Sieck, 24th District; Chronister, 18th District; Rogers, 41st District; Abboud, 12th District; DeCamp, 40th District; Eret, 32nd District; Baack, 47th District; Nichol, 48th District; Miller, 37th District; Morehead, 30th District; Nelson, 35th District; Hefner, 19th District.

A BILL FOR AN ACT relating to appropriations; to state intent; and to make appropriations.

LEGISLATIVE BILL 1039. By DeCamp, 40th District; Hartnett, 45th District; Chronister, 18th District; Peterson, 21st District; Nelson, 35th District; Lynch, 13th District.

A BILL FOR AN ACT relating to educational service units; to amend sections 32-4,101, 32-4,104, 79-2203, 79-2204, 79-2209 to 79-2210.01, and 79-2215, Reissue Revised Statutes of Nebraska, 1943; to harmonize provisions; to eliminate obsolete provisions; to change provisions relating to the board; to change taxation and funding provisions; to change provisions relating to information of certain units; and to repeal the original sections, and also sections 79-2201.01, 79-2203.02, 79-2203.03, and 79-2204.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1040. By Abboud, 12th District.

A BILL FOR AN ACT relating to economic development; to create the High Technology and Food Processing Commission; to provide for membership on and powers and duties for the commission; and to provide for certain investments and support.

LEGISLATIVE BILL 1041. By Conway, 17th District; Hefner, 19th District; Peterson, 21st District; Chronister, 18th District; Smith, 33rd District; Rupp, 22nd District; Schmit, 23rd District.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1207, Reissue Revised Statutes of Nebraska, 1943; to define terms; to create a fund; to provide for the distribution of a percentage of the receipts from exotic wagers as prescribed; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1042. By DeCamp, 40th District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-113, Reissue Revised Statutes of Nebraska, 1943; to change restrictions on the use of the word bank or any derivative; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1043. By Hefner, 19th District; Lamb, 43rd District; Peterson, 21st District.

A BILL FOR AN ACT relating to schools; to eliminate provisions relating to deduction of professional or labor organization dues from salaries; and to repeal sections 79-12,101 to 79-12,103, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1044. By Remmers, 1st District; Marsh, 29th District.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Tobacco Products Tax Act.

LEGISLATIVE BILL 1045. By DeCamp, 40th District.

A BILL FOR AN ACT relating to insurance; to amend section 44-310, Reissue Revised Statutes of Nebraska, 1943; to authorize additional investments by certain domestic insurance companies as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1046. By Wesely, 26th District.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-604.03 and 71-648, Reissue Revised Statutes of Nebraska, 1943, and sections 71-604.01 and 71-604.04, Revised Statutes Supplement, 1984; to change provisions relating to the regulation of infant testing for certain disorders; to require that certain testing be performed at the Department of Health laboratory; to change provisions relating to reports of infant testings as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1047. By Wesely, 26th District.

A BILL FOR AN ACT relating to fees; to amend sections 39-669.11, 42-121.01, and 71-5306, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1116, 71-2619, 71-4305, and 71-4624, Revised Statutes Supplement, 1984; to provide the Department of Health with

the power to establish fees for certain laboratory tests; to change provisions relating to fees; to harmonize provisions; to create a fee; and to repeal the original sections.

LEGISLATIVE BILL 1048. By Goodrich, 20th District.

A BILL FOR AN ACT relating to retirement; to amend section 79-1056.06, Revised Statutes Supplement, 1984; to provide for an adjustment to certain annuities; and to repeal the original section.

LEGISLATIVE BILL 1049. By Remmers, 1st District; Carsten, 2nd District.

A BILL FOR AN ACT relating to education; to provide for the Nebraska Commission for Special Education; to provide for interstate agreements with Iowa, Kansas, and Wyoming; to provide powers and duties; to provide when any compact shall become binding; to provide for termination; and to declare an emergency.

LEGISLATIVE BILL 1050. By Conway, 17th District.

A BILL FOR AN ACT relating to license plates; to authorize special license plates for disabled veterans; and to provide for replacement plates.

LEGISLATIVE BILL 1051. By Chizek, 31st District; Wesely, 26th District; Smith, 33rd District; Lynch, 13th District; Hall, 7th District; Chronister, 18th District.

A BILL FOR AN ACT relating to asbestos; to define terms; to provide for certain licenses; to provide duties; to provide licensure qualifications; to provide record requirements; to provide for the disciplining of certain licensees; to provide exceptions; to provide for certification; and to provide penalties.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Conway asked unanimous consent to have his name added as co-introducer to LB 772 and LB 801. No objections. So ordered.

Mr. Sieck asked unanimous consent to have his name added as co-introducer to LB 474. No objections. So ordered.

Mr. Sieck asked unanimous consent to have his name added as co-introducer to LB 920. No objections. So ordered.

Mr. Hefner asked unanimous consent to have his name added as co-introducer to LB 894. No objections. So ordered.

Mr. Eret asked unanimous consent to have his name added as co-introducer to LB 999. No objections. So ordered.

Mr. Sieck asked unanimous consent to have his name added as co-introducer to LB 945. No objections. So ordered.

Mr. Lynch asked unanimous consent to have his name added as co-introducer to LB 945. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 57. Read. Considered.

Mr. Pappas renewed his pending amendment, AM1740, found in the Journal on page 302.

Messrs. Pappas and Hoagland offered the following amendment to the pending Pappas amendment:

1. Add the following paragraph:

“WHEREAS, the Winnebago Tribe of Nebraska, acting through the Tribal Council, adopted all Nebraska Motor Vehicle and related laws as tribal law by a unanimous vote, Resolution Number 86-31, on January 8, 1986, and the Legislature deems this adoption irrevocable; and”

2. Add, following the word “Legislature,” on page 4, line 9, the language “, based on the foregoing representations,”

The Pappas-Hoagland amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

The Pappas amendment, as amended, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Goll offered the following amendment to LR 57:

To amend the amended version of LR 57 by striking the 2nd - 3rd and 4th WHEREAS' paragraphs.

The Goll amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Goll offered the following amendment:

to amend the amended version of LR 57 by striking the Whereas's paragraphs, 10, 11, 12.

Pending.

Messrs. Hall, Landis, Nichol, and Mrs. Nelson asked unanimous consent to be excused until they return. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 396 in the Journal. No objections. So ordered.

AM1729

(Amendments to Standing Committee Amendments)

- 1 1. On page 1, line 6, after "Vehicles" insert
- 2 "or to modular housing units regulated by the Nebraska
- 3 Uniform Standards for Modular Housing Units Act".

RECESS

At 12:09 p.m., on a motion by Mr. Vickers, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler and Withem who were excused; and Messrs. Eret, Haberman, R. Johnson, Schmit, Sieck, Mesdames Labeledz, and Pirsch who were excused until they arrive.

RESOLUTION

LEGISLATIVE RESOLUTION 57. Mr. Goll renewed his pending amendment found in this day's Journal.

MR. HANNIBAL PRESIDING

Mr. Goll moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Goll requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Baack	Conway	Johnson, L.	Morehead	Pirsch
Barrett	DeCamp	Johnson, R.	Nelson	Remmers
Beyer	Eret	Lamb	Nichol	Rupp
Carsten	Goll	Lundy	Peterson	Warner
Chronister	Hefner	Miller		

Voting in the negative, 21:

Chizek	Harris	Johnson, V.	Marsh	Scotfield
Goodrich	Hartnett	Labeledz	Pappas	Smith
Haberman	Higgins	Landis	Rogers	Vickers
Hall	Hoagland	Lynch	Schmit	Wesely
Hannibal				

Present and not voting, 2:

Abboud Chambers

Excused and not voting, 3:

Beutler Sieck Withem

The Goll amendment lost with 23 ayes, 21 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Goodrich asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Pappas moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Pappas moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Pappas requested a roll call vote on the adoption of LR 57.

Voting in the affirmative, 25:

Chambers	Hannibal	Labeledz	Miller	Rupp
Chizek	Hartnett	Landis	Morehead	Schmit
DeCamp	Higgins	Lundy	Nelson	Scofield
Haberman	Hoagland	Lynch	Pappas	Vickers
Hall	Johnson, V.	Marsh	Rogers	Wesely

Voting in the negative, 21:

Abboud	Chronister	Harris	Lamb	Remmers
Baack	Conway	Hefner	Nichol	Sieck
Barrett	Eret	Johnson, L.	Peterson	Smith
Beyer	Goll	Johnson, R.	Pirsch	Warner
Carsten				

Excused and not voting, 3:

Beutler	Goodrich	Withem
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LR 57 was adopted with 25 ayes, 21 nays, and 3 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARINGS

Constitutional Revision and Recreation

LR 310CA	Friday, January 24, 1986	1:30 P.M.
LR 306CA	Friday, January 24, 1986	1:30 P.M.

(Signed) Lee Rupp, Chairperson

Miscellaneous Subjects

LB 871	Thursday, January 23, 1986	1:30 P.M.
LB 882	Thursday, January 23, 1986	1:30 P.M.
LB 911	Thursday, January 23, 1986	1:30 P.M.
LB 1018	Thursday, January 23, 1986	1:30 P.M.

Governor's appointment	Friday, January 24, 1986	1:30 P.M.
Susan K. Renken-Nebraska Arts Council		

LB 935	Friday, January 24, 1986	1:30 P.M.
LB 872	Friday, January 24, 1986	1:30 P.M.
LB 873	Friday, January 24, 1986	1:30 P.M.

Governor's appointment Thursday, January 30, 1986 1:30 P.M.
Willie L. Sapp-Nebraska Arts Council

(Signed) Elroy M. Hefner, Chairperson

STANDING COMMITTEE REPORT
Public Works

The Committee on Public Works desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote:

Motor Vehicle Industry Licensing Board
C. F. (Fred) Hansen
Clifford E. Langel

Vote: Aye: Senators Schmit, Lamb, Lynch, Beyer, Harris, and DeCamp
Absent: Senators Nelson and Smith

(Signed) Loran Schmit, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1052. By L. Johnson, 15th District; Goodrich, 20th District.

A BILL FOR AN ACT relating to building and loan associations; to amend section 8-355, Revised Statutes Supplement, 1985; to change a date as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1053. By Chizek, 31st District; Hartnett, 45th District; Remmers, 1st District; Barrett, 39th District; Lynch, 13th District; DeCamp, 40th District; Conway, 17th District; Chronister, 18th District.

A BILL FOR AN ACT relating to the Jail Standards Board; to amend sections 81-1423, 81-1425, 83-4,124 to 83-4,128, and 83-4,131 to 83-4,134, Reissue Revised Statutes of Nebraska, 1943; to remove the Jail Standards Board from the control of the Nebraska

Commission on Law Enforcement and Criminal Justice; to change provisions relating to membership, powers, and duties of the board; to redefine a term; to change provisions relating to standards implemented by the board; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1054. By Lamb, 43rd District.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2252, Reissue Revised Statutes of Nebraska, 1943; to provide duties for the probation administrator; and to repeal the original section.

LEGISLATIVE BILL 1055. By Miller, 37th District.

A BILL FOR AN ACT relating to developmental disabilities; to state intent; to define terms; and to provide for access to certain records as prescribed.

LEGISLATIVE BILL 1056. By Rogers, 41st District.

A BILL FOR AN ACT relating to counties; to amend section 23-1114, Reissue Revised Statutes of Nebraska, 1943; to change the time for fixing the salaries of certain officers; and to repeal the original section.

SPEAKER NICHOL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 459. Title read. Considered.

Standing Committee amendments, AM0751, found in the Journal on page 1207 for the Forty-Eighth Day, First Session, were considered.

Mr. Vickers withdrew his pending amendment, AM1024, found in the Journal on page 1544, First Session.

Mr. Vickers renewed his pending amendment, AM1660, printed separate from the Journal and referred to on page 193 to the Standing Committee amendments.

Messrs. Chronister, Haberman, Chizek, and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

MS. SCOFIELD PRESIDING

Mr. Vickers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Vickers requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Baack	Hoagland	Miller	Pappas	Smith
Beyer	Johnson, R.	Morehead	Rogers	Vickers
Carsten	Landis	Nelson	Rupp	Wesely
Eret	Marsh			

Voting in the negative, 19:

DeCamp	Harris	Johnson, V.	Lynch	Scofield
Goll	Hartnett	Labeledz	Nichol	Sieck
Hall	Hefner	Lamb	Pirsch	Warner
Hannibal	Johnson, L.	Lundy	Remmers	

Present and not voting, 6:

Abboud	Chambers	Conway	Higgins	Peterson
Barrett				

Excused and not voting, 7:

Beutler	Chronister	Haberman	Schmit	Withem
Chizek	Goodrich			

The Vickers amendment lost with 17 ayes, 19 nays, 6 present and not voting, and 7 excused and not voting.

Pending.

The Chair declared the call raised.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1057. By Marsh, 29th District.

A BILL FOR AN ACT relating to schools; to amend section 79-4,180, Revised Statutes Supplement, 1984; to change provisions relating to the discipline of certain student conduct; and to repeal the original section.

LEGISLATIVE BILL 1058. By Wesely, 26th District.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Chronic Diseases Program; to define terms; to provide for a committee; to provide the Department of Health and the State Board of Health powers and duties; and to create the Chronic Diseases Program Cash Fund.

LEGISLATIVE BILL 1059. By Morehead, 30th District.

A BILL FOR AN ACT relating to technical community colleges; to amend section 79-2644, Reissue Revised Statutes of Nebraska, 1943; to provide a limitation on the power of certain boards; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1060. By Health and Human Services Committee: Wesely, 26th District, Chairperson; Hall, 7th District; Lynch, 13th District; Peterson, 21st District; Smith, 33rd District.

A BILL FOR AN ACT relating to the Radiation Control Act; to amend sections 71-3504, 71-3505, 71-3507 to 71-3510, 71-3513, 71-3514, and 71-3516 to 71-3519, Reissue Revised Statutes of Nebraska, 1943, and sections 71-3501 to 71-3503, 71-3511, and 71-3515, Revised Statutes Supplement, 1984; to state policy; to state purpose; to define and redefine terms; to provide powers and duties; to provide for licensing and registration as prescribed; to provide for certain records; to provide for custody and acquisition of certain disposal sites; to provide for fees; to provide for surety requirements; to create the Radiation Site Closure and Reclamation Cash Fund and the Radiation Long-term Care Cash Fund; to provide for agreements with federal agencies and other states; to eliminate the hospital exemption; to provide procedures; to provide penalties; to harmonize provisions; and to repeal the original sections, and also section 71-3512, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1061. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2721, 77-2732, 77-2762, 77-2766, and 77-2775, Reissue Revised Statutes of Nebraska, 1943, section 77-2733, Revised Statutes Supplement, 1984, and sections 77-2701, 77-2715, 77-2730, and 77-2786, Revised Statutes Supplement, 1985; to change the rate and method of determining individual income tax as prescribed; to harmonize provisions; to eliminate obsolete provisions; to provide an operative date; and to repeal the original sections, and also section 77-2719, Revised Statutes Supplement, 1984, and section 77-2701.01, Revised Statutes Supplement, 1984, as amended by section 1, Legislative Bill 35, Eighty-ninth Legislature, Second Special Session, 1985.

LEGISLATIVE BILL 1062. By Hartnett, 45th District; Nelson, 35th District.

A BILL FOR AN ACT relating to schools; to authorize the removal of certain schools from educational service units; and to authorize the formation of additional educational service units as prescribed.

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Morehead asked unanimous consent to have her name added as co-introducer to LB 1018. No objections. So ordered.

ADJOURNMENT

At 4:10 p.m., on a motion by Mr. DeCamp, the Legislature adjourned until 9:00 a.m., Friday, January 17, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTH DAY - JANUARY 17, 1986**LEGISLATIVE JOURNAL****EIGHTY-NINTH LEGISLATURE
SECOND SESSION****EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 17, 1986

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Senator Miller.

ROLL CALL

The roll was called and all members were present except Messrs. Baack and Beutler who were excused; and Messrs. Chambers, Hartnett, R. Johnson, V. Johnson, Schmit, Withem, Mrs. Labeledz, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventh Day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the rereferral of legislative bill 1022; the referral of legislative bills 1029-1051; and legislative resolution 322.

LB	Committee
1022	Appropriations
1029	Revenue
1030	Revenue
1031	Judiciary
1032	Banking, Commerce and Insurance

1033	Government, Military and Veterans Affairs
1034	Education
1035	Banking, Commerce and Insurance
1036	Business and Labor
1037	Business and Labor
1038	Appropriations
1039	Education
1040	Banking, Commerce and Insurance
1041	Revenue
1042	Banking, Commerce and Insurance
1043	Business and Labor
1044	Revenue
1045	Banking, Commerce and Insurance
1046	Health and Human Services
1047	Health and Human Services
1048	Nebraska Retirement Systems
1049	Education
1050	Public Works
1051	Health and Human Services

LR Committee

322 Constitutional Revision and Recreation

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

EXECUTIVE BOARD REPORT

Mr. Beutler, as Chairperson of the Executive Board, announced that the following committee assignment was made due to the resignation of Mr. Wesely from the Nebraska Retirement Systems Committee.

Nebraska Retirement Systems - Mrs. Marsh

ANNOUNCEMENT

Mr. Harris announced the Nebraska Retirement Systems Committee elected Mr. Abboud as Vice Chairperson.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1063. By Nichol, 48th District.

A BILL FOR AN ACT relating to dogs; to amend section 54-614, Reissue Revised Statutes of Nebraska, 1943; to change the license tax; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 325. Read. Considered.

LR 325 was adopted with 25 ayes, 0 nays, and 24 not voting.

MOTION - Suspend Rules

Mr. DeCamp moved to suspend the rules, Rule 6 §7 to read LB 825.

The motion prevailed with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 825. With Emergency.

A BILL FOR AN ACT relating to negotiable instruments; to amend section 62-301, Reissue Revised Statutes of Nebraska, 1943; to specify an additional legal holiday; to redefine a term; to repeal the original section; and to declare an emergency.

Mrs. Higgins requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 39:

Abboud	Carsten	Conway	Goll	Hannibal
Barrett	Chizek	DeCamp	Goodrich	Harris
Beyer	Chronister	Eret	Hall	Hefner

Higgins	Lundy	Nelson	Remmers	Smith
Hoagland	Lynch	Nichol	Rogers	Vickers
Johnson, L.	Marsh	Pappas	Rupp	Warner
Lamb	Miller	Peterson	Scofield	Wesely
Landis	Morehead	Pirsch	Sieck	

Voting in the negative, 0.

Present and not voting, 1:

Hartnett

Excused and not voting, 9:

Baack	Chambers	Johnson, R.	Labeledz	Withem
Beutler	Haberman	Johnson, V.	Schmit	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Vickers asked unanimous consent to have his name added as co-introducer to LB 1049. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS

Banking, Commerce and Insurance

LB 850	Monday, January 27, 1986	1:30 P.M.
LB 859	Monday, January 27, 1986	2:00 P.M.
LB 880	Monday, January 27, 1986	3:00 P.M.
LB 963	Monday, January 27, 1986	3:10 P.M.
LB 895	Monday, January 27, 1986	3:45 P.M.
LB 883	Monday, January 27, 1986	4:00 P.M.
LB 973	Tuesday, January 28, 1986	1:30 P.M.
LB 967	Tuesday, January 28, 1986	1:45 P.M.
LB 959	Tuesday, January 28, 1986	2:30 P.M.
LB 966	Tuesday, January 28, 1986	3:30 P.M.
LB 968	Tuesday, January 28, 1986	4:15 P.M.

(Signed) John DeCamp, Chairperson

MOTION - Suspend Rules

Mr. Warner moved to suspend the rules, Rule 5, Section 4(d) to allow for the Appropriations Committee to introduce in excess of the bill limitation on committees.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

The Warner motion prevailed with 31 ayes, 2 nays, 10 present and not voting, and 6 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1064. By Judiciary Committee: Hoagland, 6th District, Chairperson; Abboud, 12th District; Chizek, 31st, District; Conway, 17th District; Remmers, 1st District; Rupp, 22nd District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-101, Reissue Revised Statutes of Nebraska, 1943; to define terms; to prohibit the manufacture, distribution, and possession of controlled substance analogs; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1065. By Conway, 17th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704, Revised Statutes Supplement, 1985; to provide a sales and use tax exemption for senior citizen centers; and to repeal the original section.

LEGISLATIVE BILL 1066. By Conway, 17th District.

A BILL FOR AN ACT relating to mailing requirements; to amend sections 8-1111, 12-802, 17-149.01, 21-2035, 21-2046, 24-597, 25-840.01, 25-1591, 30-2427, 46-576, 46-654, 48-133, 68-630, 72-312, 77-1736.11, 77-1832, 77-3311, 81-517, and 81-8,285, Reissue Revised Statutes of Nebraska, 1943, sections 43-1505 and 44-10,106, Revised Statutes Supplement, 1985, and section 6-108, Uniform Commercial Code; to provide for certain mailings by certified or registered mail; and to repeal the original sections.

LEGISLATIVE BILL 1067. By Marsh, 29th District.

A BILL FOR AN ACT relating to public health; to amend section 44-513, Reissue Revised Statutes of Nebraska, 1943, and section 68-1030, Revised Statutes Supplement, 1984; to change provisions relating to health insurance and medical assistance; and to repeal the original sections.

LEGISLATIVE BILL 1068. By Landis, 46th District.

A BILL FOR AN ACT relating to conveyances; to amend section 76-214, Revised Statutes Supplement, 1985; to eliminate a requirement relating to deeds; to repeal the original section; and to declare an emergency.

RESOLUTION**LEGISLATIVE RESOLUTION 326CA.**

Introduced by Pappas, 42nd District.

A Resolution to propose an amendment to Article XV, of the Constitution of Nebraska by adding a new section thereto.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article XV, of the Constitution of Nebraska, by adding a new section thereto, which is hereby proposed by the Legislature:

“Sec. 19. In order to ensure the safety of Nebraska’s citizens, the Legislature shall provide by law that any freight train which is one thousand or more feet in length and operating in this state be equipped with a manned caboose.”.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

“A constitutional amendment to require that all freight trains which are one thousand or more feet in length be equipped with manned cabooses.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Referred to the Reference Committee.

GENERAL FILE

LEGISLATIVE BILL 124. Title read. Considered.

Messrs. Beutler and Wesely moved to indefinitely postpone LB 124.

Laid over.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 325.

UNANIMOUS CONSENT - Member Excused

Mr. Chizek asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 525. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 74. Title read. Considered.

Mr. Pappas moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Advanced to E & R for Review with 27 ayes, 4 nays, 10 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 531. Title read. Considered.

Mr. Withem renewed his pending amendment, AM1269, found in the Journal on page 2018, First Session.

The Withem amendment was adopted with 25 ayes, 1 nay, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bill: 825.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 16, 1986. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Amick, Dale A. - Jefferson City, MO, Western Retail Implement and Hardware Association

Beverage, Roger M. - Omaha, First Data Resources, Inc.; North Platte Trust Company

Chunka, Gary G. - Lincoln, Farmers Mutual Insurance Company of Nebraska

Edwards, Raymond E. - Des Moines, IA, Deere & Company

Frisk, Deanna M. - Lincoln, League of Women Voters of Nebraska

Jenkins, G. Willard - Waterloo, IA, Deere & Company

Lewis, Frank - Bellevue, Citizen for Responsible Lottery

Litjen, Thomas R. - Omaha, Omaha Area Board of Realtors

Lombardi, Richard A. - Lincoln, Nebraska Association of Community Mental Health Centers; Nebraska Wildlife Federation

Noren, Charles F. - Hickman, Nebraska Professional Firefighters Association formerly Nebraska State Association of Firefighters

Peters, Paul F. - Omaha, Papio Natural Resources District

Peters, William E. - Lincoln, Farmers Mutual Insurance Company of Nebraska; Nebraska Association of Production Credit Associations (Withdrawn 85/12/31)

Skochdopole, Robert A. - Omaha, Omaha Area Board of Realtors

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 844	Friday, January 31, 1986 (cancelled)	1:30 P.M.
LB 844	Thursday, February 6, 1986 (reset)	1:30 P.M.
LB 843	Friday, January 31, 1986 (cancelled)	1:30 P.M.
LB 843	Thursday, February 6, 1986 (reset)	1:30 P.M.
LB 862	Friday, January 31, 1986 (cancelled)	1:30 P.M.
LB 862	Thursday, February 6, 1986 (reset)	1:30 P.M.

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 548 in the Journal. No objections. So ordered.

AM1775

- 1 1. On page 5, line 8, before the second "and"
- 2 insert "involved in the contract"; and in line 9 after
- 3 "a" insert "direct" and after "fee" insert "or
- 4 commission as a result of the contract".
- 5 2. On page 7, line 1, after "section" and
- 6 insert "1 or".

Mr. Wesely asked unanimous consent to print the following amendment to LB 325 in the Journal. No objections. So ordered.

AM1773

- 1 1. Strike the Vard Johnson amendment adopted
- 2 on January 13, 1986.
- 3 2. Strike the E & R amendment 2.

Mr. Wesely asked unanimous consent to print the following amendment to LB 325 in the Journal. No objections. So ordered.

AM1715

- 1 1. Insert the following new sections:

2 "Sec. 3. That section 84-1301, Revised
3 Statutes Supplement, 1984, be amended to read as
4 follows:

5 84-1301. As used in sections 84-1301 to
6 84-1331, unless the context otherwise requires:

7 (1) Employee shall mean any employee of the
8 State Board of Agriculture who is a member of the state
9 retirement plan on July 1, 1982, and any person or
10 officer employed by the State of Nebraska whose
11 compensation is paid out of state funds or funds
12 controlled or administered by a state department through
13 any of its executive or administrative officers when
14 acting exclusively in their respective official,
15 executive, or administrative capacities; but shall not
16 include judges, except associate county judges appointed
17 after August 26, 1983, members of the Nebraska State
18 Patrol, employees of the University of Nebraska,
19 employees of the state colleges, employees of technical
20 community colleges, employees of the Department of Labor
21 employed prior to July 1, 1984, and paid from funds
1 provided pursuant to Title III of the Social Security
2 Act or funds from other federal sources, the
3 Commissioner of Labor employed prior to July 1, 1984,
4 employees of the State Board of Agriculture who are not
5 members of the state retirement plan on July 1, 1982,
6 the Nebraska National Guard air and army technicians, or
7 persons eligible for membership under the School
8 Retirement System of the State of Nebraska who have not
9 elected to become members of the system pursuant to
10 subsection (1) of section 79-1565 or been made members
11 of the system pursuant to subsection (3) of section
12 79-1565, except that those persons so eligible and who
13 as of September 2, 1973, are contributing to the State
14 Employees Retirement System shall continue as members of
15 such system. Any individual appointed by the Governor
16 may elect not to become a member of such retirement
17 system;

18 (2) Part-time employee shall mean an employee
19 who works less than one half of the regularly scheduled
20 hours;

21 (3) Retirement shall mean qualifying for and
22 terminating employment after becoming qualified to
23 receive the ~~accepting a~~ retirement allowance granted
24 under sections 84-1301 to 84-1331;

1 (4) Retirement board or board shall mean the

2 Public Employees Retirement Board;

3 (5) Retirement system shall mean the State
4 Employees Retirement System of the State of Nebraska;

5 (6) Required contribution shall mean the
6 deduction to be made from the salary of employees as
7 provided in section 84-1308;

8 (7) Service shall mean the actual total length
9 of employment as an employee and shall include leave of
10 absence because of disability or military service when
11 properly authorized by the retirement board, but shall
12 not include any period of disability for which
13 disability retirement benefits are received under the
14 provisions of section 84-1317;

15 (8) Straight life annuity shall mean an
16 ordinary annuity payable for the life of the primary
17 annuitant only and terminating at his or her death
18 without refund or death benefit of any kind;

19 (9) Prior service shall mean service before
20 January 1, 1964;

21 (10) Group annuity contract shall mean the
22 contract or contracts issued by one or more life
23 insurance companies to the board in order to provide the
24 benefits described in sections 84-1319, 84-1320,
1 84-1321, and 84-1323 to 84-1323.02;

2 (11) Primary carrier shall mean the life
3 insurance company or trust company designated as the
4 administrator of the group annuity contract;

5 (12) State department shall mean any
6 department, bureau, commission, or other division of
7 state government, not otherwise specifically defined or
8 exempted in sections 84-1301 to 84-1331, whose employees
9 and officers are not already covered by a retirement
10 plan;

11 (13) Disability shall mean an inability to
12 engage in a substantially gainful activity by reason of
13 any medically determinable physical or mental impairment
14 which can be expected to result in death or to be of
15 long-continued and indefinite duration;

16 (14) Date of disability shall mean the date on
17 which a member is determined to be disabled by the
18 board;

19 (15) Regular interest shall mean the rate of
20 interest earned each calendar year commencing January 1,
21 1975, as determined by the retirement board in
22 conformity with actual and expected earnings on its

23 investments;

24 (16) Fund shall mean the State Employees
1 Retirement Fund created by section 84-1309;

2 (17) Guaranteed investment contract shall mean
3 an investment contract which guarantees that the account
4 maintained for any participant will not decrease in
5 value, but will increase each year by the contribution
6 allocated to the account and by investment earnings and
7 will decrease by the amount of expenses reasonably
8 determined to be allocated to the account; and

9 (18) Investment manager shall mean one or more
10 insurance companies, bank trust departments, or
11 independent investment advisors designated to invest any
12 portion of the fund.

13 Sec. 6. That section 84-1319, Revised
14 Statutes Supplement, 1984, be amended to read as
15 follows:

16 84-1319. (1) The future service retirement
17 benefit shall be an annuity, payable monthly with the
18 first payment made as of the retirement date, which
19 shall be the actuarial equivalent of the retirement
20 value based on factors determined by the board, except
21 that gender shall not be a factor when determining the
22 amount of such payments, except as provided in pursuant
23 ~~to subsection (2) of this section.~~

24 At any time before the retirement date, the
1 retiring employee may choose to receive his or her
2 annuity either in the form of a straight life annuity or
3 any optional form that is determined acceptable by the
4 board.

5 In lieu of the future service retirement
6 annuity, a retiring employee may, upon application to
7 the board, receive a retirement transition benefit which
8 shall not exceed twenty-five per cent of the value of
9 the member's employee account, and an annuity which
10 shall be equal to the actuarial equivalent of the
11 remainder of the retirement value, and the employee may
12 choose any form of such annuity as provided for by the
13 board. In the alternative, a retiring employee may
14 elect to receive the entire amount in his or her
15 employee account, except that if he or she selects such
16 alternative, he or she shall forfeit the accumulated
17 sums in his or her employer account.

18 In any case, the amount of the monthly payment
19 shall be such that the annuity chosen shall be the

20 actuarial equivalent of the retirement value, except as
21 provided in this section.

22 The board shall provide to any state employee
23 who is eligible for retirement, prior to his or her
24 selecting any of the retirement options provided by this
1 section, information on the federal and state income tax
2 consequences of the various annuity or retirement
3 benefit options.

4 (2) The monthly annuity income payable to a
5 member retiring on or after January 1, 1984, shall be as
6 follows:

7 He or she shall receive at retirement the
8 amount which may be purchased by the accumulated
9 contributions based on annuity rates in effect on the
10 date of purchase which do not utilize gender as a
11 factor, except that such amounts shall not be less than
12 the retirement income which can be provided by the sum
13 of the amounts derived pursuant to subdivisions (a) and
14 (b) of this subsection as follows:

15 (a) The income provided by the accumulated
16 contributions made prior to January 1, 1984, based on
17 male annuity purchase rates in effect on January 1,
18 1984, or male annuity purchase rates on the date of
19 purchase, if greater than those in effect on January 1,
20 1984; and

21 (b) The income provided by the accumulated
22 contributions made on and after January 1, 1984, based
23 on the annuity purchase rates in effect on the date of
24 purchase which do not use gender as a factor.

1 (3) Any amounts, in excess of contributions,
2 which may be required in order to purchase the
3 retirement income specified in subsection (2) of this
4 section shall be withdrawn from the State Equal
5 Retirement Benefit Fund.

6 (4) Retirement benefits for persons who retire
7 prior to January 1, 1984, shall not be affected by
8 changes to this section which become operative on or
9 after January 1, 1984.

10 Sec. 11. Since an emergency exists, this act
11 shall be in full force and take effect, from and after
12 its passage and approval, according to law."

13 2. On page 9, lines 14 and 15, reinstate the
14 stricken matter.

15 3. In the Standing Committee amendments:

16 a. On page 1, line 3, strike "7" and insert

- 17 "9";
18 b. Strike amendment 3; and
19 c. Renumber the remaining amendments
20 accordingly.
21 4. Renumber the remaining sections
22 accordingly.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 325. Placed on Select File as amended.
E & R amendments to LB 325:
AM5195

- 1 1. In the DeCamp amendment, AM1703, adopted
2 January 13, 1986:
3 a. On page 1, line 16, strike the comma and
4 show as stricken; and
5 b. On page 9, line 16, strike "14" and insert
6 "12"; in line 18 strike "16" and insert "14"; and in
7 line 22 strike the second comma.
8 2. In lieu of the V. Johnson amendment, found
9 on page 267 of the Journal, adopted January 13, 1986:
10 a. Strike Standing Committee amendment #2;
11 b. Strike original sections 4 and 6;
12 c. On page 10, line 12, strike the new
13 matter; and in line 13 reinstate the stricken matter;
14 d. On page 12, line 17, strike "84-1317," and
15 "84-1320,"; and
16 e. Renumber the remaining sections
17 accordingly.
18 3. On page 1, strike beginning with
19 "benefits" in line 1 through line 13 and insert "; to
20 amend sections 79-1529, 79-1565, 81-1325, and 84-1322,
21 Reissue Revised Statutes of Nebraska, 1943, sections
1 79-1522.01, 79-1522.02, 79-1533, 84-1307, 84-1321, and
2 84-1332, Revised Statutes Supplement, 1984, and section
3 79-1531, Revised Statutes Supplement, 1985; to authorize
4 certain benefits based on age plus creditable service;
5 to increase certain required contributions; to provide
6 certain opportunities for membership, reenrollment, and
7 receipt of benefits; to change membership provisions; to
8 change a provision relating to withdrawal of the amount
9 in an employee account; to provide an operative date; to
10 repeal the original sections; and to declare an
11 emergency.".

12 4. On page 2, line 12, strike "1985" and
13 insert "1986".

14 5. On page 3, line 15, after the underscored
15 semicolon insert "and".

16 6. On page 4, line 6, after "employee" insert
17 an underscored comma; and in line 17 strike the comma
18 and show as stricken.

19 7. On page 10, line 4, strike "1985" and
20 insert "1986"; and in line 7 strike "1986" and insert
21 "1987".

LEGISLATIVE BILL 548. Placed on Select File as amended.
E & R amendments to LB 548:

AM5194

1 1. In the DeCamp amendment, AM1371, adopted
2 January 14, 1986:

3 (a) On page 1, line 2, strike "10" and insert
4 "13"; and

5 (b) Strike amendments 2 and 3.

6 2. In the first Standing Committee amendment,
7 AM1118 except section 12, adopted January 13, 1986:

8 (a) On page 1, line 8, insert paragraphing
9 before "Except"; and in lines 12 and 15 strike the first
10 "to" and insert "in";

11 (b) On page 2, line 20, strike "11" and insert
12 "12"; and

13 (c) Strike amendment 5 and the second
14 amendment 6.

15 3. Strike original section 10 and insert the
16 following new section:

17 "Sec. 10. That section 23-3113, Revised
18 Statutes Supplement, 1985, be amended to read as
19 follows:

20 23-3113. (1) Neither the county purchasing
21 agent nor any member of his or her office staff, if any,
1 shall be financially interested in or have any personal
2 beneficial interest, either directly or indirectly, in
3 any contract or purchase order for any personal property
4 or services used by or furnished to any office, officer,
5 department, or agency of the county government, nor
6 shall such purchasing agent or a member of his or her
7 staff, if any, receive directly or indirectly, from any
8 person, firm, or corporation to which any contract or
9 purchase order may be awarded, by rebate, gift, or
10 otherwise, any money, anything of value whatsoever, or

11 any promise, obligation, or contract for future reward
12 or compensation. Any county purchasing agent or any
13 member of his or her office staff, if any, who ~~shall~~
14 ~~violate~~ violates any of the provisions of the County
15 Purchasing Act shall, upon conviction thereof, be guilty
16 of a Class IV felony. All contracts or agreements in
17 violation of this section are declared unlawful and
18 shall be wholly void as an obligation against the
19 county.

20 (2) If there is no purchasing agent, the
21 county board acting pursuant to the County Purchasing
22 Act shall be subject to section ~~23-180~~ 2 of this act.”.

23 4. On page 1, line 3, strike “49-14,124, and
24 49-14,135,” and insert “49-1408, and 49-1474.”; in line
1 4 strike “and”; in line 6 after “1984” insert “, and
2 section 23-3113, Revised Statutes Supplement, 1985”; in
3 line 7 after “contracts” insert “and employment”; in
4 line 11 strike “change and” and after the semicolon
5 insert “to redefine a term; to eliminate a penalty for
6 false campaign statements;”; and in line 16 after “also”
7 insert “sections 2-3216.05, 18-301.05, and 23-184,
8 Reissue Revised Statutes of Nebraska, 1943, and”.

9 5. On page 3, line 1, strike “the provisions
10 of”; in line 10 insert paragraphing before “Any”; and in
11 line 11 strike “violating the provisions of” and insert
12 “who violates”.

13 6. On page 4, line 1, strike “renders” and
14 insert “shall render”.

15 7. On page 5, line 14, strike “under the”;
16 and in line 15 strike “provisions” and insert “for
17 purposes”.

18 8. On page 6, line 7, strike the first comma;
19 and in line 20 strike “the provisions of”.

20 9. On page 7, line 21; and page 8, lines 7
21 and 11 and 12, strike “the provisions of”.

22 10. On page 8, line 25, strike “the
23 provisions of” and show as stricken.

24 11. On page 11, line 15, after the comma
1 insert “49-1408, and 49-1474.”; in line 16 strike
2 “49-14,124, and 49-14,135.”; in line 17 strike “and”;
3 and in line 18 after “and” insert “section 23-3113,
4 Revised Statutes Supplement, 1985, and” and after “also”
5 insert “sections 2-3216.05, 18-301.05, and 23-184,
6 Reissue Revised Statutes of Nebraska, 1943, and”.

7 12. Renumber the remaining sections

8 accordingly.

LEGISLATIVE BILL 212. Placed on Select File as amended.
E & R amendments to LB 212:

AM5197

- 1 1. In the Standing Committee amendments,
2 AM1161, adopted January 14, 1986:
 - 3 (a) On page 1, line 5, strike "(1)" and insert
4 "(a)"; in line 16 strike "(a)", show as stricken and
5 insert "(1)"; and in line 19 strike "(b)", show as
6 stricken, and insert "(2)"; and
7 (b) On page 2, line 2, strike "(2)" and insert
8 "(b)"; and in line 9 strike "(1)" and insert "(a)".
 - 9 2. On page 1, line 2, strike "section" and
10 insert "sections 69-1305 and"; in line 3, after the
11 semicolon insert "to change provisions relating to
12 property to be abandoned;"; and in line 7 strike
13 "section" and insert "sections".
 - 14 3. On page 3, lines 15 through 18, strike the
15 new matter and reinstate the stricken matter.

LEGISLATIVE BILL 599. Placed on Select File.

LEGISLATIVE BILL 593. Placed on Select File as amended.
E & R amendments to LB 593:

AM5198

- 1 1. In the Standing Committee amendments,
2 AM0197, adopted March 26, 1985:
 - 3 (a) On page 1, line 19, strike "court ordered"
4 and insert "court-ordered"; and in line 20 after
5 "approved" insert "by"; and
6 (b) On page 2, line 1, strike "to" and insert
7 "and".
 - 8 2. On page 1, line 12, after the semicolon
9 insert "to change assessment provisions;"; and in line
10 13 after the semicolon insert "to provide for the
11 applicability of certain provisions;".
 - 12 3. On page 11, line 25, after "conditions"
13 insert "which are"; and in line 27 strike the comma and
14 show as stricken and before "approved" insert "which
15 are".
 - 16 4. On page 12, line 26, before "(a)" and
17 "(b)" insert "(3)" and strike "of subdivision (3)".
 - 18 5. On page 13, line 1, strike "provided that"
19 and insert "if".

- 20 6. On page 14, line 3, reinstate the stricken
21 "and"; in line 12 strike "and" and insert an
1 underscored period; and in line 13 strike "(d)".
2 7. On page 25, line 12, strike "(9)" and
3 insert "(10)".
4 8. On page 29, line 13, after "director"
5 insert an underscored comma.
6 9. On page 34, line 15, after "insurer"
7 insert an underscored comma; and in line 18 after
8 "public" insert an underscored comma.

LEGISLATIVE BILL 122. Placed on Select File as amended.
E & R amendments to LB 122:

AM5196

- 1 1. In the Warner amendment adopted January
2 14, 1986, found on page 285 of the Journal:
3 a. As necessary, insert underscoring and show
4 stricken old matter as stricken; and
5 b. In amendment 3 strike "must" and insert
6 "shall".
7 2. On page 1, line 3, strike "the maximum
8 weight" and insert "provisions relating to"; and in line
9 4 strike "limit for certain" and after "permits" insert
10 "for exceeding maximum weight limitations".
11 3. On page 2, line 27, after "move" insert
12 "such product or products".
13 4. On page 3, line 21, strike "where", show
14 as stricken, and insert "when".
15 5. On page 4, line 5, strike the semicolon
16 and show as stricken.

(Signed) Timothy Hall, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1069. By Wesely, 26th District; Landis, 46th District; Withem, 14th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1330, Revised Statutes Supplement, 1985; to define a term; to provide for a uniform and consistent method of valuing certain tangible personal property as prescribed; to provide for appeals; to

harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1070. By Withem, 14th District.

A BILL FOR AN ACT relating to education; to amend section 79-211, Reissue Revised Statutes of Nebraska, 1943; to provide for attendance officers to report nonattendance to the county attorney as prescribed; to provide for county court to hear complaint rather than juvenile; and to repeal the original section.

LEGISLATIVE BILL 1071. By Judiciary Committee: Hoagland, 6th District, Chairperson; Chizek, 31st District; Conway, 17th District; Remmers, 1st District; Rupp, 22nd District.

A BILL FOR AN ACT relating to crimes and punishment; to amend section 28-933, Revised Statutes Supplement, 1984, and section 28-101, Revised Statutes Supplement, 1985; to provide for a crime of terroristic threats as prescribed; to provide for a penalty; to harmonize provisions; to repeal the original sections, and also section 28-311, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1072. By Abboud, 12th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 1985; to provide a tax credit for certain on-the-job training programs; to provide duties for the Commissioner of Labor; to define a term; to harmonize provisions; and to repeal the original section.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 976	Monday, January 27, 1986	2:30 P.M.
LB 983	Monday, January 27, 1986	2:30 P.M.
LB 1025	Monday, January 27, 1986	2:30 P.M.

(Signed) John DeCamp, Chairperson

GENERAL FILE

LEGISLATIVE BILL 205. Title read. Considered.

Passed over.

LEGISLATIVE RESOLUTION 35CA. Read. Considered.

Mr. Peterson asked unanimous consent to be excused until he returns.
No objections. So ordered.

Passed over.

LEGISLATIVE BILL 471. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 595. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 621. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 258. Title read. Considered.

Mr. Schmit asked unanimous consent to be excused until he returns.
No objections. So ordered.

Mrs. Higgins requested a record vote on the advancement of the bill.

Voting in the affirmative, 28:

Abboud	Hall	Labedz	Nelson	Rogers
Beyer	Hannibal	Lundy	Nichol	Scofield
Carsten	Hefner	Lynch	Peterson	Sieck
Conway	Higgins	Marsh	Pirsch	Smith
DeCamp	Hoagland	Miller	Remmers	Warner
Goodrich	Johnson, L.	Morehead		

Voting in the negative, 5:

Harris	Landis	Pappas	Wesely	Withem
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Present and not voting, 8:

Barrett	Eret	Hartnett	Rupp	Vickers
Chronister	Goll	Lamb		

Excused and not voting, 8:

Baack	Chambers	Haberman	Johnson, V.	Schmit
Beutler	Chizek	Johnson, R.		

Advanced to E & R for Review with 28 ayes, 5 nays, 8 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 351. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 230. Passed over.

LEGISLATIVE BILL 275. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 177. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 626. Title read. Considered.

Standing Committee amendments, AM0254, found in the Journal on page 720 for the Twenty-Ninth Day, First Session, were considered.

MRS. MARSH PRESIDING

Mr. Hoagland moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mrs. Higgins requested a record vote on the Standing Committee amendments.

Voting in the affirmative, 27:

Abboud	Hall	Landis	Nelson	Scofield
Beyer	Hannibal	Lundy	Pappas	Smith
Carsten	Harris	Lynch	Pirsch	Vickers
Chronister	Higgins	Miller	Remmers	Wesely
Conway	Hoagland	Morehead	Rupp	Withem
DeCamp	Labadz			

Voting in the negative, 10:

Barrett	Hefner	Lamb	Peterson	Sieck
Goodrich	Johnson, L.	Marsh	Rogers	Warner

Present and not voting, 5:

Eret	Goll	Hartnett	Nichol	Schmit
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Excused and not voting, 7:

Baack	Chambers	Haberman	Johnson, R.	Johnson, V.
Beutler	Chizek			

The Standing Committee amendments were adopted with 27 ayes, 10 nays, 5 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Hoagland moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Advanced to E & R for Review with 26 ayes, 12 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

EXPLANATION OF VOTE

Had I been present, I would have voted yes on LB 825.

(Signed) Rex Haberman

NOTICE OF COMMITTEE HEARINGS
Education

LB 906	Monday, January 27, 1986	1:30 P.M.
LB 939	Monday, January 27, 1986	1:30 P.M.
LB 940	Monday, January 27, 1986	1:30 P.M.
LB 941	Monday, January 27, 1986	1:30 P.M.
LB 942	Monday, January 27, 1986	1:30 P.M.
LB 943	Monday, January 27, 1986	1:30 P.M.

(Signed) Tom Vickers, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on January 17, 1986, at 10:03 a.m., was the following bill: 825.

(Signed) Pam Moravec, Enrolling Clerk

STANDING COMMITTEE REPORT
Agriculture and Environment

LEGISLATIVE BILL 474. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM1756.)

(Signed) Rod Johnson, Chairperson

MOTION - Withdraw LB 647

Mrs. Higgins moved to withdraw LB 647.

Laid over.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1073. By Miller, 37th District.

A BILL FOR AN ACT relating to game and parks; to amend section 77-27,132, Revised Statutes Supplement, 1984; to eliminate the Nongame and Endangered Species Conservation Act, the Nongame and Endangered Species Conservation Fund, and provisions relating to such act and such fund; to harmonize provisions; and to repeal the original section, and also sections 37-430 to 37-439, Reissue Revised Statutes of Nebraska, 1943, and sections 2-15,111 and 77-27,119.01, Revised Statutes Supplement, 1984.

LEGISLATIVE BILL 1074. By Withem, 14th District.

A BILL FOR AN ACT relating to the register of deeds; to provide a requirement for instruments recorded with the register of deeds; to provide the register of deeds with certain powers; and to authorize a fee.

LEGISLATIVE BILL 1075. By R. Johnson, 34th District; Rupp, 22nd District.

A BILL FOR AN ACT relating to schools; to amend section 79-102.01, Reissue Revised Statutes of Nebraska, 1943; to change the requirements for creation of a new district; and to repeal the original section.

LEGISLATIVE BILL 1076. By Goodrich, 20th District; DeCamp, 40th District; Barrett, 39th District; Hefner, 19th District; Beutler, 28th District; Schmit, 23rd District; Conway, 17th District; Haberman, 44th District; Pappas, 42nd District; Harris, 27th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,186, Revised Statutes Supplement, 1985; to change provisions relating to refunds on manufacturing and processing equipment; to eliminate certain definitions; and to repeal the original section, and also section 77-27,185, Revised Statutes Supplement, 1985.

LEGISLATIVE BILL 1077. By Schmit, 23rd District.

A BILL FOR AN ACT relating to economic poisons and devices; to amend section 2-2601, Reissue Revised Statutes of Nebraska, 1943; to provide for the posting of signs notifying the public of planned aerial application of economic poisons; to provide penalties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1078. By Wesely, 26th District.

A BILL FOR AN ACT relating to the Nebraska Health Care Certificate of Need Act; to amend sections 71-5859 and 71-5866, Revised Statutes Supplement, 1984; to change provisions relating to the appeal or review committee decisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1079. By Wesely, 26th District.

A BILL FOR AN ACT relating to emergency services; to amend sections 39-602, 39-608, 39-6,135, 39-6,148, 39-6,149, 39-6,151, and 71-5113, Reissue Revised Statutes of Nebraska, 1943, and section 71-5106, Revised Statutes Supplement, 1984; to redefine a term; to change provisions relating to certain emergency vehicle privileges and conditions; to change provisions relating to horn and light requirements; to change provisions relating to certificates of competency; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1080. By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 36th District; Marsh, 29th District; Scofield, 49th District.

A BILL FOR AN ACT relating to nonstate funds; to eliminate requirements for review and approval of nonstate funds received by state agencies; and to repeal sections 81-1131 to 81-1135, 81-1137, and 81-1138, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1081. By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 36th District; Scofield, 49th District.

A BILL FOR AN ACT relating to identification; to amend sections 60-403.01, 60-404, 60-406, 60-406.04, and 60-415, Reissue Revised Statutes of Nebraska, 1943; to eliminate color photographs from motor vehicle operators' licenses; to harmonize provisions; to eliminate provisions relating to color-photograph identification cards; to eliminate certain rule and regulation authority and an advisory committee; and to repeal the original sections, and also sections 23-393, 23-395, 23-396, and 60-406.06, Reissue Revised Statutes of Nebraska, 1943, and section 23-294, Revised Statutes Supplement, 1985.

LEGISLATIVE BILL 1082. By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 36th District; Scofield, 49th District.

A BILL FOR AN ACT relating to public transportation; to amend section 19-3909.01, Reissue Revised Statutes of Nebraska, 1943; to change the limitation on the amount of funds which can be transferred as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1083. By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 36th District; Scofield, 49th District.

A BILL FOR AN ACT relating to assistance for certain children; to amend sections 43-504 and 43-504.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions governing aid to dependent children; to change eligibility provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1084. By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Hannibal, 4th District; Lundy, 36th District; Scofield, 49th District.

A BILL FOR AN ACT relating to assistance for certain children; to amend section 43-504, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to change provisions governing aid to dependent children; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1085. By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 36th District; Scofield, 49th District.

A BILL FOR AN ACT relating to medical assistance; to amend section 68-1020, Revised Statutes Supplement, 1984; to change eligibility provisions; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1086. By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th

District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 36th District; Scofield, 49th District.

A BILL FOR AN ACT relating to husband and wife; to amend sections 29-2262, 42-903, and 42-927, Reissue Revised Statutes of Nebraska, 1943; to eliminate certain provisions of the Protection From Domestic Abuse Act; to harmonize provisions; and to repeal the original section, and also sections 42-901, 42-902, and 42-904 to 42-923, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1087. By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 36th District; Scofield, 49th District.

A BILL FOR AN ACT relating to funds; to amend section 81-638, Revised Statutes Supplement, 1984; to change provisions relating to the Nebraska Cancer Research Fund as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1088. By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 36th District; Scofield, 49th District.

A BILL FOR AN ACT relating to the Nebraska Health Care Certificate of Need Act; to amend section 71-5862, Reissue Revised Statutes of Nebraska, 1943, and sections 71-5834, 71-5838, 71-5844, 71-5844.01, 71-5846 to 71-5848, 71-5850, 71-5858, 71-5859, and 71-5866, Revised Statutes Supplement, 1984; to eliminate the Certificate of Need Review Committee; to provide the Department of Health with additional powers and duties; to change provisions relating to the appeal panel; to harmonize provisions; and to repeal the original sections, and also sections 71-5842, 71-5843, and 71-5845, Revised Statutes Supplement, 1984.

LEGISLATIVE BILL 1089. By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 36th District; Scofield, 49th District.

A BILL FOR AN ACT relating to boards and commission; to amend section 42-917, Reissue Revised Statutes of Nebraska, 1943, and section 84-104.08, Revised Statutes Supplement, 1984; to eliminate provisions relating to the Nebraska Commission on the Status of

Women, the Commission on Indian Affairs, and the Commission on Mexican-Americans; to harmonize provisions; and to repeal the original sections, and also sections 81-8,255 to 81-8,260.01, 81-8,262 to 81-8,264, 81-8,266 to 81-8,270, and 81-1214 to 81-1219.01, Reissue Revised Statutes of Nebraska, 1943, and sections 81-8,265 and 81-8,271, Revised Statutes Supplement, 1984.

LEGISLATIVE BILL 1090. By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 36th District; Scofield, 49th District.

A BILL FOR AN ACT relating to schools; to amend section 79-2201, Revised Statutes Supplement, 1984, and sections 79-1247.02, 79-1247.05, 79-1247.06, and 79-1247.09, Revised Statutes Supplement, 1985; to change provisions relating to approval and accreditation standards and certification of teachers and administrators; to harmonize provisions; to eliminate the Professional Staff Development Fund, a provision relating to extended teacher contracts, the scientist-in-residence program, a provision relating to dissemination of curriculum materials, and the educational technology consortium; and to repeal the original sections, and also sections 79-4,140.05 to 79-4,140.08, Revised Statutes Supplement, 1984, and section 79-4,140.04, Revised Statutes Supplement, 1985.

LEGISLATIVE BILL 1091. By Appropriations Committee: Warner, 25th District, Chairperson; Goll, 16th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 36th District; Scofield, 49th District.

A BILL FOR AN ACT relating to schools for the handicapped; to amend sections 43-647.01, 79-204, 79-318, 79-1345, 79-1901 to 79-1905, 79-1907, 79-1908, 79-1911 to 79-1914, and 79-2010, Reissue Revised Statutes of Nebraska, 1943, and sections 79-328, 79-1910.01, and 90-118, Revised Statutes Supplement, 1984; to provide for the merger of the schools for the deaf and the visually handicapped as prescribed; to provide for the transfer of powers, duties, certain property, and records as prescribed; to rename a fund; to provide for the transfer of funds; to rename schools as prescribed; to eliminate the names of certain schools; to close the Nebraska School for the Visually Handicapped at Nebraska City, Nebraska; to harmonize provisions; to provide an operative date; and to repeal the original sections, and also sections 79-2001 to 79-2007 and 79-2011, Reissue Revised Statutes of Nebraska, 1943, and section 79-2009.01, Revised Statutes Supplement, 1984.

LEGISLATIVE BILL 1092. By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 36th District; Scofield, 49th District.

A BILL FOR AN ACT relating to special education; to amend sections 43-606 and 43-648, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to state reimbursement for certain programs; to eliminate obsolete provisions; and to repeal the original sections.

LEGISLATIVE BILL 1093. By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 36th District; Scofield, 49th District.

A BILL FOR AN ACT relating to special education; to amend sections 43-611 and 43-641, Reissue Revised Statutes of Nebraska, 1943, and section 43-626, Revised Statutes Supplement, 1985; to change provisions relating to reimbursement for transportation and residential care; to state intent; and to repeal the original sections.

LEGISLATIVE BILL 1094. By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 36th District; Scofield, 49th District.

A BILL FOR AN ACT relating to labor; to amend sections 48-1117, 48-1119, and 48-1123, Reissue Revised Statutes of Nebraska, 1943; to eliminate the public hearing of the Equal Opportunity Commission; to provide for a court hearing; to provide for duties of the commission; to harmonize provisions; to repeal the original sections, and also section 48-1120, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1095. By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 36th District; Scofield, 49th District.

A BILL FOR AN ACT relating to the Nebraska Arts Council; to amend section 82-310, Reissue Revised Statutes of Nebraska, 1943; to eliminate reimbursement for expenses of council members; and to repeal the original section.

LEGISLATIVE BILL 1096. By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Hannibal, 4th District; Lundy, 36th District; Scofield, 49th District.

A BILL FOR AN ACT relating to the University of Nebraska; to amend sections 85-121 and 85-1,104, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the Nebraska School of Agriculture at Curtis; to change a provision relating to the Nebraska Institute of Agriculture and Natural Resources; and to repeal the original sections.

LEGISLATIVE BILL 1097. By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 36th District; Scofield, 49th District.

A BILL FOR AN ACT relating to state institutions; to amend section 83-1,105, Reissue Revised Statutes of Nebraska, 1943; to eliminate the power to commit certain persons for evaluation as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1098. By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 36th District; Scofield, 49th District.

A BILL FOR AN ACT relating to penal and correctional institutions; to amend sections 43-281, 83-1,105, 83-905, 83-906, and 83-927, Reissue Revised Statutes of Nebraska, 1943; to eliminate the commitment of certain juveniles for evaluation as prescribed; to eliminate the Youth Diagnostic and Rehabilitation Center; to repeal an obsolete provision; to harmonize provisions; and to repeal the original sections, and also sections 83-107.03 and 83-4,101 to 83-4,104, Reissue Revised Statutes of Nebraska, 1943, section 83-466, Revised Statutes Supplement, 1984, and section 83-4,100, Revised Statutes Supplement, 1985.

LEGISLATIVE BILL 1099. By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 36th District; Scofield, 49th District.

A BILL FOR AN ACT relating to penal and correctional institutions; to amend sections 43-286, 43-287, 81-1826, 83-171, 83-364, 83-467, 83-469, 83-470, 83-472, 83-473, 83-4,101, 83-4,104, 83-905, 83-906, and 83-928, Reissue Revised Statutes of Nebraska, 1943, sections 71-901 and 83-466, Revised Statutes Supplement, 1984, and sections 43-258, 43-299, and 83-465, Revised Statutes Supplement, 1985; to terminate operation of the Youth Development Center-Geneva; to provide for the placement of certain girls as prescribed; to harmonize provisions; to repeal obsolete provisions; and to repeal the original sections, and also sections 83-107.03, 83-107.04, and 83-490, Reissue Revised Statutes of Nebraska, 1943, and section 83-487, Revised Statutes Supplement, 1985.

LEGISLATIVE BILL 1100. By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 36th District; Scofield, 49th District.

A BILL FOR AN ACT relating to Vietnam veterans; to repeal the Vietnam Veterans Education Loan Act of 1973; and to repeal sections 80-801 to 80-806, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1101. By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 36th District; Scofield, 49th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,136, Revised Statutes Supplement, 1984; to change a provision relating to aid to governmental subdivisions; and to repeal the original section.

LEGISLATIVE BILL 1102. By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 36th District; Scofield, 49th District.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-952 to 2-954, 2-955, 2-957, 2-958, and 2-960 to 2-963, Reissue Revised Statutes of Nebraska, 1943; to eliminate state participation in noxious weed control programs; to harmonize provisions; to repeal the original sections, and also sections 2-946.01, 2-946.02, and 2-964 to 2-966, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 1103. By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 36th District; Scofield, 49th District.

A BILL FOR AN ACT relating to ground water; to amend sections 46-602, 46-603, 46-604, 46-606, 46-657, and 46-661, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the registration of wells; to define a term; to give natural resources districts certain powers and duties; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections, and also section 46-605, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1104. By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 36th District; Scofield, 49th District.

A BILL FOR AN ACT relating to revenue and taxation; to eliminate the Tax Expenditure Reporting Act of 1979; and to repeal sections 77-379 to 77-385, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1105. By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 36th District; Scofield, 49th District.

A BILL FOR AN ACT relating to county assessors; to amend section 77-417, Reissue Revised Statutes of Nebraska, 1943, and 77-421, Revised Statutes Supplement, 1984; to provide for costs of training to be paid by the county as prescribed; to provide an examination fee to be set by the Tax Commissioner as prescribed; to eliminate the Certified Assessment Evaluator award; to repeal the original sections and also section 77-427, Revised Statutes Supplement, 1984.

LEGISLATIVE BILL 1106. By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 36th District; Scofield, 49th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1704.01, Reissue Revised Statutes of Nebraska, 1943; to eliminate the furnishing of certain forms and information by the Department of Revenue; and to repeal the original section.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Peterson asked unanimous consent to have his name added as co-introducer to LB 815 and LB 773. No objections. So ordered.

VISITOR

Visitor to the Chamber was Kara Kotsiopoulos from Kearney.

RECESS

At 12:14 p.m., on a motion by Mr. Carsten, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:37 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Baack, Beutler, Beyer, Chizek, Haberman, and R. Johnson who were excused; and Messrs. Chronister, Hannibal, V. Johnson, Lamb, Landis, Peterson, Rogers, Schmit, Wesely, Mesdames Labedz, Morehead, and Pirsch who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 631. Title read. Considered.

Standing Committee amendments, AM0321, found in the Journal on page 720 for the Twenty-Ninth Day, First Session, were adopted with 25 ayes, 2 nays, 4 present and not voting, and 18 excused and not voting.

Passed over.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 57.

MESSAGE FROM THE GOVERNOR

January 17, 1986

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 825 was received in my office on January 17, 1986.

This bill was signed by me on January 17, 1986 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

STANDING COMMITTEE REPORT Public Works

LEGISLATIVE BILL 309. Placed on General File as amended.
Standing Committee amendment to LB 309:
AM1681

- 1 1. Insert the following new sections:
- 2 "Section 1. That section 33-105, Revised
- 3 Statutes Supplement, 1985, be amended to read as
- 4 follows:
- 5 33-105. There shall be paid to the Department
- 6 of Water Resources in advance for the services of the
- 7 Director of Water Resources by the party demanding or
- 8 necessitating the service the following fees:
- 9 (1) For filing, recording, and examining each
- 10 application for a storage reservoir, for the first five
- 11 thousand acre-feet or fraction thereof, twenty-five
- 12 dollars, and for each additional five thousand acre-feet
- 13 or fraction thereof, ten dollars;
- 14 (2) For filing, recording, and examining each
- 15 application for, or application for modification of
- 16 permits to include, intentional or incidental
- 17 underground water storage and recovery, five hundred
- 18 dollars;
- 19 (3) For filing, recording, and examining each
- 20 application for water for irrigation from a natural

21 stream, for the first one thousand acres proposed for
22 irrigation or fraction thereof, two hundred dollars, and
1 for each additional thousand acres or fraction thereof,
2 one hundred dollars;

3 (4) For filing, recording, and examining each
4 application for water for irrigation from a storage
5 reservoir, for the first one thousand acres proposed for
6 irrigation or fraction thereof, fifty dollars, and for
7 each additional thousand acres or fraction thereof,
8 twenty-five dollars;

9 (5) For filing, recording, and examining each
10 application for water for power purposes, for each
11 theoretical fifty horsepower or fraction thereof, five
12 dollars;

13 (6) For filing, recording, and examining each
14 application for withdrawal of ground water for
15 industrial purposes, for the first ~~three~~ four thousand
16 acre-feet or fraction thereof, one thousand five hundred
17 dollars, and for each additional one thousand acre-feet
18 or fraction thereof, seven hundred fifty dollars;

19 (7) For filing an amendment to an application
20 for withdrawal of ground water for industrial purposes,
21 five hundred dollars;

22 (8) (7) For filing, recording, and examining
23 each application for approval of authority to levy fees
24 for withdrawing water stored incidentally underground,
25 five hundred dollars;

26 (9) (8) For filing any petition, affidavit,
1 other paper, or application for which no fee has been
2 fixed, ten dollars;

3 (10) (9) For recording any deed or document
4 pertaining to land covered in whole or in part by a
5 water appropriation or any instrument other than an
6 application, ten dollars;

7 (11) (40) For blueprint copy of any map or
8 drawing or for other copy of drawings or photostatic
9 copy of any record, a reasonable sum to be fixed by the
10 department in an amount estimated to cover the actual
11 cost of preparing such a reproduction;

12 (12) (41) For the examination of plans for any
13 dam and reservoir or enlargement, one dollar for each
14 foot in height of the dam, and, at the department's
15 discretion, expenses incurred while visiting and
16 examining the site; and

17 (42) (13) For certificate and seal, one

18 dollar.

19 The Director of Water Resources shall keep a
20 record of all money thus received. At the end of each
21 calendar month he or she shall pay the same to the State
22 Treasurer for the use of the General Fund and take his
23 or her receipt therefor and file the same with the
24 records of his or her office.

25 Sec. 2. If during construction or operation a
26 permitholder determines (1) that an additional amount of
1 water is or will be required for the proposed use set
2 forth in a permit issued pursuant to section 46-683 or
3 (2) that there is a need to amend any condition set
4 forth in the permit, the permitholder may file an
5 application to amend the permit. Following a hearing
6 conducted in the manner prescribed by section 46-680,
7 the director shall issue a written order containing
8 specific findings of fact either granting or denying the
9 proposed amendment, in accordance with the public
10 interest considerations enumerated in section 46-683.
11 An application to amend a permit shall not be approved
12 if the amendment would increase the daily peak
13 withdrawal or the annual volume by more than twenty-five
14 per cent from the amounts approved in the original
15 permit.

16 Sec. 5. That section 46-690, Reissue Revised
17 Statutes of Nebraska, 1943, be amended to read as
18 follows:

19 46-690. Sections 46-675 to 46-690 and section
20 2 of this act shall be known and may be cited as the
21 Industrial Ground Water Regulatory Act. Any reference
22 in such act to sections 46-675 to 46-690 shall be
23 construed to include section 2 of this act."

24 2. On page 2, line 1, strike "48-684" and
25 insert "46-684"; in line 3 before "A" insert "(1)"; and
26 after line 19 insert:

1 "(2) If it appears to the director that a
2 permitholder has withdrawn more ground water than the
3 amount specified in the permit or has violated any of
4 the conditions specified in the permit, the director
5 shall give written notice to the permitholder of the
6 alleged violation.

7 Within thirty days following receipt of such
8 notice, the permitholder may:

9 (a) File an application to amend the permit as
10 provided in section 2 of this act;

- 11 (b) Request a hearing before the director; or
 12 (c) Take appropriate measures to comply with
 13 the permit.

14 If the permitholder fails to take action
 15 pursuant to subdivision (2)(a), (2)(b), or (2)(c) of
 16 this section, the director may issue an order requiring
 17 compliance with the permit and seek, if appropriate, a
 18 court injunction prohibiting further violations of the
 19 permit.

20 If the permitholder requests a hearing, the
 21 director shall within thirty days schedule a hearing
 22 within or in reasonable proximity to the area where the
 23 wells are located. Within forty-five days following the
 24 hearing, the director shall issue an order containing
 25 specific findings of fact with reference to the alleged
 26 violation and directing the permitholder, if necessary,
 1 to cease and desist from further violations of the
 2 permit.

3 (3) Nothing in this section shall limit the
 4 penalty provisions of section 46-687.”.

5 3. On page 3, line 1, strike “and” and insert
 6 a comma; in line 2 after “46-687,” insert “and 46-690,”
 7 and after “1943,” insert “and section 33-105, Revised
 8 Statutes Supplement, 1985,”.

9 4. Renumber remaining sections accordingly.

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendment to LB 621 in the Journal. No objections. So ordered.

AM1780

- 1 1. Strike original section 1 and insert the
 2 following new sections:
 3 “Section 1. That section 81-8,118, Revised
 4 Statutes Supplement, 1985, be amended to read as
 5 follows:
 6 81-8,118. To pay the expense of the operation
 7 and enforcement of sections 81-8,108 to 81-8,127, the
 8 board shall, at the time application for registration is
 9 submitted, collect from the applicant an examination fee
 10 of not less than twenty-five dollars and not more than
 11 seventy-five dollars for 1985 and not more than one

12 hundred dollars for 1986 and thereafter as set forth in
13 the rules or bylaws. If the applicant fails to qualify,
14 the fee shall not be returned but the applicant may be
15 reexamined, after a period of not less than one year nor
16 more than two years, with the payment of a reexamination
17 fee as set forth in the rules or bylaws. If the
18 applicant successfully qualified, he or she shall be
19 registered until April 1 of the immediately following
20 odd-numbered year, beginning in 1987. After the
21 issuance of a certificate of registration, ~~an annual~~ a
1 biennial fee of not less than five nor more than
2 ~~thirty-five dollars for 1985 and not more than fifty~~
3 ~~dollars for 1986 and thereafter~~ one hundred dollars, as
4 the board shall direct, shall be due and payable on or
5 before January 1 of each odd-numbered year, beginning in
6 1987. Failure to remit ~~annual~~ biennial fees when due
7 shall automatically cancel the registration effective
8 the immediately following April 1, but otherwise the
9 registration shall remain in full force and effect
10 continuously from the date of issuance, unless suspended
11 or revoked by the board for just cause. All regulations
12 in effect on December 31, 1986, shall be extended to
13 April 1, 1987. A registration which has been canceled
14 for failure to pay the ~~annual~~ biennial fee when due may
15 be reinstated within one year, but the ~~annual~~ biennial
16 fee shall be increased ten per cent for each month or
17 fraction of a month that payment is delayed. Nothing in
18 this section shall prevent the board from suspending or
19 revoking any registration for just cause.

20 Sec. 2. That section 81-8,119.01, Revised
21 Statutes Supplement, 1985, be amended to read as
22 follows:

23 81-8,119.01. (1) Beginning in 1987, as a
24 condition for renewal of a certificate of registration
1 issued pursuant to sections 81-8,108 to 81-8,127, a
2 certificate holder shall be required to successfully
3 complete fifteen hours of professional development
4 within the preceding calendar year. Beginning in 1989
5 as a condition for renewal of a certificate of
6 registration issued pursuant to sections 81-8,108 to
7 81-8,127, a certificate holder shall be required to
8 successfully complete thirty hours of professional
9 development within the preceding two calendar years.
10 Any certificate holder who completes in excess of thirty
11 hours of professional development within the preceding

12 two calendar years may have the excess, not to exceed
13 fifteen hours, applied to the requirement for the next
14 biennium.

15 (2) The State Board of Examiners for Land
16 Surveyors shall not renew the certificate of
17 registration of any certificate holder who has failed to
18 complete the professional development requirements
19 pursuant to subsection (1) of this section, unless he or
20 she can show good cause why he or she was unable to
21 comply with such requirements. If the board determines
22 that good cause was shown, the board shall permit the
23 registered surveyor to make up all outstanding required
24 hours of professional development.

1 (3) A certificate holder may at any time prior
2 to the termination of his or her registration request to
3 be classified as inactive. Such inactive registrations
4 may be maintained by payment of a biennial fee of not
5 less than five nor more than fifty dollars as determined
6 by the board. Holders of inactive certificates of
7 registration shall not be required to complete
8 professional development as required in subsection (1)
9 of this section. Holders of inactive certificates are
10 prohibited from the practice of land surveying, the
11 board determines that an inactive registrant has
12 actively practiced land surveying, the board shall
13 immediately revoke his or her certificate of
14 registration.

15 (4) A holder of an inactive certificate
16 registration may return his or her certificate to an
17 inactive registration to practice land surveying by
18 completing all professional development hours that would
19 have been required for registration during the period
20 the certificate was inactive, or in the alternative, he
21 or she shall be required to take such examination as the
22 board deems necessary to determine his or her
23 qualifications. Such examination shall be at least four
24 hours in duration and cover areas designated to
1 demonstrate the applicant's proficiency in current
2 methods of land surveying practice. Additionally he or
3 she shall be required to pay the biennial fee as
4 required in section 81-8,118."

5 2. On page 2, strike beginning with "section"
6 in line 19 through "is" in line 20 and insert "sections
7 81-8,118 and 81-8,119.01, Revised Statutes Supplement,
8 1985, are".

9 3. Renumber the remaining section
10 accordingly.

GENERAL FILE

LEGISLATIVE BILL 379. Title read. Considered.

Standing Committee amendment, AM0340, found in the Journal on page 731 for the Thirtieth Day, First Session, was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 92. Title read. Considered.

Mr. Chronister asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendments, AM0360, found in the Journal on page 744 for the Thirtieth Day, First Session, were adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Mr. Harris renewed his pending amendment, AM0368, found in the Journal on page 812, First Session.

Mrs. Marsh asked unanimous consent to be excused until she returns. No objections. So ordered.

The Harris amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 298. Title read. Considered.

Standing Committee amendment, AM0348, found in the Journal on page 762 for the Thirtieth Day, First Session, was considered.

Mr. Miller asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 374. Title read. Considered.

Standing Committee amendment, AM0383, found in the Journal on page 770 for the Thirty-First Day, First Session, was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 125. Title read. Considered.

Standing Committee amendment, AM0337, found in the Journal on page 787 for the Thirty-First Day, First Session, was adopted with 25 ayes, 1 nay, 11 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 483. Title read. Considered.

Standing Committee amendments, AM0399, found in the Journal on page 821 for the Thirty-Third Day, First Session, were adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 484. Title read. Considered.

Standing Committee amendment, AM0400, found in the Journal on page 823 for the Thirty-Third Day, First Session, was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 575. Title read. Considered.

Standing Committee amendments, AM0417, found in the Journal on page 840 for the Thirty-Fourth Day, First Session, were considered.

Mr. Schmit renewed his pending amendment, AM0817, found in the Journal on page 1228, First Session, to the Standing Committee amendments.

The Schmit amendment was adopted with 11 ayes, 0 nays, 27 present and not voting, and 11 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 584. Title read. Considered.

Standing Committee amendments, AM0410, found in the Journal on page 843 for the Thirty-Fourth Day, First Session, were considered.

Mr. Schmit renewed his pending amendment, AM0816, found in the Journal on page 1228, First Session.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. V. Johnson requested a roll call vote on the Schmit amendment.

Voting in the affirmative, 15:

Eret	Hannibal	Lamb	Pappas	Schmit
Goodrich	Hartnett	Lynch	Remmers	Sieck
Hall	Labeledz	Nelson	Rupp	Smith

Voting in the negative, 21:

Barrett	Goll	Johnson, L.	Morehead	Vickers
Carsten	Harris	Johnson, V.	Nichol	Warner
Chambers	Higgins	Landis	Pirsch	Wesely
Conway	Hoagland	Lundy	Scofield	Withem
DeCamp				

Present and not voting, 2:

Abboud Peterson

Absent and not voting, 1:

Hefner

Excused and not voting, 10:

Baack	Beyer	Chronister	Johnson, R.	Miller
Beutler	Chizek	Haberman	Marsh	Rogers

The Schmit amendment lost with 15 ayes, 21 nays, 2 present and not voting, 1 absent and not voting, and 10 excused and not voting.

Mr. Schmit asked unanimous consent to withdraw the Standing Committee amendment. No objections. So ordered.

Passed over.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 1012	Monday, January 27, 1986	1:30 P.M.
LB 1027	Monday, January 27, 1986	1:30 P.M.
LB 1028	Monday, January 27, 1986	1:30 P.M.
LB 936	Monday, January 27, 1986	1:30 P.M.
LB 824	Monday, January 27, 1986	1:30 P.M.

(Signed) Vard R. Johnson, Chairperson

Health and Human Services

LB 782	Monday, January 27, 1986	1:30 P.M.
LB 921	Monday, January 27, 1986	1:30 P.M.
LB 924	Monday, January 27, 1986	1:30 P.M.

(Signed) Don Wesely, Chairperson

Judiciary

LB 979	Monday, January 27, 1986	1:30 P.M.
LB 989	Monday, January 27, 1986	1:30 P.M.
LB 771	Monday, January 27, 1986	1:30 P.M.
LB 969	Monday, January 27, 1986	1:30 P.M.
LB 975	Monday, January 27, 1986	1:30 P.M.

LB 1024	Tuesday, January 28, 1986	1:30 P.M.
LB 1031	Tuesday, January 28, 1986	1:30 P.M.
LB 797	Tuesday, January 28, 1986	1:30 P.M.
LB 956	Tuesday, January 28, 1986	1:30 P.M.
LB 957	Tuesday, January 28, 1986	1:30 P.M.

(Signed) Peter Hoagland, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1107. By Judiciary Committee: Hoagland, 6th District, Chairperson; Chizek, 31st District; Conway, 17th District; Remmers, 1st District; Rupp, 22nd District.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-101, 28-1201, and 28-1203, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to require the registration of federal stamps to possess certain weapons as prescribed; to require reports from certain weapons dealers as prescribed; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1108. By Wesely, 26th District.

A BILL FOR AN ACT relating to the Nebraska Fair Employment Practice Act; to amend sections 48-1102 and 48-1114, Revised Statutes Supplement, 1985; to eliminate a definition; to change provisions relating to employment practices prohibited; and to repeal the original sections.

LEGISLATIVE BILL 1109. By Judiciary Committee: Hoagland, 6th District, Chairperson; Abboud, 12th District; Conway, 17th District; Remmers, 1st District; Rupp, 22nd District.

A BILL FOR AN ACT relating to injunctions; to amend sections 25-1062.01 and 25-1064, Reissue Revised Statutes of Nebraska, 1943; to provide notice requirements for injunctions; to provide a time of hearing; to harmonize provisions; and to repeal the original sections, and also sections 25-1065 and 25-1066, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1110. By Landis, 46th District.

A BILL FOR AN ACT relating to pensions; to amend sections 15-1016 and 15-1017, Reissue Revised Statutes of Nebraska, 1943; to create a retirement committee for the firefighter and police officer pension system of cities of the primary class; to provide powers and duties; to change provisions relating to investments; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1111. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to public service entities; to amend section 77-801.01, Revised Statutes Supplement, 1985; to provide that community antenna television service is a public service entity as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1112. By Schmit, 23rd District; Morehead, 30th District; Vickers, 38th District; Sieck, 24th District; Smith, 33rd District; Nelson, 35th District; Remmers, 1st District; Carsten, 2nd District; Conway, 17th District.

A BILL FOR AN ACT relating to money and financing; to adopt the Nebraska Range Authority Act.

LEGISLATIVE BILL 1113. By Wesely, 26th District.

A BILL FOR AN ACT relating to agriculture; to adopt the Family Farmland Reserve Act.

LEGISLATIVE BILL 1114. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to insurance; to amend sections 44-2407, 44-2716, 44-3110, 77-907, and 77-910 to 77-913, Reissue Revised Statutes of Nebraska, 1943, sections 13-206, 77-908, and 77-909, Revised Statutes Supplement, 1984, and sections 13-203, 13-207, 44-4233, and 77-2734.03, Revised Statutes Supplement, 1985; to define and redefine terms; to change the premium tax rate as

prescribed; to provide a credit; to provide for refunds as prescribed; to provide a procedure to challenge payment of a tax as prescribed; to change provisions relating to the distribution of such tax; to eliminate a premium tax; to harmonize provisions; to provide duties for the Revisor of Statutes; to provide an operative date; to provide severability; and to repeal the original sections, and also sections 44-1213 and 77-914, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1115. By Scofield, 49th District.

A BILL FOR AN ACT relating to game and parks; to amend section 37-212, Reissue Revised Statutes of Nebraska, 1943, and section 37-215, Revised Statutes Supplement, 1985; to change the use of a fund; to change fees; and to repeal the original sections.

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 107 in the Journal. No objections. So ordered.

To amend the Standing Committee amendment to LB 107 as follows:

- (a) Insert "not" after "may" in line 2, section 1 and "not" after "may" in line 3, section 1.
- (b) Strike section 2.

UNANIMOUS CONSENT - Add Co-Introducers

Mrs. Smith asked unanimous consent to have her name added as co-introducer to LB 945. No objections. So ordered.

Mr. Hall asked unanimous consent to have his name added as co-introducer to LB 945. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 640. Title read. Considered.

Standing Committee amendments, AM0819, found in the Journal on page 1248 for the Forty-Ninth Day, First Session, were adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 436. Title read. Considered.

Standing Committee amendment, AM0411, found in the Journal on page 858 for the Thirty-Fourth Day, First Session, was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 437. Title read. Considered.

Standing Committee amendment, AM0409, found in the Journal on page 858 for the Thirty-Fourth Day, First Session, was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 26 ayes, 1 nay, 13 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 494. Title read. Considered.

Standing Committee amendment, AM0203, found in the Journal on page 872 for the Thirty-Fifth Day, First Session, lost with 1 aye, 17 nays, 22 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 558. Title read. Considered.

Standing Committee amendment, AM0482, found in the Journal on page 879 for the Thirty-Fifth Day, First Session, was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1116. By Scofield, 49th District.

A BILL FOR AN ACT relating to game and parks; to amend section 37-215.01, Revised Statutes Supplement, 1985; to require the removal of certain carcasses as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1117. By Scofield, 49th District.

A BILL FOR AN ACT relating to uranium mining; to amend sections 57-1201 to 57-1204, 57-1206, 57-1207, 57-1209, 57-1210, 57-1212, and 57-1213, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to change provisions relating to liability for and payment and collection of the severance tax as prescribed; to change lien provisions; to provide powers and duties; to provide penalties; to require the Tax Commissioner to assist in valuing certain real property; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1118. By Schmit, 23rd District; Lamb, 43rd District; Harris, 27th District; Lynch, 13th District.

A BILL FOR AN ACT relating to telegraphs and telephones; to amend section 75-609.01, Revised Statutes Supplement, 1984; to change a provision relating to changing telephone company rates as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1119. By Schmit, 23rd District.

A BILL FOR AN ACT relating to telecommunications; to amend sections 75-109 and 75-604, Reissue Revised Statutes of Nebraska, 1943, and section 75-609, Revised Statutes Supplement, 1984; to state intent; to define terms; to provide certification for certain services; to provide classification of certain companies and services as prescribed; to provide a limitation on regulation; to place a limitation on certain rates; to provide powers and duties for the Public Service Commission; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1120. By Schmit, 23rd District; Warner, 25th District.

A BILL FOR AN ACT relating to interest rates; to amend sections 45-101.02, 45-101.03, and 45-138, Reissue Revised Statutes of Nebraska, 1943; to lower the general rate of interest; to eliminate exceptions to the general rate of interest; to harmonize provisions;

and to repeal the original sections, and also sections 8-435 and 45-101.04, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1121. By Schmit, 23rd District.

A BILL FOR AN ACT relating to irrigation; to amend sections 46-158, 46-218, 46-229.04, 46-263, and 46-273, Reissue Revised Statutes of Nebraska, 1943; to eliminate a provision relating to the appointment of a superintendent of a ditch or canal; to eliminate certain provisions relating to the creation of certain water district subdivisions and water districts as prescribed; to harmonize provisions; and to repeal the original sections, and also sections 46-222 to 46-224 and 46-260, Reissue Revised Statutes of Nebraska, 1943.

VISITORS

Visitors to the Chamber were former Senator Les Robinson and wife, Charlotte from Kearney; and David Domina from Norfolk.

ADJOURNMENT

At 4:01 p.m., on a motion by Mr. Lundy, the Legislature adjourned until 9:00 a.m., Tuesday, January 21, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

NINTH DAY - JANUARY 21, 1986

LEGISLATIVE JOURNAL

NINTH DAY - JANUARY 21, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 21, 1986

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Capt. Dave Corliss, Salvation Army.

ROLL CALL

The roll was called and all members were present except Messrs. Beyer, R. Johnson, Pappas, Rogers, and Schmit who were excused; and Messrs. Landis, Remmers, Rupp, Sieck, Withem, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 406, strike lines 29 and 30 and insert "Standing Committee amendments, AM0408, found in the Journal on page 843 for the Thirty-Fourth Day, First Session, were adopted with".
The Journal for the Eighth Day was approved as corrected.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the rereferral of legislative bill 860 and the referral of legislative bills 1052-1106 and legislative resolution 326.

LB	Committee
860	Nebraska Retirement Systems
1052	Banking, Commerce and Insurance

1053	Judiciary
1054	Judiciary
1055	Health and Human Services
1056	Government, Military and Veterans Affairs
1057	Education
1058	Health and Human Services
1059	Education
1060	Health and Human Services
1061	Revenue
1062	Education
1063	Government, Military and Veterans Affairs
1064	Judiciary
1065	Revenue
1066	Banking, Commerce and Insurance
1067	Health and Human Services
1068	Revenue
1069	Revenue
1070	Education
1071	Judiciary
1072	Revenue
1073	Constitutional Revision and Recreation
1074	Government, Military and Veterans Affairs
1075	Education
1076	Revenue
1077	Agriculture and Environment
1078	Health and Human Services
1079	Public Works
1080	Appropriations
1081	Public Works
1082	Appropriations
1083	Health and Human Services
1084	Health and Human Services
1085	Health and Human Services
1086	Judiciary
1087	Appropriations
1088	Health and Human Services
1089	Government, Military and Veterans Affairs
1090	Education
1091	Education
1092	Education
1093	Education
1094	Business and Labor
1095	Miscellaneous Subjects
1096	Education
1097	Judiciary

1098	Judiciary
1099	Judiciary
1100	Government, Military and Veterans Affairs
1101	Revenue
1102	Agriculture and Environment
1103	Public Works
1104	Revenue
1105	Revenue
1106	Revenue

LR **Committee**
 326 Constitutional Revision and Recreation

(Signed) Chris Beutler, Chairperson
 Legislative Council
 Executive Board

UNANIMOUS CONSENT - Print in Journal

Mr. Chizek asked unanimous consent to print the following amendment to LB 440 in the Journal. No objections. So ordered.

AM1713

(Amendments to the Standing Committee amendments)

- 1 1. Strike amendments 1 and 2 and insert the
- 2 following new amendment:
- 3 "1. Strike the original sections and insert
- 4 the following new sections:
- 5 'Section 1. The Legislature hereby finds and
- 6 declares that an untapped source of economic development
- 7 in Nebraska is the promotion and development of the film
- 8 and television production industry in this state.
- 9 Currently several Midwestern states fund formal film
- 10 offices and are successfully attracting film and
- 11 television production into their states. Because of
- 12 this effort, millions of dollars are being added to the
- 13 economy of these states. In order for Nebraska to
- 14 compete for these valuable dollars and to promote
- 15 Nebraska as a desirable location for motion picture and
- 16 television production, a formal state-funded film office
- 17 shall be created.
- 18 Sec. 2. There is hereby created an office to
- 19 be known as the Nebraska Henry Fonda Film and Television
- 20 Office to be under the direction of the Department of
- 1 Economic Development. The Director of Economic

2 Development shall appoint a person to serve as the
3 Director of the Nebraska Henry Fonda Film and Television
4 Office to coordinate the activities of such office. The
5 director of the office shall receive a minimum annual
6 salary of twenty-five thousand dollars.

7 Sec. 3. The duties of the Nebraska Henry
8 Fonda Film and Television Office shall include, but not
9 be limited to, the following:

10 (1) To promote Nebraska as a location for
11 motion picture and television production;

12 (2) To sponsor activities to market Nebraska
13 as a location for motion picture and television
14 production;

15 (3) To encourage, support, and stimulate the
16 growth and development of the Nebraska television and
17 film industry; and

18 (4) To perform any other duties and functions
19 the office deems necessary to carry out the duties
20 prescribed in this section.

21 Sec. 4. Three years from the effective date
22 of this act, or as soon thereafter as possible, the
23 Director of the Nebraska Henry Fonda Film and Television
24 Office shall present a report to the Legislature
1 detailing the operations of the Nebraska Henry Fonda
2 Film and Television Office. If the report indicates
3 that the office has not added at least one million
4 dollars to the state's economy during such three-year
5 period from movie and television production projects,
6 such office shall be terminated.

7 Sec. 5. That section 81-1252, Reissue Revised
8 Statutes of Nebraska, 1943, be amended to read as
9 follows:

10 81-1252. (1) There is hereby created in the
11 state treasury a special fund to be known as the State
12 Visitors' Promotion Cash Fund which shall be under the
13 Department of Economic Development.

14 (2) The division of travel and tourism in the
15 Department of Economic Development shall use the
16 proceeds of the State Visitors' Promotion Cash Fund to
17 generally promote, encourage, and attract visitors to
18 and within the State of Nebraska, ~~and~~ enhance the use of
19 travel and tourism facilities within the state, and
20 promote Nebraska as a desirable location for film and
21 television production. The proceeds of the State
22 Visitors' Promotion Cash Fund shall be in addition to

23 funds appropriated to the Department of Economic
 24 Development, division of travel and tourism, from the
 1 state General Fund.

2 (3) There shall be appropriated seventy-five
 3 thousand dollars each year from the State Visitor's
 4 Promotion Cash Fund to fund the operation of the Henry
 5 Fonda Film and Television Office created in section 2 of
 6 this act.

7 Sec. 6. That original section 81-1252,
 8 Reissue Revised Statutes of Nebraska, 1943, is
 9 repealed.'".

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 301. Placed on Select File as amended.
 E & R amendments to LB 301:

AM5199

1 1. In the Schmit amendments, AM1744, adopted
 2 January 14, 1985, on page 3, line 4, after "6" insert
 3 "and all amendments thereto".

4 2. On page 1, strike beginning with the
 5 second "to" in line 1 through the semicolon in line 3;
 6 in line 6 after the first semicolon insert "to require a
 7 signed declaration as prescribed;" and after the second
 8 semicolon insert "and"; and strike beginning with the
 9 semicolon in line 7 through "section" in line 8.

10 3. On page 2, line 3; and page 3, line 7,
 11 after "Regulations" insert a comma.

12 4. On page 3, line 8, strike "January" and
 13 insert "October"; and in line 22 strike "do" and insert
 14 "shall".

LEGISLATIVE BILL 644. Placed on Select File as amended.
 E & R amendments to LB 644:

AM5200

1 1. In the Standing Committee amendments,
 2 AM0533, adopted January 14, 1986, on page 1, line 3,
 3 strike "make application" and insert "apply"; in line 9
 4 strike "shall" and insert "will"; and in line 18 after
 5 "assure" insert "that".

6 2. On page 1, line 2, strike "Statues" and
 7 insert "Statutes"; in line 3 strike "deputies" and
 8 insert "deputy registrars"; and in line 4 strike "assist
 9 in registering voters" and insert "register votes as

10 prescribed”.

11 3. On page 2, line 21, strike the comma and
12 show as stricken.

LEGISLATIVE BILL 217. Placed on Select File as amended.
E & R amendments to LB 217:
AM5202

1 1. In the Pappas amendment adopted January
2 14, 1986, found on page 298 of the Journal, underscore
3 all matter in quotation marks.

4 2. In the Vickers-R. Johnson amendment,
5 AM1745, adopted January 14, 1986:

6 a. On page 1, line 11, after “ownership” and
7 “location” insert “of”; in line 13 strike “7” and insert
8 “6” and strike “shall”; and in line 14 strike “deny” and
9 insert “denies”;

10 b. On page 2, line 6, strike “thirty days
11 after”; and in line 7 strike “1” and insert “31”;

12 c. On page 4, line 3, after the semicolon
13 insert “and”; in line 12 strike “regulations” and insert
14 “procedures”; and in line 19 strike “condition” and
15 insert “conditions”; and

16 d. On page 5, line 5, strike “the Department
17 of”.

18 3. On page 1, line 1, after the semicolon
19 insert “to amend sections 81-526 and 81-551, Reissue
20 Revised Statutes of Nebraska, 1943, section 81-1504,
21 Revised Statutes Supplement, 1984, and section 81-502,
1 Revised Statutes Supplement, 1985;”; strike beginning
2 with “amend” in line 3 through “1984” in line 6 and
3 insert “create a fund”; and in line 7 strike “duties and
4 clarify”.

5 4. On page 2, line 13, after “and” insert
6 “a”.

7 5. On page 3, line 10, strike “any” and
8 insert “that a” and after “tank” insert “has been”; in
9 line 12 strike “which”; in line 16 strike “joint” and
10 insert “joint-stock”; in line 17 strike “stock”; in line
11 21 lowercase “Section”; in line 22 strike the second
12 comma; and in line 24 after “C” insert “of such act”.

13 6. On page 4, line 11, strike “does” and
14 insert “shall”; in line 12 strike “less than”; in lines
15 14 and 17 after “stored” insert an underscored comma; in
16 line 23 strike “any” and insert “that a”; and in line 24
17 strike “that”.

- 18 7. On page 6, in lines 4 and 5 strike "Such"
 19 and insert "The"; and in line 12 strike "5" and all
 20 amendments thereto and insert "7".
 21 8. On page 8, line 1, after "except" insert
 22 "that".
 23 9. On page 9, line 17, strike "Department of"
 24 and insert "department"; and in line 18 strike
 1 "Environmental Control".
 2 10. On page 10, line 6, after "and" insert an
 3 underscored comma; and in line 8 after "fine" insert an
 4 underscored comma.
 5 11. Because of the amendment of section
 6 81-502 by Laws 1985, LB 253, section 9:
 7 a. On page 10, line 12, strike "1984" and
 8 insert "1985"; and
 9 b. On page 11, line 11, after the comma
 10 insert "intermediate care facilities three,".
 11 12. On page 11, line 20, after "to" insert
 12 "adopt".
 13 13. On page 14, in lines 14 and 24 strike the
 14 comma and show as stricken; and in lines 15 and 25
 15 strike the underscored comma.
 16 14. On page 21, line 27, strike "and".
 17 15. On page 22, line 1, strike "sections
 18 81-502 and" and insert "section"; and in line 2 after
 19 the comma insert "and section 81-502, Revised Statutes
 20 Supplement, 1985,".

LEGISLATIVE BILL 217A. Placed on Select File as amended.
 E & R amendments to LB 217A:

AM5203

- 1 1. On page 1, line 3, strike "First" and
 2 insert "Second" and strike "1985" and insert "1986".
 3 2. On page 3, line 11, strike "7" and insert
 4 "8".

LEGISLATIVE BILL 172. Placed on Select File as amended.
 E & R amendments to LB 172:

AM5204

- 1 1. In the Standing Committee amendments,
 2 AM0273, adopted January 14, 1986, on page 1, line 10,
 3 strike "proportionate" and insert "proportionately"; and
 4 in lines 11 and 15 strike "act" and insert "section".
 5 2. On page 1, strike beginning with "provide"
 6 in line 1 through "prescribed" in line 3 and insert

- 7 "require a reduction in the property tax levy in certain
8 situations; to provide an operative date".

LEGISLATIVE BILL 302. Placed on Select File as amended.
E & R amendments to LB 302:

AM5201

- 1 1. In the Standing Committee amendments,
2 AM0710, adopted January 14, 1986:
3 a. On page 2, line 2, strike "two year" and
4 insert "two-year";
5 b. On page 4, line 14, strike "shall expire",
6 show as stricken, and insert "expires";
7 c. On page 5, line 18, strike "act", show as
8 stricken, and insert "section"; and in line 20 after
9 "as" insert "otherwise";
10 d. On page 6, line 23, after "section" insert
11 an underscored comma; and
12 e. On page 9, line 1, strike "and" and show as
13 stricken; in line 2 after "79" insert an underscored
14 comma; in line 4 strike the comma and show as stricken;
15 in line 6 strike the second "the" and strike "of" and
16 insert "by"; in line 7 strike the underscored comma; in
17 line 15 strike "and", show as stricken, and insert an
18 underscored comma; in line 16 after "79" insert an
19 underscored comma; in line 17 strike the comma and show
20 as stricken; and in line 20 strike the comma and show as
21 stricken.
1 2. On page 1, line 2, strike "section
2 2-3213," and insert "sections 2-3213, 2-3214, and
3 32-535,"; and in line 4 after the semicolon insert "to
4 delete obsolete language; to change provisions relating
5 to the election of directors;"
6 3. On page 5, line 20, strike "(2)" and
7 insert "(1)".

Correctly Engrossed

The following bills were correctly engrossed: 729, 730, 731, 732, and 733.

(Signed) Timothy Hall, Chairperson

REPORT

Received minutes of the Board of Public Roads Classifications and Standards for December.

UNANIMOUS CONSENT - Print in Journal

Mrs. Labedz asked unanimous consent to print the following amendment to LB 663 in the Journal. No objections. So ordered.

AM1762

- 1 1. On page 4, line 3, after the period insert
- 2 "The person providing the information specified in
- 3 subdivision (8) of this section to the person upon whom
- 4 the abortion is to be performed shall be deemed
- 5 qualified to so advise and provide such information only
- 6 if, at a minimum, he or she has had training in each of
- 7 the following subjects: Sexual and reproductive health,
- 8 abortion technology, contraceptive technology,
- 9 short-term counseling skills, community resources and
- 10 referral, and informed consent."

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1122. By Hefner, 19th District.

A BILL FOR AN ACT relating to license plates; to amend sections 39-2215, 60-311, and 60-311.11, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to payment of manufacturing costs; to increase a fee; to change provisions relating to the use of county designations on prestige plates; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 317. Read. Considered.

LR 317 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 320. Read. Considered.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

LR 320 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 323. Read. Considered.

LR 323 was adopted with 31 ayes, 0 nays, and 18 not voting.

UNANIMOUS CONSENT - Print in Journal

Mrs. Higgins asked unanimous consent to print the following amendments to LB 667 in the Journal. No objections. So ordered.

(1)

AM1774

(Amendments to AM0723, corrected)

- 1 1. On page 2, strike lines 4 through 6 and
2 all amendments thereto and insert:
3 "(2) Consumer shall mean any individual who is
4 a buyer or seller in a residential real estate
5 transaction."
- 6 2. On page 5, line 23, strike "and"; in line
7 26 strike the underscored period and insert "; and"; and
8 after line 26, insert the following:
9 "(15) To know that this list of rights is not
10 all-inclusive and that you should ask your real estate
11 agent any questions you might have."
- 12 3. On page 7, strike lines 4 through 6; in
13 line 10 strike "(9)" and insert "(8)"; in line 12 strike
14 "and"; in line 13 strike "(10)" and insert "(9)"; in
15 line 15 strike the underscored period and insert ";
16 and"; and after line 15 insert:
17 "(10) To know that this list of rights is not
18 all-inclusive and that you should ask your real estate
19 agent any questions you might have."

(2)

AM1785

(Amendments to AM0723, corrected)

- 1 1. On page 3, line 3, after "given" insert
2 "at least forty-eight hours".

(3)

AM1784

(Amendments to AM0723, corrected)

- 1 1. On page 3, after line 5 insert:
2 "A buyer or seller shall have the right to
3 rescind a real estate transaction until midnight of the
4 third business day following the signing of any

- 5 contractual agreement concerning such real estate. When
6 a buyer or seller exercises such right, he or she shall
7 not be charged any penalties or costs.”.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1123. By DeCamp, 40th District; Labeledz, 5th District.

A BILL FOR AN ACT relating to banking; to define terms; to authorize the formation of a banker's bank as prescribed; and to provide powers, duties, and limitations.

LEGISLATIVE BILL 1124. By Wesely, 26th District.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Employment Expansion and Investment Incentive Act; to provide for a state income tax credit; to provide an operative date; and to provide severability.

LEGISLATIVE BILL 1125. By DeCamp, 40th District.

A BILL FOR AN ACT relating to the Nebraska Insurance Guaranty Association Act; to amend sections 44-2403 and 44-2407, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to change provisions relating to powers and duties; and to repeal the original sections.

MOTION - Withdraw LB 288

Messrs. Hefner and Lundy renewed their pending motion found in the Journal on page 346 to withdraw LB 288.

The Hefner-Lundy motion prevailed with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

MOTION - Withdraw LB 647

Mrs. Higgins renewed her pending motion found in the Journal on page 383 to withdraw LB 647.

The Higgins motion prevailed with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

MOTION - Approve Appointments

Mr. Lamb moved the adoption of the report of the Public Works Committee for the following Governor appointments found in the Journal on page 356: C. F. (Fred) Hansen - Motor Vehicle Industry Licensing Board; Clifford E. Langel - Motor Vehicle Industry Licensing Board.

Voting in the affirmative, 25:

Abboud	Conway	Johnson, V.	Marsh	Pirsch
Baack	Goodrich	Labeledz	Morehead	Rupp
Barrett	Hall	Lamb	Nelson	Sieck
Carsten	Hartnett	Lundy	Nichol	Warner
Chizek	Johnson, L.	Lynch	Peterson	Withem

Voting in the negative, 0.

Present and not voting, 17:

Chambers	Goll	Hefner	Landis	Smith
Chronister	Haberman	Higgins	Miller	Vickers
DeCamp	Hannibal	Hoagland	Scofield	Wesely
Eret	Harris			

Excused and not voting, 7:

Beutler	Johnson, R.	Remmers	Rogers	Schmit
Beyer	Pappas			

These appointments were confirmed with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 645. Considered.

Mr. Goll asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. L. Johnson moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. L. Johnson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Abboud	Goodrich	Hoagland	Lundy	Scofield
Barrett	Hall	Johnson, L.	Morehead	Smith
Chronister	Hannibal	Johnson, V.	Nelson	Vickers
DeCamp	Harris	Labedz	Pirsch	Warner
Eret	Hartnett	Landis	Rupp	Withem

Voting in the negative, 12:

Baack	Haberman	Lamb	Miller	Remmers
Carsten	Hefner	Lynch	Peterson	Wesely
Conway	Higgins			

Present and not voting, 5:

Chambers	Chizek	Marsh	Nichol	Sieck
----------	--------	-------	--------	-------

Excused and not voting, 7:

Beutler	Goll	Pappas	Rogers	Schmit
Beyer	Johnson, R.			

Advanced to E & R for Review with 25 ayes, 12 nays, 5 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 645A. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 5 nays, 9 present and not voting, and 7 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1126. By Lamb, 43rd District; Sieck, 24th District; Remmers, 1st District; Peterson, 21st District; Barrett, 39th District; Eret, 32nd District; Carsten, 2nd District; Hefner, 19th District.

A BILL FOR AN ACT relating to schools; to amend section 79-4,102, Revised Statutes Supplement, 1984; to change provisions relating to nonresident high school tuition; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1127. By Abboud, 12th District.

A BILL FOR AN ACT relating to agriculture; to adopt the Agricultural Products Development Act.

LEGISLATIVE BILL 1128. By DeCamp, 40th District; Labeledz, 5th District.

A BILL FOR AN ACT relating to the definition of a person; to amend sections 28-109, 28-302, 28-1213, 30-809, and 49-801, Reissue Revised Statutes of Nebraska, 1943, and sections 28-401 and 28-710, Revised Statutes Supplement, 1985; to redefine the term person; to state intent; to define person for common law actions; and to repeal the original sections.

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 888	Tuesday, January 28, 1986	1:30 P.M.
LB 889	Tuesday, January 28, 1986	1:30 P.M.
LB 1069	Tuesday, January 28, 1986	1:30 P.M.
LB 1105	Tuesday, January 28, 1986	1:30 P.M.
LB 1044	Tuesday, January 28, 1986	1:30 P.M.

(Signed) Vard R. Johnson, Chairperson

MOTION - Withdraw LR 9CA

Mr. Vickers moved to withdraw LR 9CA.

Laid over.

MOTION - Withdraw LB 884

Mr. DeCamp moved to withdraw LB 884.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Messrs. Warner, Beutler, Lamb, and Mrs. Marsh asked unanimous consent to print the following amendment to LB 599 in the Journal. No objections. So ordered.

AM1776

- 1 1. Insert the following new section:
- 2 "Sec. 2. There is hereby created the Nebraska
- 3 Legislative Shared Information System Cash Fund which
- 4 fund shall consist of fees received from services
- 5 provided by the Legislature. Any money in the Nebraska
- 6 Legislative Shared Information System Cash Fund
- 7 available for investment shall be invested by the state
- 8 investment officer pursuant to section 72-1237 to
- 9 72-1269."
- 10 2. Renumber original section 2 as section 3.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Baack asked unanimous consent to have his name added as co-introducer to LB 1059. No objections. So ordered.

Mr. Vickers asked unanimous consent to have his name added as co-introducer to LB 131. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 712. Considered.

Mr. V. Johnson asked unanimous consent to bracket LB 712 until 4/1/86. No objections. So ordered.

LEGISLATIVE BILL 43. Considered.

Mrs. Morehead asked unanimous consent to withdraw her pending amendments, AM0558, found in the Journal on page 972, First Session, and AM0541, found in the Journal on page 974, First Session. No objections. So ordered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendments, AM0646, found in the Journal on page 1060, First Session, AM0637, found in the Journal on page 1061, First Session, AM0638, found in the Journal on page 1061, First Session, and AM0639, found in the Journal on page 1061, First Session. No objections. So ordered.

Mrs. Higgins moved to indefinitely postpone LB 43.

Mrs. Higgins asked unanimous consent to withdraw her pending motion to indefinitely postpone. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Peterson requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

Baack	Eret	Hoagland	Lundy	Remmers
Barrett	Haberman	Johnson, L.	Marsh	Scofield
Chambers	Hall	Johnson, V.	Miller	Warner
Chizek	Hannibal	Labeledz	Morehead	Wesely
Chronister	Harris	Landis	Nelson	Withem
DeCamp				

Voting in the negative, 14:

Abboud	Conway	Hefner	Peterson	Sieck
Beutler	Goodrich	Higgins	Pirsch	Smith
Carsten	Hartnett	Lamb	Rupp	

Present and not voting, 3:

Lynch	Nichol	Vickers
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Excused and not voting, 6:

Beyer	Johnson, R.	Pappas	Rogers	Schmit
Goll				

Advanced to E & R for Review with 26 ayes, 14 nays, 3 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 43A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 11 nays, 6 present and not voting, and 6 excused and not voting.

Messrs. Beutler and Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 691. Mr. DeCamp asked unanimous consent to bracket until April 15. No objections. So ordered.

LEGISLATIVE BILL 415. Passed over.

LEGISLATIVE BILL 153. Considered.

Mrs. Nelson asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers renewed his pending motion found in the Journal on page 1216, First Session, to indefinitely postpone LB 153.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers requested a record vote on his motion to indefinitely postpone.

Voting in the affirmative, 10:

Baack	Chambers	Hall	Morehead	Smith
Carsten	Eret	Labeledz	Rupp	Vickers

Voting in the negative, 24:

Abboud	Goll	Higgins	Lundy	Sieck
Chizek	Goodrich	Hoagland	Marsh	Warner
Chronister	Hannibal	Johnson, L.	Miller	Wesely
Conway	Harris	Johnson, V.	Pirsch	Withem
DeCamp	Hartnett	Landis	Remmers	

Present and not voting, 6:

Barrett	Lamb	Lynch	Nichol	Scofield
Hefner				

Excused and not voting, 9:

Beutler	Haberman	Nelson	Peterson	Schmit
Beyer	Johnson, R.	Pappas	Rogers	

The Chambers motion to indefinitely postpone lost with 10 ayes, 24 nays, 6 present and not voting, and 9 excused and not voting.

Messrs. Withem and DeCamp asked unanimous consent to be excused. No objections. So ordered.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. V. Johnson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Beutler	Harris	Johnson, V.	Marsh	Scofield
Chizek	Hartnett	Lamb	Miller	Sieck
Chronister	Hefner	Landis	Nichol	Vickers
Conway	Hoagland	Lundy	Pirsch	Warner
Goll	Johnson, L.	Lynch	Remmers	Wesely
Goodrich				

Voting in the negative, 12:

Abboud	Carsten	Hall	Labadz	Rupp
Baack	Chambers	Higgins	Morehead	Smith
Barrett	Eret			

Present and not voting, 1:

Hannibal

Excused and not voting, 10:

Beyer	Haberman	Nelson	Peterson	Schmit
DeCamp	Johnson, R.	Pappas	Rogers	Withem

Advanced to E & R for Review with 26 ayes, 12 nays, 1 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 153A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 7 nays, 7 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1129. By Hartnett, 45th District; Harris, 27th District.

A BILL FOR AN ACT relating to schools; to amend section 79-1528, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to the treatment of contributions made by a member who dies before retirement; and to repeal the original section.

LEGISLATIVE BILL 1130. By Hartnett, 45th District; Lynch, 13th District.

A BILL FOR AN ACT relating to schools; to amend section 79-488, Revised Statutes Supplement, 1984; to provide for an inspection of school buses and vans as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1131. By Hartnett, 45th District; Labedz, 5th District.

A BILL FOR AN ACT relating to county roads; to amend section 39-1405, Reissue Revised Statutes of Nebraska, 1943; to authorize the county to contract with certain homeowners for road maintenance; and to repeal the original section.

LEGISLATIVE BILL 1132. By Sieck, 24th District.

A BILL FOR AN ACT relating to natural resources; to state intent; to define terms; to provide duties for certain persons; to provide for restoration practices for land prone to wind erosion; to provide a penalty; and to provide powers and duties for natural resources districts.

LEGISLATIVE BILL 1133. By Morehead, 30th District; Lamb, 43rd District; Warner, 25th District; Scofield, 49th District.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-903 and 85-912, Reissue Revised Statutes of Nebraska, 1943, and sections 85-902, 85-905, 85-907, and 85-910.01, Revised Statutes Supplement, 1984; to provide for an increase in the number of members of the Nebraska Coordinating Commission for Postsecondary Education as prescribed; to change provisions for

nonvoting and voting members on the commission as prescribed; to eliminate certain voting prohibitions as prescribed; to provide for a change in types of members present necessary to constitute a quorum; to delete obsolete language; to repeal the original sections, and also section 85-902.01, Revised Statutes Supplement, 1984.

LEGISLATIVE BILL 1134. By Wesely, 26th District.

A BILL FOR AN ACT relating to school retirement system; to amend section 79-1560, Reissue Revised Statutes of Nebraska, 1943; to provide for an increase in supplemental retirement benefits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1135. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Indigent Medical Care Trust Fund Act.

LEGISLATIVE BILL 1136. By DeCamp, 40th District.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-148, Revised Statutes Supplement, 1985; to provide for the investment, purchase, and ownership of certain shares by banks as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1137. By Hartnett, 45th District.

A BILL FOR AN ACT relating to sanitary and improvement districts; to provide a prohibition relating to indebtedness as prescribed.

LEGISLATIVE BILL 1138. By Hartnett, 45th District.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend sections 31-756, 31-771, and 31-778, Reissue Revised Statutes of Nebraska, 1943; to provide for an additional procedure relating to bonds as prescribed; to provide for an additional requirement relating to the appointment of an administrator as prescribed; to provide for an additional notice of district court action relating to compromise of indebtedness procedures as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1139. By Nebraska Retirement Systems Committee: Harris, 27th District, Chairperson; Abboud, 12th

District; Marsh, 29th District; Vickers, 38th District; Warner, 25th District.

A BILL FOR AN ACT relating to retirement plans; to amend sections 24-704, 79-1514, 79-1532, 79-1556, 81-2022, 81-2031, 84-1324, and 84-1502, Reissue Revised Statutes of Nebraska, 1943, sections 24-701 and 84-1503, Revised Statutes Supplement, 1984, and sections 23-2312 and 23-2322, Revised Statutes Supplement, 1985; to change provisions relating to employee retirement plans and the administration of such plans; to provide powers for and limit liability of the Public Employees Retirement Board; and to repeal the original sections.

LEGISLATIVE BILL 1140. By Goodrich, 20th District.

A BILL FOR AN ACT relating to retirement; to adopt the Legislators' Retirement Act.

NOTICE OF COMMITTEE HEARINGS

Education

LB 1039	Tuesday, January 28, 1986	1:30 P.M.
LB 1062	Tuesday, January 28, 1986	1:30 P.M.
LB 1092	Tuesday, January 28, 1986	1:30 P.M.
LB 1093	Tuesday, January 28, 1986	1:30 P.M.

(Signed) Tom Vickers, Chairperson

Banking, Commerce and Insurance

LB 1005	Tuesday, January 28, 1986	4:30 P.M.
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(Signed) John DeCamp, Chairperson

Health and Human Services

LB 905	Tuesday, January 28, 1986	1:30 P.M.
LB 1060	Tuesday, January 28, 1986	1:30 P.M.
LB 1046	Tuesday, January 28, 1986	1:30 P.M.
LB 1047	Tuesday, January 28, 1986	1:30 P.M.

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LR 18CA in the Journal. No objections. So ordered.

AM1755

- 1 1. On page 1, line 4, strike "FIRST" and
2 insert "SECOND".
- 3 2. Strike section 1 and insert the following
4 new section:
5 "Section 1. That at the general election in
6 November 1986 there shall be submitted to the electors
7 of the State of Nebraska for approval the following
8 amendment to Article XIII, section 1, of the
9 Constitution of Nebraska, which is hereby proposed by
10 the Legislature:
11 'CXIII-1 The state may, to meet casual
12 deficits, or failures in the revenue, contract debts
13 never to exceed in the aggregate one hundred thousand
14 dollars, and no greater indebtedness shall be incurred
15 except for the purpose of repelling invasion,
16 suppressing insurrection, or defending the state in war,
17 and provision shall be made for the payment of the
18 interest annually, as it shall accrue, by a tax levied
19 for the purpose, or from other sources of revenue, which
20 law providing for the payment of such interest by such
21 tax shall be irrevocable until such debt is paid,
2 except ~~;- PROVIDED;~~ that if the Legislature determines by
3 a three-fifths vote of the members elected thereto that
4 (1) the need for construction of highways in this state
5 requires such action, it may authorize the issuance of
6 bonds for such construction, and for the payment of the
7 interest and the retirement of such bonds it may pledge
8 any tolls to be received from such highways or it may
9 irrevocably pledge for the term of the bonds all or a
10 part of any state revenue closely related to the use of
11 such highways, such as motor vehicle fuel taxes or motor
12 vehicle license fees and (2) projects for the
13 preservation, conservation, maintenance, and development
14 of Nebraska's water and related land resources and
15 projects for the preservation, conservation,
16 maintenance, and enhancement of the environment the
17 ~~construction of water retention and impoundment~~
18 ~~structures for the purposes of water conservation and~~
19 ~~management~~ will promote the general welfare of the
20 state, it may (a) authorize the issuance of revenue
bonds for such ~~construction~~ projects, and for the

21 payment of the interest and the retirement of such bonds
22 it may pledge all or any part of any state revenue
23 derived from the use of such structures; **AND PROVIDED**
24 **FURTHER, that the** projects, (b) authorize the issuance
1 of state general obligation bonds for such projects, and
2 for the payment of the interest and the retirement of
3 such bonds it may pledge the full faith and credit of
4 the state, (c) authorize the issuance of state limited
5 obligation bonds for such projects, and for the payment
6 of the interest and retirement of such bonds it may
7 pledge all or any part of any state revenue designated
8 therefor by the Legislature, and (d) authorize the state
9 guarantee of general obligation bonds, limited
10 obligation bonds, and revenue bonds issued by political
11 subdivisions of the state for such projects, and for the
12 payment of the interest and the retirement of such bonds
13 it may pledge the full faith and credit of the state or
14 all or any part of any state revenue designated therefor
15 by the Legislature. The Board of Regents of the
16 University of Nebraska, the Board of Trustees of the
17 Nebraska State Colleges, and the State Board of
18 Education may issue revenue bonds to construct,
19 purchase, or otherwise acquire, extend, add to, remodel,
20 repair, furnish, and equip dormitories, residence halls,
21 single or multiple dwelling units, or other facilities
22 for the housing and boarding of students, single or
23 married, and faculty or other employees, buildings and
24 structures for athletic purposes, student unions or
1 centers, and for the medical care and physical
2 development and activities of students, and buildings or
3 other facilities for parking, which bonds shall be
4 payable solely out of revenue, fees, and other payments
5 derived from the use of the buildings and facilities
6 constructed or acquired, including buildings and
7 facilities heretofore or hereafter constructed or
8 acquired, and paid for out of the proceeds of other
9 issues of revenue bonds, and the revenue, fees, and
10 payments so pledged need not be appropriated by the
11 Legislature, and any such revenue bonds heretofore
12 issued by either of such boards are hereby authorized,
13 ratified, and validated. Bonds for new construction
14 shall be first approved as the Legislature shall
15 provide.'”.

Mr. Schmit asked unanimous consent to print the following amendment to LB 302 in the Journal. No objections. So ordered.

AM1760

- 1 1. Insert the following new section:
- 2 "Sec. 4. This act shall become operative on
- 3 January 1, 1987."
- 4 2. Renumber the remaining section
- 5 accordingly.

Mr. Hoagland asked unanimous consent to print the following amendment to LB 631 in the Journal. No objections. So ordered.

AM1796

(Amendments to Standing Committee amendments)

- 1 1. On page 1, strike beginning with "in" in
- 2 line 2 through the semicolon in line 3.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1141. By Chambers, 11th District.

A BILL FOR AN ACT relating to attorneys at law; to repeal a lien; and to repeal section 7-108, Reissue Revised Statutes of Nebraska, 1943.

VISITORS

Visitors to the Chamber were Al and Helen Spagnola from Omaha.

ADJOURNMENT

At 12:13 p.m., on a motion by Ms. Scofield, the Legislature adjourned until 9:00 a.m., Wednesday, January 22, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

TENTH DAY - JANUARY 22, 1986

LEGISLATIVE JOURNAL

TENTH DAY - JANUARY 22, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

TENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 22, 1986

Pursuant to adjournment, the Legislature met at 9:10 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Associate Pastor Jerry Classen, Indian Hills Community Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Barrett, Beyer, Haberman, Harris, Hoagland, Schmit, Mrs. Morehead, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Ninth Day was approved.

MOTION - Withdraw LB 262

Mr. Pappas moved to withdraw LB 262.

Laid over.

MOTION - Withdraw LB 161

Mr. Pappas moved to withdraw LB 161.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1107-1110, 1112-1134, and 1136-1141.

LB	Committee
1107	Judiciary
1108	Business and Labor
1109	Judiciary
1110	Nebraska Retirement Systems
1112	Banking, Commerce and Insurance
1113	Agriculture and Environment
1114	Revenue
1115	Constitutional Revision and Recreation
1116	Constitutional Revision and Recreation
1117	Revenue
1118	Public Works
1119	Public Works
1120	Banking, Commerce and Insurance
1121	Public Works
1122	Public Works
1123	Banking, Commerce and Insurance
1124	Revenue
1125	Banking, Commerce and Insurance
1126	Education
1127	Agriculture and Environment
1128	Judiciary
1129	Nebraska Retirement Systems
1130	Public Works
1131	Public Works
1132	Public Works
1133	Education
1134	Nebraska Retirement Systems
1136	Banking, Commerce and Insurance
1137	Urban Affairs
1138	Urban Affairs
1139	Nebraska Retirement Systems
1140	Nebraska Retirement Systems
1141	Judiciary

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

ATTORNEY GENERAL'S OPINION

Opinion No. 86007

January 17, 1986

To: Senator Donald Eret

Subject: LB 638, unconstitutional delegation of legislative authority to the United States Secretary of Agriculture.

This is in response to your letter of December 2, 1985. In that letter you ask us to reconsider our letter to Senator Rod Johnson of April 12, 1985, (copy enclosed), concerning LB 638. That letter simply stated that we had the same objections to LB 638 as we had to LB 551 (1983) as set forth in Attorney General Opinion No. 40, March 9, 1983.

LB 638 would adopt the parity prices established by the United States Secretary of Agriculture as a basis for the minimum sale prices of certain commodities in Nebraska. The parity prices are calculated by the Secretary of Agriculture pursuant to 7 U.S.C.A. §1301. As we read these provisions of federal law, they grant considerable discretion to the Secretary in establishing these parity prices. This calculation is not simply a mathematical process.

The law in Nebraska is clear that the Nebraska Legislature cannot delegate its legislative authority to be exercised by administrative officials, be they the state or federal officials. Smithberger v. Banning, 129 Neb. 651, 262 N.W. 492 (1935), Lincoln Dairy Company v. Finigan, 170 Neb. 777, 104 N.W.2d 227 (1960). This is what LB 638 does, by granting discretionary authority to the Secretary of Agriculture who calculates parity prices, which in turn determine the minimum sale prices for the State of Nebraska.

The fact that the Nebraska Legislature may be in session when such prices are calculated by the Secretary is not relevant. Once the law has been enacted, it constitutes a delegation of legislative authority. The mere fact that the Legislature might act in the future to change this law if it should disagree with the actions taken by the Secretary is of no consequence. The law would be unconstitutional as enacted.

For the foregoing reasons, we reaffirm our opinion No. 40, dated March 9, 1983, and our letter to Senator Rod Johnson, dated April 12, 1985, concerning LB 638.

Sincerely,
ROBERT M. SPIRE
Attorney General

(Signed) John Boehm
Assistant Attorney General

JB/bae

Enclosure

cc: Patrick J. O'Donnell
Clerk of the Legislature

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 1030	Wednesday, January 29, 1986	1:30 P.M.
LB 1114	Wednesday, January 29, 1986	1:30 P.M.
LB 890	Wednesday, January 29, 1986	1:30 P.M.

(Signed) Vard R. Johnson, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 317, LR 320, and LR 323.

MOTION - Withdraw LR 9CA

Mr. Vickers renewed his pending motion found in the Journal on page 423 to withdraw LR 9CA.

The motion prevailed with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

MOTION - Withdraw LB 884

Mr. DeCamp renewed his pending motion found in the Journal on page 423 to withdraw LB 884.

The motion prevailed with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Place LB 178 on General File

Mr. DeCamp renewed his pending motion found in the Journal on page 304 to place LB 178 on General File notwithstanding the action of the committee.

Mr. DeCamp moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. DeCamp requested a roll call vote on his motion.

Voting in the affirmative, 24:

Beyer	Haberman	Labeledz	Pappas	Rupp
Chronister	Hannibal	Lundy	Peterson	Sieck
DeCamp	Harris	Lynch	Pirsch	Smith
Eret	Hartnett	Morehead	Remmers	Warner
Goll	Johnson, L.	Nichol	Rogers	

Voting in the negative, 20:

Abboud	Chizek	Higgins	Landis	Scofield
Baack	Conway	Johnson, R.	Marsh	Vickers
Barrett	Hall	Johnson, V.	Miller	Wesely
Carsten	Hefner	Lamb	Nelson	Withem

Present and not voting, 2:

Chambers Goodrich

Excused and not voting, 3:

Beutler Hoagland Schmit

The DeCamp motion lost with 24 ayes, 20 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1142. By Revenue Committee: V. Johnson, 8th District, Chairperson; Hartnett, 45th District; Landis, 46th District; Miller, 37th District; Sieck, 24th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 1985, and section 77-2701.01, Revised Statutes Supplement, 1984, as amended by section 1, Legislative Bill 35, Eighty-ninth Legislature, Second Special Session, 1985; to authorize the Tax Commissioner to adjust the income tax rate to reflect federal changes as prescribed; to change the income tax rate; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1143. By Revenue Committee: V. Johnson, 8th District, Chairperson; Hartnett, 45th District; Hefner, 19th District; Landis, 46th District; Miller, 37th District; Pirsch, 10th District; Sieck, 24th District.

A BILL FOR AN ACT relating to oil, fuels, and energy; to adopt the Petroleum Products Act.

LEGISLATIVE BILL 1144. By Pappas, 42nd District.

A BILL FOR AN ACT relating to agriculture; to require sellers of agricultural chemicals to submit a report as prescribed.

LEGISLATIVE BILL 1145. By Pappas, 42nd District.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-303, Revised Statutes Supplement, 1985; to change provisions relating to requirements for registration of motor vehicles; and to repeal the original section.

LEGISLATIVE BILL 1146. By Pappas, 42nd District.

A BILL FOR AN ACT relating to corn development; to amend sections 2-3601, 2-3602, 2-3615, and 2-3616, Reissue Revised Statutes of Nebraska, 1943; to provide election for a certain board as prescribed; to provide for termination of a certain board as prescribed; to provide for successors to a certain board as prescribed; to provide for vacancies on a certain board; to harmonize provisions; and to repeal the original sections, and also sections 2-3612 to 2-3614, 2-3617, and 2-3620, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1147. By Pappas, 42nd District.

A BILL FOR AN ACT relating to civil actions; to limit the amount of judgment; and to provide an exception and procedure.

LEGISLATIVE BILL 1148. By Nichol, 48th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-515, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to theft of services as prescribed; to provide defenses; and to repeal the original section.

LEGISLATIVE BILL 1149. By DeCamp, 40th District.

A BILL FOR AN ACT relating to retirement; to amend sections 84-1312 and 84-1318, Reissue Revised Statutes of Nebraska, 1943, and sections 84-1307, 84-1309, and 84-1311, Revised Statutes Supplement, 1984; to include members of the Legislature in the State Employees Retirement Act as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1150. By Conway, 17th District.

A BILL FOR AN ACT relating to financial planning; to amend sections 69-1201, 69-1202, 69-1203, 69-1205, 69-1207, 69-1209, and 69-1212 to 69-1215, Reissue Revised Statutes of Nebraska, 1943, and section 69-1204, Revised Statutes Supplement, 1984; to define and redefine terms; to provide for licensure for financial planning; to provide an additional exception; to harmonize provisions; to provide contract requirements; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 1151. By Hannibal, 4th District.

A BILL FOR AN ACT relating to motor vehicle registration; to amend sections 60-301, 60-305.01, 60-305.04, 60-310, 60-311.12, 60-326.01, 60-336, 60-337, and 60-338, Reissue Revised Statutes of Nebraska, 1943, and sections 60-302 and 60-329, Revised Statutes Supplement, 1985; to provide for biennial registration of certain motor vehicles; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1152. By Rupp, 22nd District.

A BILL FOR AN ACT relating to game and parks; to amend section 37-526, Reissue Revised Statutes of Nebraska, 1943; to permit certain actions in designated wildlife management areas; and to repeal the original section.

LEGISLATIVE BILL 1153. By Pappas, 42nd District.

A BILL FOR AN ACT relating to sales and income tax; to amend section 77-2702, Revised Statutes Supplement, 1985; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 1154. By Haberman, 44th District.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2704, Revised Statutes Supplement, 1985; to eliminate an exemption; and to repeal the original section.

LEGISLATIVE BILL 1155. By Haberman, 44th District.

A BILL FOR AN ACT relating to assessment of property; to amend section 19-2428, Reissue Revised Statutes of Nebraska, 1943; to eliminate provisions relating to special assessment in agricultural use zones; to harmonize provisions; and to repeal the original section, and also sections 77-1343 to 77-1348, Revised Statutes Supplement, 1985.

LEGISLATIVE BILL 1156. By Haberman, 44th District.

A BILL FOR AN ACT relating to telecommunications; to amend sections 75-109, 75-601 to 75-605, 75-607, 75-608, 75-611, 75-612, 75-614, and 75-616, Reissue Revised Statutes of Nebraska, 1943, and sections 75-609, 75-609.01, 75-610, and 75-613, Revised Statutes Supplement, 1984; to state intent; to define terms; to provide for classification of certain companies and services as prescribed; to provide a limitation on regulation; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1157. By Haberman, 44th District.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1208.01, Revised Statutes Supplement, 1985; to raise taxes on parimutuel wagering as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1158. By DeCamp, 40th District.

A BILL FOR AN ACT relating to elections; to amend sections 32-827, 32-835, and 32-849, Reissue Revised Statutes of Nebraska, 1943; to provide for absentee ballots and registration for certain military personnel and other citizens as prescribed; to provide for registration on Federal Postcard Application Forms as prescribed; to

provide for a special write-in ballot as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1159. By Labeledz, 5th District.

A BILL FOR AN ACT relating to criminal procedure; to eliminate certain peace bonds; and to repeal sections 29-301 to 29-312, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1160. By Lynch, 13th District.

A BILL FOR AN ACT relating to drugs and narcotics; to amend section 28-405, Reissue Revised Statutes of Nebraska, 1943; to change the controlled substances schedules; and to repeal the original section.

LEGISLATIVE BILL 1161. By Lynch, 13th District.

A BILL FOR AN ACT relating to taxation; to amend section 57-703, Reissue Revised Statutes of Nebraska, 1943; to change the oil and gas severance tax rate; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1162. By Lynch, 13th District.

A BILL FOR AN ACT relating to zoning; to amend sections 14-418, 14-419, 15-905, 18-1306, and 23-114, Reissue Revised Statutes of Nebraska, 1943, and section 15-902, Revised Statutes Supplement, 1985; to limit the zoning jurisdiction of cities and villages as prescribed; to expand the zoning jurisdiction of counties as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1163. By Lynch, 13th District.

A BILL FOR AN ACT relating to housing authorities; to amend sections 32-1401, 32-1402, and 71-1525, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1523, 71-1524, and 71-1550, Revised Statutes Supplement, 1984; to provide that commissioners be elected rather than appointed; to provide for election districts and recall of commissioners; to harmonize provisions; and to repeal the original sections, and also section 71-1526, Revised Statutes Supplement, 1984.

LEGISLATIVE BILL 1164. By Lynch, 13th District.

A BILL FOR AN ACT relating to housing authorities; to amend section 71-1525, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1522 to 71-1524, 71-1531, 71-1550, and 71-1552, Revised Statutes Supplement, 1984; to redefine terms; to eliminate provisions relating to the appointment of commissioners; to provide that political subdivision governing board members shall serve as commissioners; to harmonize provisions; and to repeal the original sections, and also section 71-1526, Revised Statutes Supplement, 1984.

LEGISLATIVE BILL 1165. By Lynch, 13th District.

A BILL FOR AN ACT relating to handicapped persons; to amend section 60-311.14, Reissue Revised Statutes of Nebraska, 1943; to adopt the Motor Vehicle Licensing and Parking for Handicapped Persons Act; to eliminate certain provisions relating to parking for the disabled; to harmonize provisions; and to repeal the original section, and also sections 18-1737, 18-1738, 18-1738.01, 18-1740, and 18-1741, Reissue Revised Statutes of Nebraska, 1943, and sections 18-1736 and 18-1739, Revised Statutes Supplement, 1984.

LEGISLATIVE BILL 1166. By Vickers, 38th District.

A BILL FOR AN ACT relating to elections; to amend sections 32-419, 32-420.01, 32-509, 32-528, and 32-530, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to primary elections as prescribed; to change the form of primary election ballots; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1167. By Vickers, 38th District.

A BILL FOR AN ACT relating to nursing homes; to define terms; to provide conditions for reimbursement as prescribed; to prescribe rates for certain services; to provide a cause of action; and to provide a notice requirement as prescribed.

LEGISLATIVE BILL 1168. By Vickers, 38th District.

A BILL FOR AN ACT relating to education; to amend section 57-705, Revised Statutes Supplement, 1985; to change the disposition of receipts from the oil and gas severance tax; to provide funds for the Professional Staff Development Fund as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1169. By Vickers, 38th District.

A BILL FOR AN ACT relating to irrigation transfer; to amend section 46-289, Reissue Revised Statutes of Nebraska, 1943; to change the factors considered in interbasin transfer; and to repeal the original section.

LEGISLATIVE BILL 1170. By Vickers, 38th District.

A BILL FOR AN ACT relating to state party conventions; to amend section 32-554, Reissue Revised Statutes of Nebraska, 1943; to change the basis for determining representation in state conventions; and to repeal the original section.

LEGISLATIVE BILL 1171. By Vickers, 38th District.

A BILL FOR AN ACT relating to economic development; to state intent; to create the office of State Office for Economic, Commercial, and Human Development and the position of State Government Liaison Officer for Economic, Commercial, and Human Development as prescribed; to provide powers and duties; and to declare an emergency.

LEGISLATIVE BILL 1172. By Vickers, 38th District; R. Johnson, 34th District.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-903, 85-904, 85-906, 85-916.01, 85-916.02, 85-969, 85-970, 85-973, 85-977, 85-981, 85-982, 85-985, 85-990, 85-992, 85-995 to 85-998, 85-9,100 to 85-9,102, 85-1007, 85-1008, 85-1102, 85-1103, 85-1105 to 85-1109, and 85-1111, Reissue Revised Statutes of Nebraska, 1943, sections 81-102, 85-901, 85-905, 85-907, 85-909, 85-911, 85-913, 85-954, 85-974, 85-994, 85-999, 85-9,103 to 85-9,105, and 85-9,107 to 85-9,109, Revised Statutes Supplement, 1984, and section 85-975, Revised Statutes Supplement, 1985; to name an act; to state intent; to adopt the Higher Education Planning and Review Act; to eliminate the Nebraska Coordinating Commission for Postsecondary Education; to provide for the appointment of a director; to create an agency; to provide for regional compacts and agreements; to provide powers and duties; to harmonize provisions; and to repeal the original sections, and also sections 85-912, 85-914, 85-915, and 85-983, Reissue Revised Statutes of Nebraska, 1943, and sections 85-902, 85-902.01, 85-908, 85-910, and 85-910.01, Revised Statutes Supplement, 1984.

LEGISLATIVE BILL 1173. By Scofield, 49th District.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-1505, Revised Statutes Supplement, 1984; to change provisions relating to aquifers; and to repeal the original section.

LEGISLATIVE BILL 1174. By Scofield, 49th District.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-1505, Revised Statutes Supplement, 1984; to change provisions relating to aquifers; and to repeal the original section.

LEGISLATIVE BILL 1175. By Scofield, 49th District; Harris, 27th District.

A BILL FOR AN ACT relating to liquors; to amend sections 53-103, 53-123, 53-124, 53-160, 53-164.01, 53-169, and 53-171, Revised Statutes Supplement, 1985; to state intent; to define a term; to provide licensing requirements for farm breweries; to provide duties; to provide fees; to provide a tax; and to repeal the original sections.

LEGISLATIVE BILL 1176. By R. Johnson, 34th District; Vickers, 38th District.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-1804, 2-2309, 2-2901, 2-2902, 2-2904 to 2-2907, 2-3311, 2-3407, 2-4011, 23-358 to 23-360, 23-609, and 54-2112, Reissue Revised Statutes of Nebraska, 1943, and section 2-3622, Revised Statutes Supplement, 1985; to provide for animal damage control aides; to change provisions relating to predatory animals; to provide powers and duties; to provide for an additional use of funds; and to repeal the original sections.

LEGISLATIVE BILL 1177. By Sieck, 24th District.

A BILL FOR AN ACT relating to persons with disabilities; to amend sections 8-206, 17-135, 21-610, 25-213, 25-21,152, 29-1822, 29-2537, 29-2540, 29-2541, 29-3205, 30-2902, 31-113, 42-103, 42-501, 42-502, 42-503, 43-604, 43-611, 43-616.02, 43-620, 43-621, 43-631, 47-101, 55-106, 67-332, 68-1202, 75-321, 76-724, 77-1311, 77-1827, 77-1855, 79-1345, 79-2213, 83-112, 83-1,141, 83-1,142, 83-1,144, 83-1,144.01, 83-217, 83-218, 83-363, 83-381, 83-382, 83-386, 83-387, 83-389, 83-1101, 83-1103, 83-1104, 83-1108, 83-1112 to 83-1117, 83-1122, 83-1125, and 83-1128, Reissue Revised Statutes of Nebraska, 1943, sections 68-721, 71-901, 71-5858, 79-328, and 83-383, Revised Statutes Supplement, 1984, and sections 23-104.03 and 43-289,

Revised Statutes Supplement, 1985; to change references to certain persons with disabilities; to harmonize provisions; and to repeal the original sections.

NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems

LB 860	Thursday, January 30, 1986	12:00 noon
LB 822	Thursday, January 30, 1986	12:00 noon
LB 1129	Thursday, January 30, 1986	12:00 noon

Governor Appointments Thursday, January 30, 1986 12:00 noon
Lou Ninegar - Public Employee Retirement Board
Alcurtis Robinson - Public Employee Retirement Board

LB 938	Monday, February 3, 1986	12:00 noon
LB 764	Monday, February 3, 1986	12:00 noon
LB 794	Monday, February 3, 1986	12:00 noon
LB 955	Monday, February 3, 1986	12:00 noon

(Signed) Bill Harris, Chairperson

Public Works

LB 896	Wednesday, January 29, 1986	1:30 P.M.
LB 902	Wednesday, January 29, 1986	1:30 P.M.
LB 920	Wednesday, January 29, 1986	1:30 P.M.
LB 1000	Wednesday, January 29, 1986	1:30 P.M.
LB 1050	Wednesday, January 29, 1986	1:30 P.M.
LB 1119	Wednesday, January 29, 1986	1:30 P.M.

LB 948	Thursday, January 30, 1986	1:30 P.M.
LB 949	Thursday, January 30, 1986	1:30 P.M.
LB 933	Thursday, January 30, 1986	1:30 P.M.
LB 934	Thursday, January 30, 1986	1:30 P.M.
LB 1118	Thursday, January 30, 1986	1:30 P.M.

(Signed) Loran Schmit, Chairperson

Business and Labor

LB 950	Wednesday, January 29, 1986	1:30 P.M.
LB 951	Wednesday, January 29, 1986	1:30 P.M.
LB 952	Wednesday, January 29, 1986	1:30 P.M.
LB 1023	Wednesday, January 29, 1986	1:30 P.M.

LB 799	Wednesday, January 29, 1986	1:30 P.M.
LB 901	Wednesday, January 29, 1986	1:30 P.M.
LB 917	Wednesday, January 29, 1986	1:30 P.M.
LB 1019	Wednesday, January 29, 1986	1:30 P.M.

(Signed) Bill Barrett, Chairperson

UNANIMOUS CONSENT - Withdraw Co-Introducer

Mr. Conway asked unanimous consent to have his name withdrawn as co-introducer to LR 311. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 525 in the Journal. No objections. So ordered.

AM0937

- 1 1. On page 3, line 3, strike "ten" and insert
- 2 "twenty"; in line 5 strike "Such" and insert "Ten of
- 3 dollars of such"; and in line 6 after "fund" insert
- 4 "and ten dollars shall be transmitted to the State
- 5 Treasurer for deposit in the General Fund".

SELECT FILE

LEGISLATIVE BILL 667. Mrs. Higgins renewed her pending amendment, AM1618, found in the Journal on page 2721, First Session.

SPEAKER NICHOL PRESIDING

Mr. Rupp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Higgins moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mrs. Higgins requested a record vote on her amendment.

Voting in the affirmative, 11:

Beyer	Eret	Higgins	Pappas	Smith
Carsten	Haberman	Labeledz	Remmers	Wesely
Chambers				

Voting in the negative, 26:

Abboud	Goll	Hartnett	Landis	Pirsch
Baack	Goodrich	Hefner	Lundy	Scofield
Barrett	Hall	Johnson, L.	Marsh	Sieck
Chronister	Hannibal	Johnson, V.	Morehead	Vickers
Conway	Harris	Lamb	Nelson	Warner
DeCamp				

Present and not voting, 8:

Chizek	Lynch	Nichol	Rogers
Johnson R.	Miller	Peterson	Withem

Excused and not voting, 4:

Beutler	Hoagland	Rupp	Schmit
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The Higgins amendment lost with 11 ayes, 26 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mrs. Higgins renewed her pending amendment (1), AM1774, found in the Journal on page 419.

The Higgins amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mrs. Higgins renewed her pending amendment (2), AM1785, found in the Journal on page 419.

Mrs. Higgins requested a record vote on her amendment.

Voting in the affirmative, 3:

Eret	Higgins	Labeledz
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Voting in the negative, 28:

Abboud	Conway	Hall	Johnson, L.	Landis
Barrett	DeCamp	Hannibal	Johnson, R.	Lundy
Carsten	Goll	Hartnett	Johnson, V.	Marsh
Chronister	Goodrich	Hoagland	Lamb	Morehead

Nelson	Remmers	Smith	Warner
Nichol	Scofield	Vickers	Withem

Present and not voting, 15:

Baack	Chizek	Hefner	Pappas	Rogers
Beyer	Haberman	Lynch	Peterson	Sieck
Chambers	Harris	Miller	Pirsch	Wesely

Excused and not voting, 3:

Beutler	Rupp	Schmit
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The Higgins amendment lost with 3 ayes, 28 nays, 15 present and not voting, and 3 excused and not voting.

Mrs. Higgins renewed her pending amendment (3), AM1784, found in the Journal on page 419.

Mrs. Morehead asked unanimous consent to be excused. No objections. So ordered.

Mrs. Higgins requested a record vote on her amendment.

Voting in the affirmative, 6:

Eret	Higgins	Labeledz	Schmit	Smith
Haberman				

Voting in the negative, 26:

Abboud	DeCamp	Harris	Lamb	Nichol
Baack	Goll	Hartnett	Landis	Remmers
Barrett	Goodrich	Hoagland	Lundy	Scofield
Beyer	Hall	Johnson, L.	Marsh	Warner
Carsten	Hannibal	Johnson, V.	Nelson	Withem
Conway				

Present and not voting, 14:

Chambers	Hefner	Miller	Pirsch	Vickers
Chizek	Johnson, R.	Pappas	Rogers	Wesely
Chronister	Lynch	Peterson	Sieck	

Excused and not voting, 3:

Beutler Morehead Rupp

The Higgins amendment lost with 6 ayes, 26 nays, 14 present and not voting, and 3 excused and not voting.

Mrs. Higgins requested a record vote on the advancement of the bill.

Voting in the affirmative, 6:

Carsten	Haberman	Higgins	Labeledz	Schmit
Eret				

Voting in the negative, 32:

Abboud	DeCamp	Hefner	Miller	Scofield
Baack	Goll	Hoagland	Nelson	Smith
Barrett	Goodrich	Johnson, V.	Nichol	Vickers
Beutler	Hall	Landis	Pappas	Warner
Beyer	Hannibal	Lundy	Remmers	Wesely
Chronister	Harris	Marsh	Rupp	Withem
Conway	Hartnett			

Present and not voting, 10:

Chambers	Johnson, L.	Lamb	Peterson	Rogers
Chizek	Johnson, R.	Lynch	Pirsch	Sieck

Excused and not voting, 1:

Morehead

Failed to advance to E & R for Engrossment with 6 ayes, 32 nays, 10 present and not voting, and 1 excused and not voting.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1178. By Sieck, 24th District.

A BILL FOR AN ACT relating to soil and water conservation; to amend sections 2-1506, 2-1547, and 2-1577, Reissue Revised Statutes of Nebraska, 1943, and sections 77-2701 and 77-2704, Revised Statutes Supplement, 1985; to impose a sales tax on certain food and food products to be credited to the Nebraska Soil and Water Conservation Fund; to rename a fund with the same name; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1179. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to the Nebraska Fair Employment Practice Act; to amend section 48-1120, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to attorney's fees; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1180. By Revenue Committee: - V. Johnson, 8th District, Chairperson; Hartnett, 45th District; Landis, 46th District; Miller, 37th District; Sieck, 24th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,147, Reissue Revised Statutes of Nebraska, 1943, sections 77-2701.02, 77-2705, and 77-2706, Revised Statutes Supplement, 1984, and sections 77-2702, 77-2703, 77-2704, 77-2708, 77-2709, 77-2711, and 84-612, Revised Statutes Supplement, 1985; to define and redefine terms; to provide for a sales tax on services; to change provisions relating to the rate of sales and use tax; to change provisions relating to exemptions; to change a date for the reversal of certain funds as prescribed; to harmonize provisions; to provide a termination date; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1181. By DeCamp, 40th District.

A BILL FOR AN ACT relating to trust companies; to amend sections 8-201, 8-205, 8-206, and 8-209, Reissue Revised Statutes of Nebraska, 1943; to require an additional statement prior to commencing business; to change capital stock and deposit requirements; to change powers; to eliminate a limit on maximum liability; and to repeal the original sections, and also section 8-222, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1182. By DeCamp, 40th District; Pappas, 42nd District; Schmit, 23rd District.

A BILL FOR AN ACT relating to financial institutions; to amend sections 8-815 and 8-821, Reissue Revised Statutes of Nebraska, 1943, and sections 8-1511 to 8-1513, Revised Statutes Supplement, 1984; to change provisions relating to personal loans and acquisition of financial institutions; to define terms; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1183. By Eret, 32nd District; R. Johnson, 34th District.

A BILL FOR AN ACT relating to aeronautics; to amend sections 3-155 to 3-157, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the sale of certain real property; to authorize a grant; and to repeal the original sections.

LEGISLATIVE BILL 1184. By Haberman, 44th District.

A BILL FOR AN ACT relating to insurance; to amend section 44-379, Reissue Revised Statutes of Nebraska, 1943; to provide conditions for cancellation of policies; and to repeal the original section.

LEGISLATIVE BILL 1185. By Hartnett, 45th District; Vickers, 38th District; Conway, 17th District.

A BILL FOR AN ACT relating to lotteries; to amend sections 28-1101, 28-1105, 28-1113, 28-1115, 28-1116, 28-1116.01, and 77-3001, Reissue Revised Statutes of Nebraska, 1943, sections 9-140.12, 9-195, 9-196, 9-199, and 84-712.05, Revised Statutes Supplement, 1984, and section 9-124, Revised Statutes Supplement, 1985; to adopt the Local Option Electronic Lottery Act; to create a fund; to harmonize provisions; to provide duties; to eliminate an obsolete provision; and to repeal the original sections, and also section 28-1116.02, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1186. By Hartnett, 45th District.

A BILL FOR AN ACT relating to public improvements; to authorize the establishment of storm water improvement project areas; to define terms; to state legislative findings; to provide powers and duties; to provide for financing; to provide for hearings; and to provide severability.

LEGISLATIVE BILL 1187. By Abboud, 12th District.

A BILL FOR AN ACT relating to telephone companies; to prohibit certain acts; and to provide duties.

LEGISLATIVE BILL 1188. By Abboud, 12th District.

A BILL FOR AN ACT relating to sinking funds; to amend sections 10-111, 10-411, 10-612, 10-711, 10-715, 19-1302, 23-333, 23-507, 79-425, 79-810, 79-903, and 79-1007, Reissue Revised Statutes of Nebraska, 1943; to limit the use of sinking funds by certain political subdivisions; to provide for the use of any surplus; and to repeal the original sections.

LEGISLATIVE BILL 1189. By Miller, 37th District.

A BILL FOR AN ACT relating to threatened and endangered species; to amend sections 37-430, 37-431, and 37-435, Reissue Revised Statutes of Nebraska, 1943, and section 2-15;112, Revised Statutes Supplement, 1984; to define terms; to change provisions relating to exemptions for state agency actions; to provide for consultation as prescribed; to provide powers and duties for the Water Management Board; to provide for judicial review; to eliminate an obsolete statute; to harmonize provisions; and to repeal the original sections, and also section 2-15;111, Revised Statutes Supplement, 1984.

LEGISLATIVE BILL 1190. By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Goodrich, 20th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 36th District; Marsh, 29th District; Scofield, 49th District.

A BILL FOR AN ACT relating to the Department of Social Services; to create a cash fund.

LEGISLATIVE BILL 1191. By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 36th District; Scofield, 49th District.

A BILL FOR AN ACT relating to handicapped persons; to amend sections 43-654, 68-309, 68-313, 68-717, and 71-1404, Revised Statutes Supplement, 1985; to eliminate references to medically handicapped children and the Director of Services for Medically Handicapped Children; to harmonize provisions; to eliminate a duty of the Director of Social Services, the expenditure of certain state

assistance funds, the Genetically Handicapped Person's Act, and the Medically Handicapped Children's Committee; to provide an operative date; to repeal the original sections, and also sections 43-507, 43-522, 68-1401 to 68-1404, and 68-1406, Reissued Revised Statutes of Nebraska, 1943, and sections 68-1405 and 71-1401 to 71-1403, Revised Statutes Supplement, 1985; and to declare an emergency.

LEGISLATIVE BILL 1192. By Hartnett, 45th District.

A BILL FOR AN ACT relating to contracts; to adopt the Club Contract Protection Act.

LEGISLATIVE BILL 1193. By Hartnett, 45th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 1985; to provide an adjustment to state income tax; and to repeal the original section.

LEGISLATIVE BILL 1194. By Hartnett, 45th District.

A BILL FOR AN ACT relating to revenue and taxation; to create the Silver-Haired Legislature Operations Fund; and to provide duties for the Tax Commissioner.

LEGISLATIVE BILL 1195. By Hartnett, 45th District.

A BILL FOR AN ACT relating to oil and gas severance tax; to amend section 79-12,145, Revised Statutes Supplement, 1984, and section 57-705, Revised Statutes Supplement, 1985; to create the Homestead Exemption Fund; to change provisions relating to the disposition of the tax; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1196. By Hartnett, 45th District.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 23-922 and 23-933, Reissue Revised Statutes of Nebraska, 1943, and section 23-923, Revised Statutes Supplement, 1984; to define a term; to provide for a cash reserve limitation as prescribed; to provide a penalty; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1197. By Hartnett, 45th District.

A BILL FOR AN ACT relating to communications; to adopt the Public Safety Communications Act; and to provide severability.

LEGISLATIVE BILL 1198. By Hartnett, 45th District.

A BILL FOR AN ACT relating to highway funds; to amend sections 39-2201, 39-2203, 39-2205, 39-2209, 39-2211 to 39-2217, 39-2219, 39-2221, 39-2222, 39-2224, 39-2226, 39-2402, 66-424, and 66-473, Reissue Revised Statutes of Nebraska, 1943; to define a term; to create the Highway Improvement Bond Fund; to authorize the issuance of bonds as prescribed; to change the disposition of funds received pursuant to the Nebraska Highway Bond Act; to change provisions relating to the distribution of the Highway Allocation Fund; to change provisions relating to the receipt of revenue from the motor fuel excise tax as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1199. By R. Johnson, 34th District; Chizek, 31st District; Vickers, 38th District; Warner, 25th District; Sieck, 24th District; Schmit, 23rd District; Beutler, 28th District.

A BILL FOR AN ACT relating to environmental control; to adopt the Environmental Response and Liability Act.

LEGISLATIVE BILL 1200. By Nebraska Retirement Systems Committee: Harris, 27th District, Chairperson; Abboud, 12th District; Goodrich, 20th District; Marsh, 29th District; Vickers, 38th District; Warner, 25th District.

A BILL FOR AN ACT relating to public employees retirement systems; to amend sections 23-2315, 24-708, 81-2025, and 84-1324, Reissue Revised Statutes of Nebraska, 1943, sections 79-1521 and 84-1317, Revised Statutes Supplement, 1984, and section 23-2322, Revised Statutes Supplement, 1985; to provide for nonalienation of benefits; to provide exceptions; to provide when benefits shall begin; and to repeal the original sections.

LEGISLATIVE BILL 1201. By Lundy, 36th District.

A BILL FOR AN ACT relating to highways and bridges; to amend section 39-6,184, Revised Statutes Supplement, 1985; to change provisions relating to overloading of motor vehicles; and to repeal the original section.

LEGISLATIVE BILL 1202. By Goodrich, 20th District.

A BILL FOR AN ACT relating to financial institutions; to state legislative findings; to provide for the deposit of state and political subdivision funds in certain financial institutions; and to provide severability.

LEGISLATIVE BILL 1203. By Business and Labor Committee: Barrett, 39th District, Chairperson; Chronister, 18th District; Eret, 32nd District; Hall, 7th District; Labedz, 5th District; Vickers, 38th District; Wesely, 26th District.

A BILL FOR AN ACT relating to boiler inspection; to amend sections 48-701 to 48-710 and 48-712 to 48-718, Reissue Revised Statutes of Nebraska, 1943; to adopt the Boiler Inspection Act; and to repeal the original sections.

LEGISLATIVE BILL 1204. By Business and Labor Committee: Barrett, 39th District, Chairperson; Chronister, 18th District; Eret, 32nd District; Hall, 7th District; Labedz, 5th District; Vickers, 38th District; Wesely, 26th District.

A BILL FOR AN ACT relating to elevators; to amend sections 48-418, 48-418.07, 48-418.12, and 48-418.13, Reissue Revised Statutes of Nebraska, 1943; to rename a code; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1205. By DeCamp, 40th District.

A BILL FOR AN ACT relating to municipal cooperative financing; to amend section 18-2438, Revised Statutes Supplement, 1984, and section 84-1412, Revised Statutes Supplement, 1985; to provide for meetings outside the state; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1206. By Landis, 46th District; Harris, 27th District.

A BILL FOR AN ACT relating to schools; to amend section 79-902.01, Revised Statutes Supplement, 1985; to change provisions relating to certain school board elections; and to repeal the original section.

LEGISLATIVE BILL 1207. By DeCamp, 40th District.

A BILL FOR AN ACT relating to budgets; to amend section 23-910, Reissue Revised Statutes of Nebraska, 1943, and section 23-923, Revised Statutes Supplement, 1984; to provide for a decrease in the cash reserves as prescribed; to delete obsolete language; and to repeal the original sections.

LEGISLATIVE BILL 1208. By DeCamp, 40th District.

A BILL FOR AN ACT relating to the risk management program; to amend sections 81-8,239.01, 81-8,239.02, 81-8,239.05, and 81-8,239.06, Reissue Revised Statutes of Nebraska, 1943; to eliminate references to agents; and to repeal the original sections.

LEGISLATIVE BILL 1209. By Conway, 17th District; Miller, 37th District; Remmers, 1st District.

A BILL FOR AN ACT relating to capital construction; to state intent; to authorize the implementation of a long-range computer plan for the state colleges as prescribed.

LEGISLATIVE BILL 1210. By Schmit, 23rd District.

A BILL FOR AN ACT relating to water; to amend sections 46-233.01, 46-288, 46-289, 46-290, and 46-294, Reissue Revised Statutes of Nebraska, 1943, and section 2-15,117, Revised Statutes Supplement, 1984; to state intent; to provide power and duties for the Water Management Board; to provide for the placement of certain funds; to harmonize provisions; to redefine a term; to provide uses of a certain fund; to eliminate a restriction on certain transfers of water; to provide duties for the Director of Water Resources relating to certain transfers of water; to provide construction; and to repeal the original sections.

LEGISLATIVE BILL 1211. By Schmit, 23rd District; R. Johnson, 34th District.

A BILL FOR AN ACT relating to environmental control; to adopt the Low-level Radioactive Waste Disposal Act.

LEGISLATIVE BILL 1212. By Hall, 7th District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,132, Revised Statutes Supplement, 1984; to change the computation of a credit to the Highway Allocation Fund; to provide

an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1213. By Hall, 7th District.

A BILL FOR AN ACT relating to driving while intoxicated; to amend sections 39-669.07 and 39-669.08, Reissue Revised Statutes of Nebraska, 1943; to change provisions used in determining a penalty as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1214. By Hall, 7th District.

A BILL FOR AN ACT relating to courts; to amend section 24-536, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to jury trials; and to repeal the original section.

LEGISLATIVE BILL 1215. By Hall, 7th District.

A BILL FOR AN ACT relating to health clubs; to adopt the Health and Fitness Disclosure Act.

LEGISLATIVE BILL 1216. By Schmit, 23rd District; R. Johnson, 34th District; Sieck, 24th District.

A BILL FOR AN ACT relating to agriculture; to define terms; to provide for the inspection of grain as prescribed; to provide duties; and to provide a penalty.

LEGISLATIVE BILL 1217. By Schmit, 23rd District; R. Johnson, 34th District.

A BILL FOR AN ACT relating to the Nebraska Investment Finance Authority Act; to amend section 58-242, Reissue Revised Statutes of Nebraska, 1943; to eliminate provisions relating to the amount to be borrowed and the net worth of the borrower as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1218. By Schmit, 23rd District.

A BILL FOR AN ACT relating to foreclosures; to state intent; to provide for a stay of proceedings as prescribed; to define a term; to provide for court orders as prescribed; and to declare an emergency.

LEGISLATIVE BILL 1219. By Hall, 7th District.

A BILL FOR AN ACT relating to the Highway Trust Fund; to amend section 39-2215, Reissue Revised Statutes of Nebraska, 1943; to provide for financing the Nebraska State Patrol's Protection of People and Property Program; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1220. By Hoagland, 6th District.

A BILL FOR AN ACT relating to fine arts museums; to amend section 82-403, Reissue Revised Statutes of Nebraska, 1943, and section 77-2704, Revised Statutes Supplement, 1985; to provide a sales and use tax exemption; to define a term; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1221. By Hoagland, 6th District.

A BILL FOR AN ACT relating to judges; to provide for sabbatical leave for judges; and to provide powers and duties for the Supreme Court.

LEGISLATIVE BILL 1222. By Hoagland, 6th District; Hefner, 19th District; Landis, 46th District; Baack, 47th District; Barrett, 39th District; Miller, 37th District; Wesely, 26th District; Harris, 27th District; Warner, 25th District; Peterson, 21st District.

A BILL FOR AN ACT relating to gambling; to amend section 28-1101, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1223. By Lamb, 43rd District; DeCamp, 40th District.

A BILL FOR AN ACT relating to the Interlocal Cooperation Act; to amend section 23-2203, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to provide powers for regional park authorities as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1224. By Beutler, 28th District.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-106, Reissue Revised Statutes of Nebraska, 1943; to provide for community service as a penalty as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1225. By Beutler, 28th District.

A BILL FOR AN ACT relating to the office of Public Counsel; to amend sections 81-8,241, 81-8,243, and 81-8,244, Reissue Revised Statutes of Nebraska, 1943; to change powers, duties, and authority over the office of Public Counsel as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1226. By Nichol, 48th District; Beutler, 28th District.

A BILL FOR AN ACT relating to athletics; to adopt the Athlete Agents Registration Act; and to provide severability.

LEGISLATIVE BILL 1227. By Beutler, 28th District.

A BILL FOR AN ACT relating to the Department of Administrative Services; to amend sections 81-1107, 81-1108.15, and 81-1108.21, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to state office space; and to repeal the original sections.

LEGISLATIVE BILL 1228. By Wesely, 26th District.

A BILL FOR AN ACT relating to anatomical gifts; to amend section 71-4807, Reissue Revised Statutes of Nebraska, 1943; to provide for the enucleation of eyes by certain persons; and to repeal the original section.

LEGISLATIVE BILL 1229. By Beyer, 3rd District.

A BILL FOR AN ACT relating to courts; to amend section 24-517, Revised Statutes Supplement, 1984; to give the county courts concurrent jurisdiction over all misdemeanors and infractions; and to repeal the original section.

LEGISLATIVE BILL 1230. By Schmit, 23rd District; Harris, 27th District.

A BILL FOR AN ACT relating to power districts and corporations; to amend sections 2-2311, 2-3623, 2-3627, 2-4012, 70-301, 70-604, 70-604.02, 70-626, 70-628.01 to 70-628.04, 70-632, 70-636, 70-646, 70-655, 70-657, 70-667, and 70-802, Reissue Revised Statutes of Nebraska, 1943, sections 70-631, 70-637, 70-1402 to 70-1404, 70-1409, 70-1413, 70-1416, and 70-1417, Revised Statutes Supplement, 1984, and section 70-601, Revised Statutes Supplement, 1985; to state intent; to define terms; to create the Ethanol Production Planning

and Review Board; to require a study and a report; to create a fund; to provide powers and duties; to provide for fees and levies as prescribed; to change provisions relating to power districts and corporations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1231. By Hoagland, 6th District.

A BILL FOR AN ACT relating to trust deeds; to amend section 76-1003, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to trustees; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1232. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairperson; Beyer, 3rd District; Haberman, 44th District; Pappas, 42nd District; Schmit, 23rd District.

A BILL FOR AN ACT relating to judgment interest; to provide for postjudgment and prejudgment interest; to provide conditions; to provide a rate; to provide duties; to provide exceptions; to provide an operative date; and to repeal section 45-103, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1233. By Hoagland, 6th District.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-516, 28-519, 28-933, and 28-1101, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to unauthorized use of a propelled vehicle and criminal mischief; to redefine terms; to eliminate the offense of making terroristic threats; to eliminate a provision relating to certain murder trials; to harmonize provisions; and to repeal the original sections, and also sections 28-311 and 29-2027, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1234. By Constitutional Revision and Recreation Committee: Rupp, 22nd District, Chairperson; Baack, 47th District; Hall, 7th District; Labedz, 5th District; Wesely, 26th District.

A BILL FOR AN ACT relating to state park funds; to amend sections 81-815.30, 81-1253, and 81-1258, Reissue Revised Statutes of Nebraska, 1943; to increase hotel occupancy sales tax; to provide

for the use of the proceeds of the tax; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1235. By DeCamp, 40th District.

A BILL FOR AN ACT relating to liens; to require written consent in order for certain liens to be valid and enforceable.

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 469. Placed on General File.

LEGISLATIVE BILL 781. Placed on General File.

LEGISLATIVE BILL 869. Placed on General File.

LEGISLATIVE BILL 907. Placed on General File.

LEGISLATIVE BILL 909. Placed on General File.

LEGISLATIVE BILL 192. Indefinitely postponed.

LEGISLATIVE BILL 669. Indefinitely postponed.

LEGISLATIVE BILL 681. Indefinitely postponed.

LEGISLATIVE BILL 686. Indefinitely postponed.

(Signed) John DeCamp, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hartnett asked unanimous consent to print the following amendment to LB 123 in the Journal. No objections. So ordered.

That the Committee Amendment to LB 123 (Journal Page 613, First Session) be amended as follows:

That the reinserted language on page 3, line 8 of the original act reading "April 15 to July 1" be stricken and that in place of those words, "April 1 to October 1" be inserted.

Mr. Hall asked unanimous consent to print the following amendment to LB 663 in the Journal. No objections. So ordered.

AM1779

- 1 1. Strike the Landis amendment adopted May
- 2 22, 1985.
- 3 2. On page 3, line 16, after "adoption"
- 4 insert an underscored comma and strike "including" and
- 5 show as stricken; in line 19 strike "and"; and in line
- 6 21 after "case" insert ", and (d) that there are

- 7 agencies and services available for prevention of future
 8 unintended pregnancies".

Mr. Landis asked unanimous consent to print the following amendment to LB 548 in the Journal. No objections. So ordered.

AM1810

- 1 1. On page 4, line 16, before "involved"
 2 insert "with the business".
 3 2. On page 5, strike beginning with "an" in
 4 line 7 through "(b)" in line 8; in line 8 strike the
 5 second "and" insert "with the business involved in the
 6 contract or (b)"; and in line 9 after "a" insert
 7 "direct" and after "fee" insert "or commission as a
 8 result of the contract".
 9 3. On page 7, line 1, after "section" and
 10 insert "1 or".
 11 4. In the Standing Committee amendments,
 12 AM1118, on page 2, line 6, strike "is".

NOTICE OF COMMITTEE HEARINGS Health and Human Services

Governor Appointments Monday, January 27, 1986 1:30 P.M.
 Jeanette Masek, M.D. - State Board of Health
 Edward D. Adickes, D.O. - State Board of Health
 Jerald R. Schenken, M.D. - State Board of Health
 John J. Clark, R.P. - State Board of Health
 Julie Brown-Arfmann, D.D.S. - State Board of Health
 Judith A. Quinn, R.N. - State Board of Health

(Signed) Don Wesely, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1236. By Pirsch, 10th District.

A BILL FOR AN ACT relating to crime victims and witnesses; to amend sections 23-1201, 29-119, 29-1901, and 81-1848, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to consultations regarding plea agreements; to change provisions

relating to writs of subpoena and notices to appear; to provide additional rights for victims and witnesses as prescribed; and to repeal the original sections.

SELECT FILE

LEGISLATIVE BILL 333. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 333A. E & R amendment, AM5129, found in the Journal on page 1504 for the Fifty-Seventh Day, First Session, was adopted.

Mr. Barrett offered the following amendment:
Strike the original sections and insert:

Section 1. There is hereby appropriated \$7,594 from the Bureau of Vital Statistics Fund for the period July 1, 1986, to June 30, 1987, to the Department of Health, for Program 177, to aid in carrying out the provisions of Legislative Bill 333, Eighty-ninth Legislature, Second Session, 1986.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed \$4,177 for the period July 1, 1986, to June 30, 1987.

Section 2. There is hereby appropriated 1) \$250,000 from the General Fund to the Nebraska Child Abuse Prevention Fund which is hereby appropriated for the period July 1, 1986, to June 30, 1987; and 2) \$250,000 from the General Fund to the Nebraska Child Abuse Prevention Fund which is hereby appropriated for the period July 1, 1987, to June 30, 1988, to the Department of Social Services, for Program 350, to aid in carrying out the provisions of Legislative Bill 333, Eighty-ninth Legislature, Second Session, 1986.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

The Barrett amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 546. E & R amendments, AM5192, found in the Journal on page 331 for the Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 284. E & R amendments, AM5178, found in the Journal on page 2440 for the Eighty-Third Day, First Session, were adopted.

Mr. Schmit asked unanimous consent to pass over LB 284. No objections. So ordered.

LEGISLATIVE BILL 548. E & R amendments, AM5194, found in the Journal on page 375 for the Eighth Day were adopted.

Mr. Landis withdrew his pending amendments, AM0418, found in the Journal on page 847, First Session, and AM1775, found in the Journal on page 369.

Mr. Beutler withdrew his pending amendment, AM1461, found in the Journal on page 2325, First Session.

Mr. Landis renewed his pending amendment, AM1810, found in this day's Journal on page 463.

The Landis amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1237. By R. Johnson, 34th District.

A BILL FOR AN ACT relating to grain warehouses; to amend section 75-902, Revised Statutes Supplement, 1985; to adopt the Grain Warehouse Act; to eliminate provisions relating to public grain warehouses; to repeal an obsolete provision; to harmonize provisions; and to repeal the original section, and also sections 88-501, 88-505 to 88-512, 88-514, 88-516, 88-517, 88-519, 88-523, and 88-524, Reissue Revised Statutes of Nebraska, 1943, sections 88-502 to 88-504, Revised Statutes Supplement, 1984, and sections 88-513 and 88-515, Revised Statutes Supplement, 1985.

LEGISLATIVE BILL 1238. By R. Johnson, 34th District.

A BILL FOR AN ACT relating to brands; to amend sections 54-104.01, 54-105, 54-143, 54-147, 54-1183, 54-1184, and 54-1185,

Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the reinstatement of an expired brand and to brand inspection fees; to provide for certain fees and reimbursement; to provide an election for packing plants; and to repeal the original sections.

LEGISLATIVE BILL 1239. By R. Johnson, 34th District; Barrett, 39th District.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-1528, Revised Statutes Supplement, 1984; to provide an exemption for political subdivisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1240. By R. Johnson, 34th District.

A BILL FOR AN ACT relating to warehouses; to define terms; to provide powers and duties for the Public Service Commission; to require warehouse licenses; to provide for security and fees; to provide for warehouse receipts and registration; to provide a penalty; to eliminate former provisions relating to warehouses; and to repeal sections 88-402, 88-403, and 88-405 to 88-408, Reissue Revised Statutes of Nebraska, 1943, and sections 88-401 and 88-404, Revised Statutes Supplement, 1984.

LEGISLATIVE BILL 1241. By Hoagland, 6th District.

A BILL FOR AN ACT relating to the Board of Parole; to amend section 83-192, Reissue Revised Statutes of Nebraska, 1943; to provide a parole review schedule for offenders as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1242. By Hoagland, 6th District.

A BILL FOR AN ACT relating to the Board of Parole; to amend section 83-1,111, Reissue Revised Statutes of Nebraska, 1943; to provide for a change in terms as prescribed; to provide for a review as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1243. By DeCamp, 40th District.

A BILL FOR AN ACT relating to postdated checks; to amend section 4-401, Uniform Commercial Code; to provide when a bank is liable for early payment of postdated checks; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1244. By Warner, 25th District.

A BILL FOR AN ACT relating to intergovernmental exchanges of information; to amend section 81-1117, Reissue Revised Statutes of Nebraska, 1943; to adopt the Intergovernmental Data Communications Act; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1245. By Hoagland, 6th District.

A BILL FOR AN ACT relating to review of judgments in criminal cases; to amend sections 29-115, 29-116, and 29-824, Reissue Revised Statutes of Nebraska, 1943; to change procedures relating to motions to suppress; and to repeal the original sections, and also section 29-827, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1246. By Chambers, 11th District.

A BILL FOR AN ACT relating to insurance; to amend section 44-309, Reissue Revised Statutes of Nebraska, 1943; to provide an additional authorized investment; and to repeal the original section.

LEGISLATIVE BILL 1247. By Judiciary Committee: Hoagland, 6th District, Chairperson; Abboud, 12th District; Chizek, 31st District; Conway, 17th District; Remmers, 1st District; Rupp, 22nd District.

A BILL FOR AN ACT relating to probation; to amend sections 29-2246, 29-2249, 29-2249.04, 29-2250, 29-2252, 29-2253, 29-2257, 29-2265, 29-2270, 29-2275, and 44-1627, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to harmonize provisions; to provide duties; to provide for chief probation officers; to change provisions relating to the Nebraska Probation System Committee; to eliminate obsolete provisions; and to repeal the original sections, and also sections 29-2249.01 to 29-2249.03, 29-2255.01, and 29-2271 to 29-2274, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 1248. By Schmit, 23rd District.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 1985; to provide a tax on certain interest income received as prescribed; to harmonize

provisions; to provide an operative date; and to repeal the original section.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Vickers asked unanimous consent to have his name added as co-introducer to LB 1230. No objections. So ordered.

VISITORS

Visitors to the Chamber were 52 fourth grade students and teachers from Northside and Lincoln Schools in Fremont; and Mayor Joe Baldwin from Bellevue.

ADJOURNMENT

At 12:03 p.m., on a motion by Mrs. Smith, the Legislature adjourned until 9:00 a.m., Thursday, January 23, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

ELEVENTH DAY - JANUARY 23, 1986**LEGISLATIVE JOURNAL****EIGHTY-NINTH LEGISLATURE
SECOND SESSION****ELEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, January 23, 1986

Pursuant to adjournment, the Legislature met at 9:04 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. Robert Barnhill, Asst. Pastor, St. Mary's Catholic Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Warner who was excused; and Messrs. Abboud, Hall, R. Johnson, V. Johnson, Lynch, Rupp, Schmit, Vickers, Withem, Ms. Scofield, and Mrs. Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Tenth Day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review****Correctly Engrossed**

The following bills were correctly engrossed: 734, 735, 736, 737, 738, 739, 741, 742, 743, 744, and 745.

(Signed) Timothy Hall, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1142-1224 and 1226-1248.

LB	Committee
1142	Revenue
1143	Revenue
1144	Agriculture and Environment
1145	Public Works
1146	Agriculture and Environment
1147	Judiciary
1148	Judiciary
1149	Nebraska Retirement Systems
1150	Banking, Commerce and Insurance
1151	Public Works
1152	Constitutional Revision and Recreation
1153	Revenue
1154	Revenue
1155	Revenue
1156	Public Works
1157	Revenue
1158	Government, Military and Veterans Affairs
1159	Judiciary
1160	Judiciary
1161	Revenue
1162	Urban Affairs
1163	Urban Affairs
1164	Urban Affairs
1165	Urban Affairs
1166	Government, Military and Veterans Affairs
1167	Health and Human Services
1168	Revenue
1169	Public Works
1170	Government, Military and Veterans Affairs
1171	Banking, Commerce and Insurance
1172	Education
1173	Agriculture and Environment
1174	Agriculture and Environment
1175	Miscellaneous Subjects
1176	Agriculture and Environment
1177	Health and Human Services
1178	Revenue
1179	Business and Labor
1180	Revenue
1181	Banking, Commerce and Insurance

1182	Banking, Commerce and Insurance
1183	Agriculture and Environment
1184	Banking, Commerce and Insurance
1185	Miscellaneous Subjects
1186	Public Works
1187	Public Works
1188	Government, Military and Veterans Affairs
1189	Constitutional Revision and Recreation
1190	Appropriations
1191	Health and Human Services
1192	Banking, Commerce and Insurance
1193	Revenue
1194	Revenue
1195	Revenue
1196	Government, Military and Veterans Affairs
1197	Public Works
1198	Appropriations
1199	Agriculture and Environment
1200	Nebraska Retirement Systems
1201	Public Works
1202	Banking, Commerce and Insurance
1203	Business and Labor
1204	Business and Labor
1205	Urban Affairs
1206	Education
1207	Government, Military and Veterans Affairs
1208	Banking, Commerce and Insurance
1209	Education
1210	Public Works
1211	Agriculture and Environment
1212	Revenue
1213	Judiciary
1214	Judiciary
1215	Banking, Commerce and Insurance
1216	Agriculture and Environment
1217	Banking, Commerce and Insurance
1218	Judiciary
1219	Appropriations
1220	Revenue
1221	Judiciary
1222	Miscellaneous Subjects
1223	Government, Military and Veterans Affairs
1224	Judiciary
1226	Judiciary
1227	Government, Military and Veterans Affairs

1228	Health and Human Services
1229	Judiciary
1230	Public Works
1231	Banking, Commerce and Insurance
1232	Banking, Commerce and Insurance
1233	Judiciary
1234	Revenue
1235	Banking, Commerce and Insurance
1236	Judiciary
1237	Agriculture and Environment
1238	Agriculture and Environment
1239	Agriculture and Environment
1240	Agriculture and Environment
1241	Judiciary
1242	Judiciary
1243	Banking, Commerce and Insurance
1244	Government, Military and Veterans Affairs
1245	Judiciary
1246	Banking, Commerce and Insurance
1247	Judiciary
1248	Revenue

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 643. Placed on Select File as amended.
(E & R amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM5205.)

LEGISLATIVE BILL 643A. Placed on Select File as amended.
E & R amendments to LB 643A:
AM5206

- 1 1. On page 1, line 3, strike "First" and
- 2 insert "Second" and strike "1985" and insert "1986".
- 3 2. On page 2, line 3, strike "1985" and
- 4 insert "1986" and strike "1986" and insert "1987"; in
- 5 line 5 strike "1986" and insert "1987" and strike "1987"
- 6 and insert "1988"; in line 7 strike "First" and insert
- 7 "Second"; and in line 8 strike "1985" and insert "1986".

(Signed) Timothy Hall, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Nichol asked unanimous consent to print the following amendment to LB 32 in the Journal. No objections. So ordered.

AM1808

- 1 1. In the Standing Committee amendments found
- 2 on page 747 of the 1985 Journal:
- 3 a. On page 1, line 11 strike "ten" and insert
- 4 "three"; in line 14 strike "five dollars" and insert
- 5 "one dollar"; and in line 19 strike "five" and insert
- 6 "two"; and
- 7 b. On page 2, lines 4 and 8, strike "fifteen"
- 8 and insert "five"; and in line 10, strike "five" and
- 9 insert "three".

Mr. Pappas asked unanimous consent to print the following amendment to LB 32 in the Journal. No objections. So ordered.

- 1.) On page 2, line 10 delete "ten" and insert "five"
- 2.) On page 2, line 14, delete new language and reinstate the old language. On lines 15, 16, & 17 delete new language and reinstate old language.

ANNOUNCEMENT

Mrs. Marsh designates LB 572 as her priority bill.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Beutler asked unanimous consent to have his name added as co-introducer to LB 999. No objections. So ordered.

MOTION - Withdraw LB 262

Mr. Pappas renewed his pending motion found in the Journal on page 434 to withdraw LB 262.

The motion prevailed with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

MOTION - Withdraw LB 161

Mr. Pappas renewed his pending motion found in the Journal on page 434 to withdraw LB 161.

The motion prevailed with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

ANNOUNCEMENT

The Chair announced today is Senator Haberman's birthday.

SELECT FILE

LEGISLATIVE BILL 548. Mr. Beutler offered the following amendment:

AM1819

- 1 1. Strike the DeCamp amendment, AM1371,
- 2 adopted January 14, 1986.
- 3 2. In the E & R amendments, AM5194:
- 4 a. Strike amendment 1 and renumber the
- 5 remaining amendments accordingly; and
- 6 b. On page 2, line 24; and page 4, line 1,
- 7 strike "49-1408, and 49-1474," and insert "and
- 8 49-1408,".
- 9 3. On page 1, line 3; and page 11, line 15,
- 10 strike the first comma.
- 11 4. Renumber the remaining sections
- 12 accordingly.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Beutler moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Barrett	Goodrich	Landis	Morehead	Vickers
Beutler	Harris	Lundy	Nelson	Wesely
Carsten	Hartnett	Marsh	Scofield	Withem
Chizek	Johnson, R.	Miller	Smith	

Voting in the negative, 23:

Baack	Haberman	Hoagland	Pappas	Rogers
Beyer	Hall	Johnson, L.	Peterson	Rupp
Chambers	Hannibal	Labeledz	Pirsch	Schmit
Conway	Hefner	Lamb	Remmers	Sieck
DeCamp	Higgins	Lynch		

Present and not voting, 4:

Chronister	Eret	Goll	Nichol
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Excused and not voting, 3:

Abboud Johnson, V. Warner

The Beutler amendment lost with 19 ayes, 23 nays, 4 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS

Public Works

LEGISLATIVE BILL 778. Placed on General File.

LEGISLATIVE BILL 831. Placed on General File.

LEGISLATIVE BILL 886. Placed on General File.

(Signed) Loran Schmit, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 903. Placed on General File as amended.

Standing Committee amendment to LB 903:

AM1823

- 1 1. On page 2, in lines 7 and 8, strike the
- 2 new matter.

LEGISLATIVE BILL 908. Placed on General File as amended.

Standing Committee amendment to LB 908:

AM1826

- 1 1. Insert the following new section:
- 2 "Sec. 5. Since an emergency exists, this act

- 3 shall be in full force and take effect, from and after
- 4 its passage and approval, according to law.”.

(Signed) John DeCamp, Chairperson

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Pappas asked unanimous consent to have his name added as co-introducer to LB 325. No objections. So ordered.

Mrs. Morehead asked unanimous consent to have her name added as co-introducer to LB 1018. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 43 in the Journal. No objections. So ordered.

AM1807

- 1 1. Strike all amendments thereto.
- 2 2. On page 3, line 4, strike “eighty” and
- 3 insert “fifty”; in line 9 before the period insert
- 4 “until the first Thursday after the first Tuesday in
- 5 January 1987”; strike beginning with “As” in line 9
- 6 through “Nebraska” in line 11, show as stricken, and
- 7 insert “Commencing the first Thursday after the first
- 8 Tuesday in January 1987”; and in line 12 strike “forty”
- 9 and insert “thirty-two” and after “thousand” insert
- 10 “four hundred”.
- 11 3. On page 4, line 6, strike “sixty-five” and
- 12 insert “forty-seven” and strike “five”, show as
- 13 stricken, and insert “four”; in lines 23, 25, and 26
- 14 strike “fifty-five” and insert “thirty-eight”; and in
- 15 lines 24, 25, and 27 after “thousand” insert “four
- 16 hundred”.
- 17 4. On page 5, line 1, strike “fifty-five” and
- 18 insert “thirty-eight” and after “thousand” insert “four
- 19 hundred”.

UNANIMOUS CONSENT - Member Excused

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 284. Considered.

Mr. Eret withdrew his pending amendments, AM1143, found in the Journal on page 1860, First Session, AM1369, found in the Journal on page 2206, First Session, AM1179, found in the Journal on page 1925, First Session, and AM1574, found in the Journal on page 2519, First Session.

Mr. Lamb withdrew his pending amendments, AM0081, found in the Journal on page 1671, First Session, and AM1568, found in the Journal on page 2518, First Session.

Mr. Beutler withdrew his pending amendments, AM1431, found in the Journal on page 2244, First Session, and AM1509, printed separate from the Journal and referred to on page 2473, First Session.

Mr. Schmit withdrew his pending amendment, AM1048, found in the Journal on page 1601, First Session.

Mr. Schmit renewed his pending amendment, AM1655, printed separate from the Journal and referred to on page 254.

Mr. Lamb offered the following amendment to the Schmit amendment:

Page 15 of AM 1655

Line 4 after the period insert: "If the department contracts for the training sessions, the Cooperative Extension Service shall be reimbursed for conducting the training sessions."

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

The Lamb amendment was adopted with 25 ayes, 2 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Eret offered the following amendment of the Schmit amendment: AM1838

(Amendments to AM1655)

- 1 1. Insert the following new sections:
- 2 "Sec. 7. Community water supply system shall
- 3 mean a public water supply system which serves at least
- 4 fifteen service connections used by year-round residents
- 5 or regularly serves twenty-five year-round residents.
- 6 Sec. 18. Public water supply system shall

7 mean a water supply system designed to provide the
 8 public with piped water fit for human consumption, if
 9 such system has at least fifteen service connections or
 10 regularly serves at least twenty-five individuals. This
 11 definition shall include (1) any collection, treatment,
 12 storage, or distribution facilities under the control of
 13 the operator of such system and used primarily in
 14 connection with such system and (2) any collection or
 15 pretreatment storage facilities not under such control
 16 which are used primarily in connection with such
 17 system.”.

18 2. On page 5, line 15, after “act” insert “a”
 19 except that no permit shall be issued if the chemigation
 20 supply well is located within eighteen hundred yards of
 21 a supply well for a community water supply system.”.

2 3. Renumber remaining sections accordingly
 3 and correct internal references.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Eret moved for a call of the house. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

Mr. Eret requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Abboud	Haberman	Johnson, V.	Lynch	Pirsch
Chambers	Hartnett	Labeledz	Morehead	Rogers
Eret	Hoagland	Landis	Peterson	Withem
Goodrich				

Voting in the negative, 29:

Baack	Chronister	Harris	Marsh	Rupp
Barrett	Conway	Hefner	Miller	Schmit
Beutler	DeCamp	Johnson, L.	Nelson	Scofield
Beyer	Goll	Johnson, R.	Nichol	Sieck
Carsten	Hall	Lamb	Pappas	Vickers
Chizek	Hannibal	Lundy	Remmers	

Present and not voting, 2:

Higgins	Smith
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Excused and not voting, 2:

Warner Wesely

The Eret amendment lost with 16 ayes, 29 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Messrs. Beutler and Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Morehead moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Schmit amendment, as amended, was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Pending.

NOTICE OF COMMITTEE HEARINGS
Constitutional Revision and Recreation

LR 305CA	Thursday, January 30, 1986	1:30 P.M.
LR 319CA	Thursday, January 30, 1986	1:30 P.M.
LR 321CA	Thursday, January 30, 1986	1:30 P.M.

(Signed) Lee Rupp, Chairperson

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 399. Indefinitely postponed.

(Signed) Ron Withem, Chairperson

Revenue

LEGISLATIVE BILL 753. Placed on General File.

LEGISLATIVE BILL 819. Placed on General File.

LEGISLATIVE BILL 774. Placed on General File as amended.
Standing Committee amendments to LB 774:

AM1815

- 1 1. On page 3, strike lines 15 through 25 and
2 insert the following new subdivisions:
3 “(3) Deposits shall mean the amount of money
4 placed in the custody of a financial institution for
5 safety or convenience that may be withdrawn at the will
6 of the depositor or under the rules or regulations
7 agreed upon by the financial institution and the
8 depositor. Deposits shall also include amounts for
9 which a certificate may be issued and which are payable
10 on demand, on certain notice, or at a fixed future date
11 or time. Deposits shall not include any money placed in
12 a fiduciary capacity in the custody of a trust
13 department of any financial institution having trust
14 powers granted by appropriate regulatory authority which
15 is not placed by the trust department as a deposit in
16 such financial institution;
17 (4) Financial institution shall mean:
18 (a) Any bank, building and loan association,
19 cooperative credit association, credit union, industrial
20 loan and investment company, savings and loan
21 association, or savings bank chartered or qualified to
1 do business in this state, or any subsidiary of such
2 financial institution; or
3 (b) Any bank, bank holding company or
4 subsidiary of a bank holding company as defined in 12
5 U.S.C. 1841, affiliate of a bank holding company as
6 defined in 12 U.S.C. 221a, building and loan
7 association, cooperative credit association, credit
8 union, industrial loan and investment company, savings
9 and loan association, or savings bank which is not
10 chartered to do business in this state but maintains a
11 permanent place of business in this state and actively
12 solicits deposits from residents of this state for an
13 affiliate, regardless of whether the affiliate maintains
14 an office in this state, in which event the deposits of
15 the affiliate shall be deemed deposits of such
16 institution; and”.
17 2. On page 4, strike lines 1 through 10.
18 3. On page 5, after line 11 insert:
19 “(4) Each financial institution shall file a
20 separate franchise tax return.”.

LEGISLATIVE BILL 54. Indefinitely postponed.**LEGISLATIVE BILL 222.** Indefinitely postponed.

LEGISLATIVE BILL 400. Indefinitely postponed.

(Signed) Vard R. Johnson, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 91. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS

Nebraska Retirement Systems

LB 938	Monday, February 3, 1986 (cancelled)	12:00 noon
LB 764	Monday, February 3, 1986 (cancelled)	12:00 noon
LB 794	Monday, February 3, 1986 (cancelled)	12:00 noon
LB 955	Monday, February 3, 1986 (cancelled)	12:00 noon
LB 938	Friday, February 7, 1986 (reset)	12:00 noon
LB 764	Friday, February 7, 1986 (reset)	12:00 noon
LB 794	Friday, February 7, 1986 (reset)	12:00 noon
LB 955	Friday, February 7, 1986 (reset)	12:00 noon

(Signed) Bill Harris, Chairperson

Miscellaneous Subjects

LB 1021	Thursday, January 30, 1986	1:30 P.M.
LB 1185	Thursday, January 30, 1986	1:30 P.M.

(Signed) Elroy M. Hefner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 217 in the Journal. No objections. So ordered.

AM1794

- 1 1. In the Vickers-R. Johnson amendment,
- 2 AM1745, adopted January 14, 1986:
- 3 a. On page 1, line 9, after "been" insert
- 4 "permanently";
- 5 b. On page 2, in line 8, strike "an
- 6 underground storage" and insert "a"; in lines 15, 17,
- 7 and 19 strike "underground storage"; and in line 16
- 8 strike "an" and insert "a"; and

9 c. On page 4, line 16, strike "underground
10 storage".

Mr. Vickers asked unanimous consent to print the following amendment to LB 217 in the Journal. No objections. So ordered.

AM1749

1 1. On page 9, line 3, after "(3)" insert
2 "(a)"; in line 6 after "operator" insert "if the owner
3 or operator of such tank or a tank described in
4 subdivisions (7)(a) and (7)(b) of section 3 of this act
5 fails to properly register such tank or to promptly
6 report a suspected release of a regulated substance upon
7 discovery. If the owner or operator reports the release
8 and has secured the proper registration the following
9 provisions shall apply:
10 (i) Owners or operators of tanks described in
11 subdivisions (7)(a) and (7)(b) of section 3 of this act
12 shall be able to recover the cost of the clean-up and
13 recovery in an amount not greater than two thousand five
14 hundred dollars plus fifty per cent of the costs greater
15 than two thousand five hundred dollars from the
16 Petroleum Products and Hazardous Substances Storage and
17 Handling Fund; and
18 (ii) Owners or operators of tanks registered
19 under the Petroleum Products and Hazardous Substances
20 Storage and Handling Act shall be able to recover fifty
21 per cent of the cost of such clean-up and recovery from
1 the Petroleum Products and Hazardous Substances Storage
2 and Handling Fund"; and in line 11 before "If" insert
3 "(b)".

Mr. Vickers asked unanimous consent to print the following amendment to LB 124 in the Journal. No objections. So ordered.

AM1803

1 1. Insert the following new section:
2 "Sec. 2. That section 2-3225, Reissue Revised
3 Statutes of Nebraska, 1943, be amended to read as
4 follows:
5 2-3225. Each district shall have the power
6 and authority to levy a tax of not to exceed three and
7 five-tenths cents on each one hundred dollars of actual
8 valuation annually on all of the taxable property,
9 except that land within a district which is also within

10 a ground water conservation district shall have a
11 combined levy from the natural resources district and
12 the ground water conservation district of not to exceed
13 three and five-tenths on each one hundred dollars of
14 actual valuation annually on all of the taxable
15 property. Intangible property shall be exempt from
16 taxation. The levy shall be so set intangible property,
17 within such district unless a higher levy shall be
18 authorized by a majority vote of those voting on the
19 issue at a regular election on a referendum question
20 submitted by resolution of the board of directors and
21 certified to the Secretary of State on or before August
1 25 of the election year. The proceeds of such tax shall
2 be used, together with any other funds which the
3 district may receive from any source, for the operation
4 of the district. When adopted by the board, the levy
5 shall be certified by the secretary to the county clerk
6 of each county which in whole or in part is included
7 within the district. Such levy shall be handled by the
8 counties in the same manner as other levies, and
9 proceeds shall be remitted to the district treasurer.
10 Such levy shall not be considered a part of the general
11 county levy and shall not be considered in connection
12 with any limitation on levies of such counties."

13 2. On page 6, line 21, after "2-3213" insert

14 "2-3225,".

15 3. Renumber remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 284. Considered.

Mr. Schmit withdrew his pending amendment, AM1389, found in the Journal on page 2241, First Session.

Messrs. R. Johnson and Schmit withdrew their pending amendment, AM1275, found in the Journal on page 2027, First Session.

Mr. Pappas withdrew his pending amendment found in the Journal on page 1480, First Session, and AM1009, found in the Journal on page 1510, First Session.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 284A. Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORT
Business and Labor

LEGISLATIVE BILL 811. Placed on General File.

(Signed) Bill Barrett, Chairperson

MOTION - Place LB 681 on General File

Mr. V. Johnson moved to place LB 681 on General File, notwithstanding the action of the Banking Committee.

Laid over.

VISITORS

Visitors to the Chamber were Fern Schamburg, David Boeckner, and Jeff Martin from Fairbury; and Jim Harris from North Platte.

ADJOURNMENT

At 11:57 a.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Friday, January 24, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

TWELFTH DAY - JANUARY 24, 1986**LEGISLATIVE JOURNAL****EIGHTY-NINTH LEGISLATURE
SECOND SESSION****TWELFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 24, 1986

Pursuant to adjournment, the Legislature met at 9:02 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Chaplain Charles Stephens, Unitarian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Haberman, Hartnett, V. Johnson, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eleventh Day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the rereferral of legislative bills 964, 1002, 1003, 1014, and 1234, and the referral of legislative bills 897, 991-996, 1111, 1135, and 1225.

LB	Committee
964	Banking, Commerce and Insurance
1002	Urban Affairs
1003	Urban Affairs
1014	Government, Military and Veterans Affairs
1234	Constitutional Revision and Recreation

897 Education
991 Executive Board
992 Executive Board
993 Executive Board
994 Executive Board
995 Executive Board
996 Executive Board
1111 Revenue
1135 Health and Human Services
1225 Executive Board

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

MESSAGE FROM THE GOVERNOR

January 20, 1986

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the position of Director, Department on Aging, requiring legislative confirmation:

Appointee:
Patty Kuehl, Lincoln, Nebraska

This appointment is respectfully submitted for your consideration.

(Signed) Sincerely,
ROBERT KERREY
Governor

cc: Staff Assistant to the Governor
Accountability and Disclosure Commission
Department of Administrative Services
Department on Aging

SELECT COMMITTEE REPORTS**Enrollment and Review****Correctly Engrossed**

The following bills were correctly engrossed: 746, 747, 748, 749, and 750.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 750

The following changes, required to be reported for publication in the Journal, have been made:

ER0113

1. In the E & R amendment, AM5193, adopted January 16, 1986:

(a) On page 1, line 10, "Reissue" has been inserted after the comma; and in line 11 "Supplement, 1985" has been struck and "of Nebraska, 1943" inserted; and

(b) On page 4, line 19, "1985" has been struck and "1984" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 153 in the Journal. No objections. So ordered.

AM1839

1 1. In the Standing Committee amendment on
2 page 692 of the 1985 Journal: On page 3, line 4, strike
3 "paragraph:" and insert "paragraphs:
4 Upon notice to the director that a resident
5 has violated a promise to comply with the terms of a
6 traffic citation as provided in this section, the
7 director shall not suspend or revoke such resident's
8 license until he or she has sent written notice to such
9 resident by registered or certified mail to the
10 resident's last-known address. Such notice shall state
11 that such resident has twenty working days from the date
12 of the notice to show the director that the resident has
13 complied with the terms of such traffic citation. No
14 suspension or revocation shall be entered by the
15 director if the resident complies with the terms of a

16 citation during such twenty working days.'".

SELECT FILE

LEGISLATIVE BILL 212. E & R amendments, AM5197, found in the Journal on page 377 for the Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 663. Mr. Hall renewed his pending amendment, AM1779, found in the Journal on page 462.

The Hall amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mrs. Labeledz renewed her pending amendment, AM1762, found in the Journal on page 418.

Mrs. Marsh offered the following amendment to the Labeledz amendment:

AM1809

(Amendments to AM1762)

1 1. On page 1, line 10, after the underscored
2 period insert "Counselors of any organization which
3 offers crisis pregnancy counseling to individuals who
4 have not previously been members of such organization or
5 which advertises crisis pregnancy counseling to the
6 public shall be required to be so qualified. If such
7 counselors are not so qualified the organization shall
8 provide a statement to the prospective recipient of the
9 counseling stating the required training and the area in
10 which the counselor fails to meet the required
11 qualifications."

Mrs. Labeledz requested a ruling of the Chair on whether the Marsh amendment is germane to the Labeledz amendment.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chair ruled the Marsh amendment is germane to the Labeledz amendment.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lundy moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Marsh amendment lost with 10 ayes, 23 nays, 13 present and not voting, and 3 excused and not voting.

Mrs. Labedz moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mrs. Labedz requested a record vote on her amendment.

Voting in the affirmative, 27:

Abboud	Conway	Johnson, R.	Pappas	Rupp
Barrett	DeCamp	Labedz	Peterson	Schmit
Beyer	Goodrich	Lamb	Pirsch	Sieck
Carsten	Hall	Lynch	Remmers	Smith
Chizek	Higgins	Miller	Rogers	Withem
Chronister	Johnson, L.			

Voting in the negative, 13:

Baack	Harris	Lundy	Nelson	Vickers
Chambers	Johnson, V.	Marsh	Scofield	Warner
Hannibal	Landis	Morehead		

Present and not voting, 6:

Eret	Hefner	Hoagland	Nichol	Wesely
Goll				

Excused and not voting, 3:

Beutler	Haberman	Hartnett
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The Labedz amendment was adopted with 27 ayes, 13 nays, 6 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Labedz requested a record vote on the advancement of the bill.

Voting in the affirmative, 29:

Abboud	Chronister	Hall	Labedz	Rogers
Barrett	Conway	Hartnett	Lamb	Rupp
Beutler	DeCamp	Hefner	Lynch	Schmit
Beyer	Eret	Higgins	Peterson	Sieck
Carsten	Goodrich	Hoagland	Pirsch	Withem
Chizek	Haberman	Johnson, L.	Remmers	

Voting in the negative, 12:

Chambers	Harris	Lundy	Morehead	Vickers
Goll	Johnson, V.	Marsh	Nelson	Warner
Hannibal	Landis			

Present and not voting, 8:

Baack	Miller	Pappas	Smith
Johnson, R.	Nichol	Scofield	Wesely

Advanced to E & R for Engrossment with 29 ayes, 12 nays, and 8 present and not voting.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

STANDING COMMITTEE REPORTS

Business and Labor

The Committee on Business and Labor desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Thom K. Cope - Judge, Commission of Industrial Relations

Vote For: Senators Barrett, Chronister, Eret, Hall, Labedz, and Vickers. Against: None. Absent: Senator Wesely.

LEGISLATIVE BILL 303. Placed on General File.

LEGISLATIVE BILL 809. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal
and on file in the Clerk's Office - Room 1102 - AM1835.)

LEGISLATIVE BILL 810. Indefinitely postponed.

LEGISLATIVE BILL 837. Indefinitely postponed.

(Signed) Bill Barrett, Chairperson

Education

LEGISLATIVE BILL 228. Placed on General File.

LEGISLATIVE BILL 796. Placed on General File.

LEGISLATIVE BILL 802. Placed on General File as amended.
Standing Committee amendment to LB 802:

AM1821

- 1 1. On page 2, in lines 11 and 12, reinstate
- 2 the stricken matter; in line 13 after the stricken
- 3 "1988" insert "1992" and reinstate the period; in lines
- 4 22 and 23 reinstate the stricken matter; and in line 24
- 5 reinstate "June 30," after the stricken "1988" insert
- 6 "1992", and reinstate the period.

LEGISLATIVE BILL 820. Placed on General File as amended.
Standing Committee amendment to LB 820:

AM1820

- 1 1. On page 2, in line 9, after "period"
- 2 insert "except that"; in lines 9 through 11, strike
- 3 the new matter; in line 11 reinstate "school"; in line
- 4 12 reinstate "district attendance centers"; in line 13
- 5 reinstate "having less than two teachers"; and in line
- 6 14 reinstate the stricken matter.

(Signed) Tom Vickers, Chairperson

Public Works

LEGISLATIVE BILL 779. Placed on General File.

LEGISLATIVE BILL 780. Placed on General File.

LEGISLATIVE BILL 845. Placed on General File.

LEGISLATIVE BILL 864. Placed on General File.

(Signed) Loran Schmit, Chairperson

Health and Human Services

LEGISLATIVE BILL 904. Placed on General File.

LEGISLATIVE BILL 922. Placed on General File.

LEGISLATIVE BILL 167. Placed on General File as amended.

Standing Committee amendments to LB 167:

AM1812

- 1 1. Insert the following new section:
- 2 "Sec. 2. This act shall become operative on
- 3 January 1, 1991."
- 4 2. Renumber original section 2 as section 3.

LEGISLATIVE BILL 701. Placed on General File as amended.

Standing Committee amendments to LB 701:

AM1682

- 1 1. On page 2, in lines 10, 13, and 15 strike
- 2 ~~"and"~~; in lines 16, 18, and 19 strike the new matter; in
- 3 line 21 after "cords" insert "A hearing aid shall
- 4 also be known as a hearing instrument"; in line 22
- 5 strike "and" and show as stricken; and in lines 23 and
- 6 27 strike the new matter.
- 7 2. On page 3, line 7, after "excluding"
- 8 insert "(a)"; in line 8 after "dispensers" insert "and
- 9 (b) distribution of hearing aids by nonprofit service
- 10 organizations at no cost to the recipient for the
- 11 hearing aid"; and in lines 12 and 13, 15 and 16, and 24
- 12 and 25 strike "or instruments".
- 13 3. On page 4, line 3, strike the new matter;
- 14 in line 9 strike "and"; after line 15 insert:
- 15 "(3) Nothing in sections 71-4701 to 71-4719
- 16 shall prohibit the holder of a license from the fitting
- 17 and sale of wearable instruments or devices designed for
- 18 or offered for the purpose of conservation or protection
- 19 of hearing"; and in lines 19, 20, 21, 25, and 26 strike
- 20 the new matter.
- 21 4. On page 5, in lines 6 and 8 strike "and";
- 22 in lines 10, 19, and 21 strike the new matter; in line
- 1 25 strike "or instruments"; and in line 26 strike "he or
- 2 she" and insert "the person to whom the authority is
- 3 delegated".
- 4 5. On page 6, line 6, after "thirty" insert
- 5 "to fifty" and after "dollars" insert "as determined by

6 the board"; and in lines 18, 21, and 22 strike the new
7 matter.

8 6. On page 7, line 23, strike the new matter
9 and after the period insert "The applicant shall pay an
10 examination fee of thirty to fifty dollars as determined
11 by the board."

12 7. On page 8, strike beginning with
13 "required" in line 2 through "form" in line 4, show as
14 stricken, and insert "determined by the board, except
15 that a minimum of two examinations shall be offered each
16 calendar year"; in line 14 after "thirty" insert "to
17 fifty dollars as determined by the board."; in line 15
18 strike "dollars," and show as stricken; in line 17
19 strike the new matter; in line 18 strike "and"; strike
20 beginning with "by" in line 25 through "issued" in line
21 26, show as stricken, and insert "within twelve months
22 of the date of issuance of the temporary permit"; and in
23 line 27 after "thirty" insert "to fifty" and after
24 "dollars" insert "as determined by the board".

25 8. On page 9, in lines 7, 8, 11, and 15
26 strike the new matter; in line 19 after "audiometry"
1 insert an underscored semicolon; strike beginning with
2 the comma in line 19 through line 20 and show as
3 stricken; and in line 24 strike the new matter.

4 9. On page 10, line 5, strike the new matter;
5 in line 16 strike the new matter and strike "annually,
6 on", show as stricken, and insert "biennially"; in line
7 17 strike "or before December 31," and show as stricken;
8 in line 18 strike "thirty", show as stricken, and insert
9 "sixty to two hundred fifty" and after "dollars" insert
10 "as determined by the board"; and strike beginning with
11 "A" in line 23 through line 27 and show as stricken.

12 10. On page 11, line 1, strike beginning with
13 "additional" through the period and show as stricken.

14 11. On page 13, in lines 6 and 17 strike the
15 new matter; strike beginning with "certified" in line 25
16 through "(B)" in line 27; and in line 27 strike ", or
17 (c)" and insert "or (B)".

18 12. On page 14, line 1, after "specialist"
19 insert "if such title is granted by a national
20 association"; strike the new matter in lines 2, 3, 4, 7,
21 and 8; strike beginning with "Selling" in line 9 through
22 "(viii)" in line 22 and show the old matter as stricken;
23 in line 23 strike "(ix)", show as stricken, and insert
24 "(viii)"; in line 24 strike "(x)", show as stricken, and

25 insert “(ix)”; and strike lines 26 and 27 and show the
26 old matter as stricken.

1 13. On page 15, strike lines 1 through 3 and
2 show the old matter as stricken; in line 4 strike
3 “(xii)”, show as stricken, and insert “(x)”; in line 7
4 strike “(xiii)”, show as stricken, and insert “(xi)”; in
5 line 10 strike “(xiv)”, show as stricken, and insert
6 “(xii)”; in line 16 strike “and”; in line 19 strike
7 “(xv)”, show as stricken, and insert “(xiii)”; in line
8 21 strike “(xvi)”, show as stricken, and insert “(xiv)”;
9 in line 22 strike the new matter; in line 24 strike
10 “(xvii)”, show as stricken, and insert “(xv)”; in line
11 25 strike the new matter; and in line 26 strike
12 “(xviii)”, show as stricken, and insert “(xvi)”.

13 14. On page 16, strike the new matter in
14 lines 8 and 9.

15 15. On page 17, line 2, strike the new
16 matter; strike beginning with “To” in line 3 through
17 “(5)” in line 6 and show as stricken; in line 7 strike
18 “(6)”, show as stricken, and insert “(5)”; in line 8
19 strike “(7)”, show as stricken, and insert “(6)”; in
20 line 10 strike “(8)”, show as stricken, and insert
21 “(7)”; in line 12 strike “(9)”, show as stricken, and
22 insert “(8)”; in line 16 strike “(10)”, show as
23 stricken, and insert “(9)”; in line 20 strike “and”; and
24 in lines 24 through 27 strike the new matter and
25 reinstate the stricken matter.

26 16. On page 18, in lines 3 and 5 strike
1 “and”; and strike the new matter in lines 15 through 18.

2 17. On page 19, line 16, strike the new
3 matter and reinstate the stricken matter.

LEGISLATIVE BILL 147. Indefinitely postponed.

LEGISLATIVE BILL 466. Indefinitely postponed.

LEGISLATIVE BILL 549. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 910. Placed on General File as amended.

Standing Committee amendment to LB 910:

AM1825

1 1. On page 2, in line 21, after “institution”
2 insert “or holding company” and after “section” insert

3 “and the assets of any nationally chartered financial
4 institution”.

(Signed) John DeCamp, Chairperson

Revenue

LEGISLATIVE BILL 816. Placed on General File as amended.
Standing Committee amendment to LB 816:

AM1832

1 1. On page 3, strike lines 16 through 18,
2 show as stricken, and insert “The final determination by
3 the Tax Commissioner shall be subject to judicial review
4 as provided in sections 84-917 to 84-919.”.

LEGISLATIVE BILL 817. Placed on General File as amended.
Standing Committee amendments to LB 817:

AM1833

1 1. On page 7, strike beginning with “No” in
2 line 14 through the period in line 15.
3 2. On page 9, line 2, strike “shall” and
4 insert “may”; and in line 23 strike “shall”, show as
5 stricken, and insert “may”.
6 3. Strike original section 6.
7 4. Renumber remaining sections accordingly.
8 5. On page 11, line 17, strike “shall” and
9 insert “may”.
10 6. On page 13, line 24, strike “shall” and
11 insert “may”.
12 7. On page 18, strike beginning with “If” in
13 line 5 through the period in line 18 and show the old
14 matter as stricken.
15 8. On page 19, line 12, strike “be signed
16 by”, show as stricken, and insert “identify by name”; in
17 line 13 after “taken” insert “, be signed by the
18 chairperson of the board,”; in line 14 strike “their”,
19 show as stricken, and insert “his or her”; in line 23
20 after “incomplete” insert an underscored comma; and
21 strike beginning with “or” in line 23 through “Tax” in
1 line 25 and show as stricken.
2 9. On page 20, line 1, strike “Commissioner,”
3 and show as stricken.
4 10. On page 21, line 10, strike “77-802,”.

(Signed) Vard R. Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendments to LB 621 in the Journal. No objections. So ordered.

(1)

AM1816

1 1. Strike original section 1 and insert the
2 following new sections:
3 "Section 1. That section 81-8,118, Revised
4 Statutes Supplement, 1985, be amended to read as
5 follows:
6 81-8,118. To pay the expense of the operation
7 and enforcement of sections 81-8,108 to 81-8,127, the
8 board shall, at the time application for registration is
9 submitted, collect from the applicant an examination fee
10 of not less than twenty-five dollars and not more than
11 seventy-five dollars for 1985 and not more than one
12 hundred dollars for 1986 and thereafter as set forth in
13 the rules or bylaws. If the applicant fails to qualify,
14 the fee shall not be returned but the applicant may be
15 reexamined, after a period of not less than one year nor
16 more than two years, with the payment of a reexamination
17 fee as set forth in the rules or bylaws. If the
18 applicant successfully qualifies, he or she shall be
19 registered until April 1 of the immediately following
20 odd-numbered year, beginning in 1987. After the
21 issuance of a certificate of registration, ~~an annual a~~
1 ~~biennial~~ fee of not less than five nor more than
2 ~~thirty-five dollars for 1985 and not more than fifty~~
3 ~~dollars for 1986 and thereafter one hundred dollars, as~~
4 the board shall direct, shall be due and payable on or
5 before January 1 of each odd-numbered year, beginning in
6 1987. Failure to remit ~~annual~~ biennial fees when due
7 shall automatically cancel the registration effective
8 the immediately following April 1, but otherwise the
9 registration shall remain in full force and effect
10 continuously from the date of issuance, unless suspended
11 or revoked by the board for just cause. All
12 registrations in effect on December 31, 1986, shall be
13 extended to April 1, 1987. A registration which has
14 been canceled for failure to pay the ~~annual~~ biennial fee
15 when due may be reinstated within one year, but the
16 ~~annual~~ biennial fee shall be increased ten per cent for

17 each month or fraction of a month that payment is
18 delayed. Nothing in this section shall prevent the
19 board from suspending or revoking any registration for
20 just cause.

21 Sec. 2. That section 81-8,119.01, Revised
22 Statutes Supplement, 1985, be amended to read as
23 follows:

24 81-8,119.01. (1) Beginning in 1987, as a
1 condition for renewal of a certificate of registration
2 issued pursuant to sections 81-8,108 to 81-8,127, a
3 certificate holder shall be required to successfully
4 complete fifteen hours of professional development
5 within the preceding calendar year. Beginning in 1989
6 as a condition for renewal of a certificate of
7 registration issued pursuant to sections 81-8,108 to
8 81-8,127, a certificate holder shall be required to
9 successfully complete thirty hours of professional
10 development within the preceding two calendar years.
11 Any certificate holder who completes in excess of thirty
12 hours of professional development within the preceding
13 two calendar years may have the excess, not to exceed
14 fifteen hours, applied to the requirement for the next
15 biennium.

16 (2) The State Board of Examiners for Land
17 Surveyors shall not renew the certificate of
18 registration of any certificate holder who has failed to
19 complete the professional development requirements
20 pursuant to subsection (1) of this section, unless he or
21 she can show good cause why he or she was unable to
22 comply with such requirements. If the board determines
23 that good cause was shown, the board shall permit the
24 registered surveyor to make up all outstanding required
1 hours of professional development.

2 (3) A certificate holder may at any time prior
3 to the termination of his or her registration request to
4 be classified as inactive. Such inactive registrations
5 may be maintained by payment of a biennial fee of not
6 less than five nor more than fifty dollars as determined
7 by the board. Holders of inactive certificates of
8 registration shall not be required to complete
9 professional development as required in subsection (1)
10 of this section. Holders of inactive certificates are
11 prohibited from the practice of land surveying. If the
12 board determines that an inactive registrant has
13 actively practiced land surveying, the board may

14 immediately revoke his or her certificate of
 15 registration.

16 (4) A holder of an inactive certificate of
 17 registration may return his or her certificate to an
 18 active registration to practice land surveying by the
 19 applicant electing to either:

20 (a) Complete all professional development
 21 hours that would have been required for registration
 22 during the period the certificate was inactive; or

23 (b) Take such examination as the board deems
 24 necessary to determine his or her qualifications. Such
 1 examination shall cover areas designed to demonstrate
 2 the applicant's proficiency in current methods of land
 3 surveying practice.

4 Additionally he or she shall be required to
 5 pay the biennial fee as required in section 81-8,118."

6 2. On page 2, strike beginning with "section"
 7 in line 19 through "is" in line 20 and insert "sections
 8 81-8,118 and 81-8,119.01, Revised Statutes Supplement,
 9 1985, are".

10 3. Renumber the remaining section
 11 accordingly.

(2)

AM1817

(Amendments to AM1816)

1 1. On page 4, strike beginning with "all" in
 2 line 20 through "inactive" in line 22 and insert "one
 3 half the biennial requirement for professional
 4 development multiplied by the number of years of lapsed
 5 or inactive status. The maximum requirement for
 6 professional development hours shall be one and one half
 7 times the biennial requirement. Such requirement shall
 8 be satisfied within the biennium prior to the date of
 9 reinstatement".

Mr. Conway asked unanimous consent to print the following amendment to LR 16 in the Journal. No objections. So ordered.

AM1851

1 1. On page 1, line 2, strike "VIII" and
 2 insert "8"; and in line 18 strike "repeal".

3 2. Strike original section I and insert the
 4 following:

5 "Section 1. That at the general election in

6 November 1986 there shall be submitted to the electors
7 of the State of Nebraska for approval the following
8 amendment to Article XII, section 8, of the Constitution
9 of Nebraska, which is hereby proposed by the
10 Legislature:

11 'CXII-8 (†) No publicly held corporation, as
12 defined by the Legislature, or syndicate shall acquire,
13 or otherwise obtain an interest, whether legal,
14 beneficial, or otherwise, in any title to shall purchase
15 real estate used for farming or ranching in this state,
16 or engage in to be used for farming or ranching.
17 Notwithstanding any other provision of this
18 constitution, the Legislature shall by law prohibit the
19 purchase of such real estate by publicly held
20 corporations in order to protect and promote family farm
21 and ranch operations.

1 ~~Corporation shall mean any corporation~~
2 ~~organized under the laws of any state of the United~~
3 ~~States or any country or any partnership of which such~~
4 ~~corporation is a partner.~~

5 ~~Farming or ranching shall mean (i) the~~
6 ~~cultivation of land for the production of agricultural~~
7 ~~crops, fruit, or other horticultural products, or (ii)~~
8 ~~the ownership, keeping or feeding of animals for the~~
9 ~~production of livestock or livestock products.~~

10 ~~Syndicate shall mean any limited partnership~~
11 ~~organized under the laws of any state of the United~~
12 ~~States or any country, other than limited partnerships~~
13 ~~in which the partners are members of a family, or a~~
14 ~~trust created for the benefit of a member of that~~
15 ~~family, related to one another within the fourth degree~~
16 ~~of kindred according to the rules of civil law, or their~~
17 ~~spouses, at least one of whom is a person residing on or~~
18 ~~actively engaged in the day to day labor and management~~
19 ~~of the farm or ranch, and none of whom are nonresident~~
20 ~~aliens. This shall not include general partnerships.~~

21 ~~These restrictions shall not apply to:~~

22 ~~(A) A family farm or ranch corporation.~~
23 ~~Family farm or ranch corporation shall mean a~~
24 ~~corporation engaged in farming or ranching or the~~
1 ~~ownership of agricultural land, in which the majority of~~
2 ~~the voting stock is held by members of a family, or a~~
3 ~~trust created for the benefit of a member of that~~
4 ~~family, related to one another within the fourth degree~~
5 ~~of kindred according to the rules of civil law, or their~~

6 spouses, at least one of whom is a person residing on or
7 actively engaged in the day-to-day labor and management
8 of the farm or ranch and none of whose stockholders are
9 non-resident aliens and none of whose stockholders are
10 corporations or partnerships, unless all of the
11 stockholders or partners of such entities are persons
12 related within the fourth degree of kindred to the
13 majority of stockholders in the family farm corporation.

14 These restrictions shall not apply to:

15 (B) Non-profit corporations.

16 These restrictions shall not apply to:

17 (C) Nebraska Indian tribal corporations.

18 These restrictions shall not apply to:

19 (D) Agricultural land, which, as of the
20 effective date of this Act, is being farmed or ranched,
21 or which is owned or leased, or in which there is a
22 legal or beneficial interest in title directly or
23 indirectly owned, acquired, or obtained by a corporation
24 or syndicate, so long as such land or other interest in
1 title shall be held in continuous ownership or under
2 continuous lease by the same such corporation or
3 syndicate, and including such additional ownership or
4 leasehold as is reasonably necessary to meet the
5 requirements of pollution control regulations. For the
6 purposes of this exemption, land purchased on a contract
7 signed as of the effective date of this amendment, shall
8 be considered as owned on the effective date of this
9 amendment.

10 These restrictions shall not apply to:

11 (E) A farm or ranch operated for research or
12 experimental purposes, if any commercial sales from such
13 farm or ranch are only incidental to the research or
14 experimental objectives of the corporation or syndicate.

15 These restrictions shall not apply to:

16 (F) Agricultural land operated by a
17 corporation for the purpose of raising poultry.

18 These restrictions shall not apply to:

19 (G) Land leased by alfalfa processors for the
20 production of alfalfa.

21 These restrictions shall not apply to:

22 (H) Agricultural land operated for the purpose
23 of growing seed, nursery plants, or sod.

24 These restrictions shall not apply to:

1 (I) Mineral rights on agricultural land.

2 These restrictions shall not apply to:

3 (J) ~~Agricultural land acquired or leased by a~~
4 ~~corporation or syndicate for immediate or potential use~~
5 ~~for nonfarming or nonranching purposes. A corporation~~
6 ~~or syndicate may hold such agricultural land in such~~
7 ~~acreage as may be necessary to its nonfarm or nonranch~~
8 ~~business operation, but pending the development of such~~
9 ~~agricultural land for nonfarm or nonranch purposes, not~~
10 ~~to exceed a period of five years, such land may not be~~
11 ~~used for farming or ranching except under lease to a~~
12 ~~family farm or ranch corporation or a non-syndicate and~~
13 ~~non-corporate farm or ranch.~~

14 These restrictions shall not apply to:

15 (K) ~~Agricultural lands or livestock acquired~~
16 ~~by a corporation or syndicate by process of law in the~~
17 ~~collection of debts, or by any procedures for the~~
18 ~~enforcement of a lien, encumbrance, or claim thereon;~~
19 ~~whether created by mortgage or otherwise. Any lands so~~
20 ~~acquired shall be disposed of within a period of five~~
21 ~~years and shall not be used for farming or ranching~~
22 ~~prior to being disposed of, except under a lease to a~~
23 ~~family farm or ranch corporation or a non-syndicate and~~
24 ~~non-corporate farm or ranch.~~

1 These restrictions shall not apply to:

2 (L) ~~A bona fide encumbrance taken for purposes~~
3 ~~of security.~~

4 These restrictions shall not apply to:

5 (M) ~~Custom spraying, fertilizing, or~~
6 ~~harvesting.~~

7 These restrictions shall not apply to:

8 (N) ~~Livestock futures contracts, livestock~~
9 ~~purchased for slaughter, or livestock purchased and~~
10 ~~resold within two weeks.~~

11 ~~If a family farm corporation, which has~~
12 ~~qualified under all the requirements of a family farm or~~
13 ~~ranch corporation, ceases to meet the defined criteria,~~
14 ~~it shall have fifty years, if the ownership of the~~
15 ~~majority of the stock of such corporation continues to~~
16 ~~be held by persons related to one another within the~~
17 ~~fourth degree of kindred or their spouses, and their~~
18 ~~landholdings are not increased, to either re-qualify as~~
19 ~~a family farm corporation or dissolve and return to~~
20 ~~personal ownership.~~

21 ~~The Secretary of State shall monitor corporate~~
22 ~~and syndicate agricultural land purchases and corporate~~
23 ~~and syndicate farming and ranching operations, and~~

24 ~~notify the Attorney General of any possible violations.~~
 1 ~~If the Attorney General has reason to believe that a~~
 2 ~~corporation or syndicate is violating this amendment, he~~
 3 ~~or she shall commence an action in district court to~~
 4 ~~enjoin any pending illegal land purchase, or livestock~~
 5 ~~operation, or to force divestiture of land held in~~
 6 ~~violation of this amendment. The court shall order any~~
 7 ~~land held in violation of this amendment to be divested~~
 8 ~~within two years. If land so ordered by the court has~~
 9 ~~not been divested within two years, the court shall~~
 10 ~~declare the land escheated to the State of Nebraska.~~

11 ~~If the Secretary of State or Attorney General~~
 12 ~~fails to perform his or her duties as directed by this~~
 13 ~~amendment, Nebraska citizens and entities shall have~~
 14 ~~standing in district court to seek enforcement.~~

15 ~~The Nebraska Legislature may enact, by general~~
 16 ~~law, further restrictions prohibiting certain~~
 17 ~~agricultural operations that the legislature deems~~
 18 ~~contrary to the intent of this section.'."~~

19 3. On page 3, strike lines 1 through 8 and
 20 insert "change restrictions on corporations acquiring
 21 real estate used for farming or ranching."

Mr. Withem asked unanimous consent to print the following amendment to LB 643 in the Journal. No objections. So ordered.

AM1853

(Amendments to AM5205)

- 1 1. On page 8, strike lines 22 through 24.
- 2 2. On page 9, strike lines 1 and 2 and
- 3 insert:
- 4 "(4) The first fifteen per cent of the retail
- 5 sales price of all pre-need sale of markers, monuments,
- 6 lettering, vaults, or caskets sold by cemeteries; and".

MOTION - Withdraw LB 1077

Mr. Schmit moved to withdraw LB 1077.

Laid over.

MOTION - Withdraw LB 990

Mr. Beutler moved to withdraw LB 990.

Laid over.

MOTION - Rerefer LB 1132

Mr. R. Johnson moved to rerefer from Public Works to Agriculture and Environment, LB 1132.

Laid over.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 928	Monday, February 3, 1986	1:30 P.M.
LB 1035	Monday, February 3, 1986	1:30 P.M.
LB 1042	Monday, February 3, 1986	1:30 P.M.
LB 1045	Monday, February 3, 1986	1:30 P.M.
LB 1052	Monday, February 3, 1986	1:30 P.M.
LB 1066	Monday, February 3, 1986	1:30 P.M.
LB 1181	Monday, February 3, 1986	1:30 P.M.
LB 1182	Monday, February 3, 1986	1:30 P.M.
LB 1184	Monday, February 3, 1986	1:30 P.M.
LB 1136	Monday, February 3, 1986	1:30 P.M.
LB 1243	Monday, February 3, 1986	1:30 P.M.
LB 1231	Monday, February 3, 1986	1:30 P.M.
LB 1208	Monday, February 3, 1986	1:30 P.M.
LB 1217	Monday, February 3, 1986	1:30 P.M.
LB 915	Monday, February 3, 1986	1:30 P.M.
LB 1015	Tuesday, February 4, 1986	1:30 P.M.
LB 964	Tuesday, February 4, 1986	1:30 P.M.
LB 1040	Tuesday, February 4, 1986	1:30 P.M.
LB 1112	Tuesday, February 4, 1986	1:30 P.M.
LB 1120	Tuesday, February 4, 1986	1:30 P.M.
LB 1123	Tuesday, February 4, 1986	1:30 P.M.
LB 1125	Tuesday, February 4, 1986	1:30 P.M.
LB 1150	Tuesday, February 4, 1986	1:30 P.M.
LB 1171	Tuesday, February 4, 1986	1:30 P.M.

(Signed) John DeCamp, Chairperson

Government, Military and Veterans Affairs

LB 965	Thursday, February 6, 1986	1:30 P.M.
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LB 1100	Friday, February 7, 1986	2:30 P.M.
LB 1089	Friday, February 7, 1986	2:30 P.M.
LB 970	Thursday, February 13, 1986	1:30 P.M.
LB 1002	Thursday, February 13, 1986	1:30 P.M.
LB 1006	Thursday, February 13, 1986	1:30 P.M.
LB 1033	Thursday, February 13, 1986	1:30 P.M.

(Signed) David Landis, Chairperson

Appropriations

LB 847	Monday, February 3, 1986	3:00 P.M.
LB 852	Tuesday, February 4, 1986	1:30 P.M.
LB 1020	Wednesday, February 5, 1986	1:30 P.M.
LB 853	Wednesday, February 5, 1986	1:30 P.M.
LB 1087	Friday, February 7, 1986	1:30 P.M.
LB 842	Wednesday, February 19, 1986	1:30 P.M.
LB 1038	Wednesday, February 19, 1986	1:30 P.M.
LB 851	Friday, February 21, 1986	1:30 P.M.
LB 1082	Monday, February 24, 1986	1:30 P.M.
LB 1022	Wednesday, February 26, 1986 (Room to be announced)	7:00 P.M.
LB 752	Thursday, February 27, 1986	1:30 P.M.
LB 870	Thursday, February 27, 1986	1:30 P.M.
LB 1080	Thursday, February 27, 1986	1:30 P.M.
Monday, February 3, 1986, Rm. 2414		1:30 P.M.
Agency 40 - Motor Vehicle Industry Licensing Board		
Agency 63 - State Board of Public Accountancy		
Agency 73 - Board of Examiners for Landscape Architects		
Agency 62 - Board of Examiners for Land Surveyors		
Agency 32 - Board of Educational Lands and Funds		
Tuesday, February 4, 1986, Rm. 2414		1:30 P.M.
Agency 52 - State Board of Agriculture		
Agency 74 - Power Review Board		

Agency 60 - Gasohol Committee
 Agency 57 - Oil and Gas Conservation Committee
 Agency 36 - Racing Commission
 Agency 81 - Nebraska Energy Office
 Agency 58 - Board of Examiners for Engineers and Architects

Wednesday, February 5, 1986, Rm. 2414 1:30 P.M.

Agency 21 - Fire Marshall
 Agency 30 - State Electrical Board
 Agency 22 - Department of Insurance
 Agency 43 - Athletic Commissioner
 Agency 66 - Abstractors Board of Examiners
 Agency 14 - Public Service Commission

Thursday, February 6, 1986, Rm. 2414 1:30 P.M.

Agency 12 - State Treasurer
 Agency 10 - State Auditor
 Agency 75 - Nebraska Investment Council
 Agency 09 - Secretary of State
 Agency 61 - Uniform Commercial Code Filing Council
 Agency 87 - Political Accountability and Disclosure Commission

Friday, February 7, 1986, Rm. 2414 1:30 P.M.

Agency 38 - Nebraska Commission on the Status of Women
 Agency 68 - Mexican-American Commission
 Agency 72 - Nebraska Indian Commission
 Agency 67 - Equal Opportunity Commission
 Agency 45 - Board of Barber Examiners
 Agency 71 - Department on Aging
 Agency 20 - Department of Health

Block Grants: Health Prevention and Services
 Maternal and Child Health
 Primary Care

Monday, February 10, 1986, Rm. 2414 1:30 P.M.

Agency 82 - Commission for the Hearing Impaired
 Agency 13 - Department of Education
 Agency 34 - Nebraska Library Commission
 Agency 47 - Educational Telecommunications Commission

Block Grants: Education

Tuesday, February 11, 1986, Rm. 2414 1:30 P.M.

Agency 23 - Department of Labor

Agency 16 - Department of Revenue
Agency 54 - State Historical Society
Agency 31 - Military Department
Agency 72 - Department of Economic Development

Block Grant: Community Development

Wednesday, February 12, 1986, Rm. 2414 1:30 P.M.
Agency 70 - Foster Care Review Board
Agency 26 - Department of Social Services

Block Grant: Social Services
Low Income Energy Assistance
Community Services

Thursday, February 13, 1986, Rm. 2414 1:30 P.M.
Agency 11 - Attorney General
Agency 05 - Supreme Court
Agency 06 - District Courts
Agency 15 - Board of Pardons and Paroles
Agency 78 - Commission on Law Enforcement and Criminal Justice
Agency 37 - Workman's Compensation Court

Tuesday, February 18, 1986, Rm. 2414 1:30 P.M.
Agency 83 - Technical Community Colleges
Agency 49 - Board of Trustees - State Colleges
Agency 50 - State Colleges

Wednesday, February 19, 1986, Rm. 2414 1:30 P.M.
Agency 48 - NE Coordinating Commission on Postsecondary Education
Agency 51 - University of Nebraska

Thursday, February 20, 1986, Rm. 2414 1:30 P.M.
Agency 29 - Department of Water Resources
Agency 84 - Department of Environmental Control
Agency 55 - Natural Resources Commission
Agency 33 - Game and Parks Commission

Friday, February 21, 1986, Rm. 2414 1:30 P.M.
Agency 64 - State Patrol
Agency 35 - Liquor Control Commission
Agency 18 - Department of Agriculture
Agency 56 - Nebraska Wheat Board
Agency 42 - Nebraska Beef Board

Agency 39 - Nebraska Brand Committee
Agency 88 - Nebraska Corn Board

Monday, February 24, 1986, Rm. 2414 1:30 P.M.
Agency 19 - Department of Banking
Agency 41 - Real Estate Commission
Agency 17 - Department of Aeronautics
Agency 24 - Department of Motor Vehicles
Agency 90 - Branch Rail Revitalization Council
Agency 27 - Department of Roads

Tuesday, February 25, 1986, Rm. 2414 1:30 P.M.
Agency 28 - Department of Veterans Affairs
Agency 25 - Department of Public Institutions

Block Grant: Alcohol, Drug Abuse and Mental Services

Wednesday, February 26, 1986, Rm. 2414 1:30 P.M.
Agency 46 - Department of Correctional Services
Agency 77 - Commission on Industrial Relations
Agency 85 - Retirement Board
Agency 89 - State Claims Board
Agency 80 - Department of Personnel

(Room to be announced 7:00 P.M.)
Public Testimony on the 1986-87 State Salary Policy

Thursday, February 27, 1986, Rm. 2414 1:30 P.M.
Agency 07 - Governor
Agency 08 - Lieutenant Governor
Agency 04 - Policy Research Office
Agency 03 - Legislative Council
Agency 65 - Department of Administrative Services
Agency 69 - Nebraska Arts Council

(Signed) Jerome Warner, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 575A. By Lynch, 13th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 575, Eighty-ninth Legislature, Second Session, 1986.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 23, 1986. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Brashear II, Kermit A. - Omaha (Withdrawn 86/02/01), Nebraska
Republican Party
Chunka, Gary G. - Lincoln, Blue Cross/Blue Shield of Nebraska
Frey, John O. - Lincoln, Radcliffe, Walter/Tews & Radcliffe
Hammer, Elaine - Lincoln (Withdrawn 86/02/01), Nebraska
Republican Party
Kelley, Michael - Omaha, GTE Sprint, MCI Telecommunications
Corporation (Withdrawn 86/01/01), Nebraska Criminal Defense
Attorney Association
Lombardi, Richard A. - Lincoln, Nebraska Dental Assistants
Association
Miesbach, Neal L. - Omaha, Omahawks Radio Control, Inc.
Newell, David R. - Omaha, Distilled Spirits Council of the United
States (DISCUS) (Withdrawn 85/09/15), Metro Area Transit
Authority, Nebraskans for Public Radio
O'Hara & Associates, Inc. - Lincoln, Nebraska Chapter of the
National Association of Social Workers
Olson, Ralph A. - Ceresco (Withdrawn 86/01/02), Nebraska Grain
Sorghum Producers Association
Peters, William E. - Lincoln, Blue Cross/Blue Shield of Nebraska
Quick, Gerald D. - Council Bluffs, IA., Peoples Natural Gas
Company
Radcliffe, Walter/Tews & Radcliffe
Radcliffe, Walter H. - Lincoln, The Acreage
Rasmussen, Dennis - Lincoln, Millard Rural Fire Protection District
#1, Omaha District Farm Credit Council, Radcliffe, Walter/Tews
& Radcliffe (Withdrawn 85/12/27)
Rasmussen, Ross H. - Hooper (Withdrawn 86/01/08), Regional
Veterinary College Task Force

Wilson, Stanley F. - Lincoln, Nebraska New Car & Truck Dealers Association

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Nelson asked unanimous consent to have her name added as co-introducer to LB 91. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Co-Introducer

Mrs. Smith asked unanimous consent to have her name withdrawn as co-introducer to LB 663. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 593. E & R amendments, AM5198, found in the Journal on page 377 for the Eighth Day were adopted.

Mr. V. Johnson offered the following amendment:

to amend LB 593 by adding the following new section:

"That section 44-2716 (2), Reissue Revised Statutes of Nebraska, 1943, be amended to read:

(2) The insurer may offset fifty percent of the amount written off by it in a calendar year under the provisions of subsection (1) of this section against its premium tax liability to this state pursuant to the provisions of sections 44-1213, 77-908, and 77-909, accrued with respect to business transacted in such year."

Mr. Barrett requested a ruling of the Chair on whether the V. Johnson amendment is germane to the bill.

Mr. Hannibal asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chair ruled the V. Johnson amendment is not germane to the bill.

Mr. V. Johnson challenged the ruling of the Chair. The question is "Shall the Chair be overruled?"

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. V. Johnson requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 18:

Baack	Hartnett	Landis	Pirsch	Smith
Chambers	Higgins	Lundy	Rupp	Vickers
Conway	Hoagland	Marsh	Schmit	Withem
Hall	Johnson, V.	Morehead		

Voting in the negative, 22:

Abboud	Eret	Hefner	Lamb	Remmers
Barrett	Goll	Johnson, L.	Lynch	Rogers
Beyer	Goodrich	Johnson, R.	Miller	Sieck
Carsten	Haberman	Labeledz	Peterson	Warner
Chronister	Harris			

Present and not voting, 6:

Chizek	Nichol	Pappas	Scofield	Wesely
Nelson				

Excused and not voting, 3:

Beutler	DeCamp	Hannibal
---------	--------	----------

The V. Johnson motion lost with 18 ayes, 22 nays, 6 present and not voting, and 3 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

Messrs. Schmit, Remmers, and Mrs. Morehead asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment to LB 593:
AM1828

- 1 1. On page 3, lines 10, 11, 24, and 26; page
- 2 4, lines 11, 13, and 27; page 5, lines 1 and 5; page 6,
- 3 line 2; page 8, line 21; page 9, line 4; page 10, lines
- 4 17 and 24; page 13, line 14; page 14, lines 9, 13, and
- 5 26; page 16, lines 7 and 15; page 18, line 7; page 21,

6 line 14; page 22, line 14; page 23, lines 4 and 9; page
7 24, lines 7 and 16; page 25, line 26; page 26, line 4;
8 page 28, line 13; page 30, lines 10 and 18; page 31,
9 line 11; page 32, line 19; page 34, lines 12, 23, and
10 26; and page 35, line 1, strike "Nebraska"

11 2. Insert the following new sections:

12 "Sec. 17. (1) The Revisor of Statutes shall
13 change the name of the Nebraska Property and Liability
14 Insurance Guaranty Association Act to the Property and
15 Liability Insurance Guaranty Association Act wherever
16 such name appears in the following sections: 44-2418,
17 44-3318, and 44-3818.

18 (2) The Revisor of Statutes shall change the
19 name of the Nebraska Property and Liability Insurance
20 Guaranty Association to the Property and Liability
21 Insurance Guaranty Association wherever such name
1 appears in the following sections: 44-127.25,
2 44-127.26, 44-2403, 44-2404, 44-2910, 44-3108, 44-3318,
3 and 44-3818.

4 Sec. 18. (1) The Revisor of Statutes shall
5 change the name of the Nebraska Life and Health
6 Insurance Guaranty Association Act to the Life and
7 Health Insurance Guaranty Association Act where such
8 name appears in the following sections: 44-2720,
9 44-3318, and 44-3818.

10 (2) The Revisor of Statutes shall change the
11 name of the Nebraska Life and Health Insurance Guaranty
12 Association to the Life and Health Insurance Guaranty
13 Association wherever such name appears in the following
14 sections: 44-127.25, 44-127.26, 44-2702, 44-2705,
15 44-3318, and 44-3818."

16 3. In the Standing Committee amendments, on
17 page 2, line 4, strike "Nebraska".

18 4. Renumber the remaining sections
19 accordingly.

Messrs. R. Johnson and Pappas asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers withdrew his pending amendment, AM1828.

Advanced to E & R for Engrossment with 26 ayes, 1 nay, 14 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Messrs. Nichol and Pappas asked unanimous consent to print the following amendment to LB 32 in the Journal. No objections. So ordered.

AM1854

- 1 1. In the Standing Committee amendments found
- 2 on page 747 of the 1985 Journal:
- 3 a. On page 1, line 11 strike "ten" and insert
- 4 "five"; in line 14 strike "five dollars" and insert "one
- 5 dollar"; and in line 19 strike "five" and insert "two";
- 6 and
- 7 b. On page 2, lines 4 and 8, strike "fifteen"
- 8 and insert "five"; and in line 10, strike "five" and
- 9 insert "three".

ANNOUNCEMENT

Mrs. Higgins designates LB 791 as her priority bill.

STANDING COMMITTEE REPORTS Banking, Commerce and Insurance

LEGISLATIVE BILL 767. Placed on General File as amended.
Standing Committee amendments to LB 767:

AM1824

- 1 1. On page 3, strike lines 24 through 25 and
- 2 insert:
- 3 (4) With the approval of the director, and
- 4 subject to the following limitations, a single bank may
- 5 establish one detached auxiliary office within the
- 6 corporate limits of any municipality in which a
- 7 financial institution has closed and ceased doing
- 8 business within the preceding two years if no other
- 9 financial institution operates an office within such
- 10 municipality. If thirty days or less have elapsed since
- 11 the financial institution ceased operation, then the
- 12 director shall only approve the establishment of a
- 13 detached auxiliary office by a bank which has its place
- 14 of business, as specified in its charter, in the same
- 15 county as, or in a contiguous county to, the county in
- 16 which such municipality is located. If more than thirty
- 17 days have elapsed since the financial institution ceased
- 18 operation, then the director may approve the
- 19 establishment of a detached auxiliary office by any bank

20 located within Nebraska.

21 For the purposes of this subsection:

1 (a) An unmanned electronic satellite facility
2 shall not be deemed to be an office operated by a
3 financial institution; and

4 (b) A financial institution shall be defined
5 as a bank, building and loan association, savings and
6 loan association, industrial loan and investment
7 company, or credit union."

8 2. On page 4 strike lines 1 through 8.

LEGISLATIVE BILL 801. Placed on General File as amended.
Standing Committee amendments to LB 801:

AM1827

1 1. Insert the following new sections:

2 Section 1. That section 8-1102, Reissue
3 Revised Statutes of Nebraska, 1943, be amended to read
4 as follows:

5 8-1102. (1) It shall be unlawful for any
6 person, in connection with the offer, sale, or purchase
7 of any security, directly or indirectly, to :

8 ~~(a) To employ any device, scheme, or artifice~~
9 ~~to defraud;~~

10 ~~(b) To make any untrue statement of a material~~
11 ~~fact or to omit to state a material fact necessary in~~
12 ~~order to make the statements made, in the light of the~~
13 ~~circumstances under which they are made, not misleading,~~
14 ~~; or~~

15 ~~(c) To engage in any act, practice, or course~~
16 ~~of business which operates or would operate as a fraud~~
17 ~~or deceit upon any person.~~

18 (2) It shall be unlawful for any person who
19 receives any consideration from another person primarily
20 for advising the other person as to the value of
21 securities or their purchase or sale, whether through
1 the issuance of analyses or reports or otherwise:

2 (a) To employ any device, scheme, or artifice
3 to defraud the other person; or

4 (b) To engage in any act, practice, or course
5 of business which operates or would operate as a fraud
6 or deceit upon the other person.

7 (3) It shall be unlawful for any investment
8 adviser to enter into, extend, or renew any investment
9 advisory contract unless it provides in writing:

10 (a) That the investment adviser shall not be

11 compensated on the basis of a share of capital gains
12 upon or capital appreciation of the funds or any portion
13 of the funds of the client;

14 (b) That no assignment of the contract may be
15 made by the investment adviser without the consent of
16 the other party to the contract; and

17 (c) That the investment adviser, if a
18 partnership, shall notify the other party to the
19 contract of any change in the membership of the
20 partnership within a reasonable time after the change.
21 Subdivision (a) of this subsection shall not prohibit an
22 investment advisory contract which provides for
23 compensation based upon the total value of a fund
24 averaged over a definite period; or as of definite dates

1 or taken as of a definite date. Assignment, as used in
2 subdivision (b) of this subsection, shall include any
3 direct or indirect transfer or hypothecation of an
4 investment advisory contract by the assignor or of a
5 controlling block of the assignor's outstanding voting
6 securities by a security holder of the assignor; but, if
7 the investment adviser is a partnership, no assignment
8 of an investment advisory contract shall be considered
9 to result from the death or withdrawal of a minority of
10 the members of the investment adviser having only a
11 minority interest in the business of the investment
12 adviser; or from the admission to the investment adviser
13 of one or more members who, after admission, will be
14 only a minority of the members and will have only a
15 minority interest in the business.

16 Sec. 3. That section 8-1120, Reissue Revised
17 Statutes of Nebraska, 1943, be amended to read as
18 follows:

19 8-1120. (1) ~~Sections 8-1101 to 8-1124~~ The
20 Securities Act of Nebraska shall be administered by the
21 Director of Banking and Finance who may employ such
22 assistant or assistants or counsel as may be reasonably
23 necessary for the purpose thereof; and may designate one
24 of such assistants as an assistant director. ~~The ; and~~
1 ~~the~~ director may delegate to such assistant director or
2 counsel any and all powers, authority, and duties by
3 ~~sections 8-1101 to 8-1124~~ the act imposed upon or
4 granted to the director, ~~such~~ as may be lawfully
5 delegated under the common law or the statutes of this
6 state. The director may also employ special counsel
7 with respect to any investigation conducted by him or

8 her under ~~sections 8-1101 to 8-1124,~~ the Securities Act
9 of Nebraska or with respect to any litigation to which
10 the director is a party under ~~sections 8-1101 to 8-1124;~~
11 PROVIDED, such act, except that security issued by and
12 representing an interest in or a debt of, or guaranteed
13 by, any insurance company shall be registered, pursuant
14 to ~~the provisions of sections 8-1104 to 8-1109,~~ with the
15 Director of Insurance who shall as to such registrations
16 administer and enforce the Securities Act of Nebraska
17 ~~provisions of sections 8-1101 to 8-1124;~~ and, as
18 pertains to the administration and enforcement of such
19 registration of such securities, all references in
20 ~~sections 8-1101 to 8-1124~~ the act to director shall mean
21 the Director of Insurance.

22 (2) It shall be unlawful for the director or
23 any of his or her officers or employees to use for
24 personal benefit any information which is filed with or
1 obtained by the director and which is not made public.
2 No provision of ~~sections 8-1101 to 8-1124~~ the Securities
3 Act of Nebraska shall authorize the director or any of
4 his or her officers or employees to disclose any such
5 information except among themselves or when necessary or
6 appropriate in a proceeding or investigation under the
7 ~~provisions of sections 8-1101 to 8-1124~~ act. No
8 provision of ~~the act sections 8-1101 to 8-1124~~ shall
9 either create or derogate from any privilege which
10 exists at common law or otherwise when documentary or
11 other evidence is sought under a subpoena directed to
12 the director or any of his or her officers or employees.

13 (3) The director may from time to time make,
14 amend, and rescind such rules and forms as are necessary
15 to carry out the ~~provisions of sections 8-1101 to 8-1124~~
16 Securities Act of Nebraska. No rule or form may be made
17 unless the director finds that the action is necessary
18 or appropriate in the public interest or for the
19 protection of investors and consistent with the purposes
20 fairly intended by the policy and provisions of ~~sections~~
21 ~~8-1101 to 8-1124~~ such act. No rule shall impose any of
22 the conditions enumerated in section 8-1109.01 as
23 grounds for issuance of a stop order, for denial of
24 registration, or as a basis for any other action or
1 decision pertaining to a registration statement to
2 register securities by notification or coordination.

3 In prescribing rules and forms the director
4 may cooperate with the securities administrator of the

5 other states and the Securities and Exchange Commission
6 with a view to effectuating the policy of ~~sections~~
7 ~~8-1101 to 8-1124~~ the Securities Act of Nebraska to
8 achieve maximum uniformity in the form and content of
9 registration statements, applications, and reports
10 wherever practicable. All rules and forms of the
11 director shall be published and mailed to each
12 registered broker-dealer.

13 (4) No provision of ~~sections 8-1101 to 8-1124~~
14 the Securities Act of Nebraska imposing any liability
15 shall apply to any act done or omitted in good faith in
16 conformity with any rule, form, or order of the
17 director, notwithstanding that the rule or form may
18 later be amended or rescinded or be determined by
19 judicial or other authority to be invalid for any
20 reason.

21 (5) Every hearing in an administrative
22 proceeding shall be public unless the director in his or
23 her discretion grants a request joined in by all the
24 respondents that the hearing be conducted privately.

1 (6) All filing fees, registration fees, and
2 all other fees and all money collected by or paid to the
3 director under any of the provisions of ~~sections 8-1101~~
4 ~~to 8-1124~~ the Securities Act of Nebraska shall be paid
5 into the state treasury and by the State Treasurer
6 credited to the Securities Act Cash Fund, except ;
7 **PROVIDED**, that registration fees collected by or paid to
8 the Director of Insurance pursuant to the Securities Act
9 of Nebraska ~~provisions of sections 8-1101 to 8-1124~~
10 shall be credited to the Department of Insurance Cash
11 Fund. The Securities Act Cash Fund shall be used for
12 the purpose of administering and enforcing ~~the~~
13 ~~provisions of sections 8-1101 to 8-1124~~ such act, except
14 that transfers may be made to the General Fund at the
15 direction of the Legislature. All of such money is
16 appropriated and shall be appropriated for such
17 purposes. Any money in the Securities Act Cash Fund
18 available for investment shall be invested by the state
19 investment officer pursuant to ~~the provisions of~~
20 ~~sections 72-1237 to 72-1269.~~

21 (7) A document is shall be deemed filed when
22 it is received by the director. The director shall keep
23 a register of all applications for registration and
24 registration statements which are or have ever been
1 effective under ~~sections 8-1101 to 8-1124~~ the Securities

2 Act of Nebraska and all denial, suspension, or
3 revocation orders which have ever been entered under ~~the~~
4 ~~provisions of sections 8-1101 to 8-1124~~ such act. The
5 register shall be open for public inspection. The
6 information contained in or filed with any registration
7 statement, application, or report may be made available
8 to the public under such rules as the director shall
9 prescribe.

10 (8) Upon request and at such reasonable
11 charges as he or she shall prescribe, the director shall
12 furnish to any person photostatic or other copies,
13 certified under his or her seal of office if requested,
14 of any entry in the register or any document which is a
15 matter of public record. In any proceeding or
16 prosecution under ~~sections 8-1101 to 8-1124~~ the
17 Securities Act of Nebraska, any copy so certified shall
18 be prima facie evidence of the contents of the entry or
19 document certified.

20 (9) The director in his or her discretion may
21 honor requests from interested persons for
22 interpretative opinions.

23 Sec. 4. That section 8-1122, Reissue Revised
24 Statutes of Nebraska, 1943, be amended to read as
1 follows:

2 8-1122. Insofar as is consistent with this
3 act, the Securities Act of Nebraska ~~Sections 8-1101 to~~
4 ~~8-1124~~ shall be so construed as to effectuate its
5 general purpose to make uniform the law of those states
6 which enact it and to coordinate the interpretation and
7 administration of ~~sections 8-1101 to 8-1124~~ the act with
8 the related federal regulation.”.

9 2. On page 2, line 18, strike “sections
10 8-1101 to 8-1124”, show as stricken, and insert “the
11 Securities Act of Nebraska”; and in line 20 strike
12 “sections 8-1101 to 8-1124”, show as stricken, and
13 insert “such act”.

14 3. On page 4, line 11, after the last comma
15 insert “or”; in line 12 after “incomplete” insert an
16 underscored semicolon; strike beginning with the comma
17 in line 12 through line 13 and show as stricken; and in
18 line 25 strike “section” and insert “sections 8-1102,”
19 and after the comma insert “8-1120, and 8-1122,”.

20 4. On page 5, line 1, strike “is” and insert
21 “are”.

22 5. Renumber the remaining sections

23 accordingly.

(Signed) John DeCamp, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 540. Placed on Select File as amended.
E & R amendments to LB 540:

AM5207

1 1. In the Standing Committee amendments,
2 AM0896, adopted January 15, 1986:

3 a. On page 1, line 9, remove the
4 underscoring; in line 10 strike "including" and insert
5 "such as when"; in line 11 after "services" insert "are
6 involved"; in line 13 after "committed" insert "or
7 attempted"; and in line 19 strike "teleconferance" and
8 insert "teleconference"; and

9 b. On page 2, line 6, before "or" insert an
10 underscored comma; and in line 7 lowercase "State".

11 2. On page 3, line 9, strike "or", show as
12 stricken, and insert "and no"; and in line 10 after
13 "equipment" insert "shall".

14 3. On page 5, line 22, strike "Crime Victim's
15 Reparations"; in line 23 lowercase "Committee"; and in
16 lines 25 and 26 strike "a term", show as stricken, and
17 insert "terms".

18 4. On page 12, line 21, strike the new matter
19 and insert "the act".

20 5. On page 18, line 8, after "Is" insert an
21 underscored comma and strike the comma after "injury"
1 and show as stricken; and in line 25 strike "do", show
2 as stricken, and insert "shall".

3 6. On page 25, line 24, strike the comma and
4 "that" and show both as stricken.

5 7. On page 26, line 17, after the semicolon
6 insert "and".

LEGISLATIVE BILL 74. Placed on Select File.

(Signed) Timothy Hall, Chairperson

UNANIMOUS CONSENT - Add Co-Introducers

Mrs. Smith asked unanimous consent to have her name added as co-introducer to LB 91. No objections. So ordered.

Mrs. Labeledz asked unanimous consent to have her name added as co-introducer to LB 91. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Co-Introducer

Mrs. Nelson asked unanimous consent to have her name withdrawn as co-introducer to LB 663. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS

Urban Affairs

LB 971	Wednesday, February 5, 1986	1:30 P.M.
LB 1163	Wednesday, February 5, 1986	1:30 P.M.
LB 1164	Wednesday, February 5, 1986	1:30 P.M.
LB 1002	Wednesday, February 12, 1986	1:30 P.M.
LB 1003	Wednesday, February 12, 1986	1:30 P.M.
LB 954	Wednesday, February 19, 1986	1:30 P.M.
LB 1165	Wednesday, February 19, 1986	1:30 P.M.
LB 1205	Wednesday, February 19, 1986	1:30 P.M.
LB 972	Wednesday, February 26, 1986	1:30 P.M.
LB 1137	Wednesday, February 26, 1986	1:30 P.M.
LB 1138	Wednesday, February 26, 1986	1:30 P.M.
LB 879	Wednesday, March 5, 1986	1:30 P.M.
LB 1162	Wednesday, March 5, 1986	1:30 P.M.

(Signed) Ron Withem, Chairperson

VISITORS

Visitors to the Chamber were John and Elden Mrsny and Leroy and Janice Hintz from Norfolk; Mrs. Olga Davis; 28 eighth grade students and teachers from Boys Town; Mr. and Mrs. Wes Larreau from Arnold; Mr. and Mrs. Alton Uhlig from Mason City; and Neil and Maxine Gatch from Gering.

ADJOURNMENT

At 12:03 p.m., on a motion by Mrs. Nelson, the Legislature adjourned until 10:00 a.m., Monday, January 27, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTEENTH DAY - JANUARY 27, 1986**LEGISLATIVE JOURNAL****EIGHTY-NINTH LEGISLATURE
SECOND SESSION****THIRTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, January 27, 1986

Pursuant to adjournment, the Legislature met at 10:03 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz and Mr. Warner who were excused; and Messrs. Beutler, Beyer, Hartnett, Landis, Lynch, Peterson, Wesely, Withem, Mrs. Higgins, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twelfth Day was approved.

SELECT COMMITTEE REPORTS**Enrollment and Review**

LEGISLATIVE BILL 529. Placed on Select File as amended.
(E & R amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM5208.)

LEGISLATIVE BILL 525. Placed on Select File as amended.
E & R amendments to LB 525:
AM5209

- 1
1. On page 2, line 8, strike "He or she",

- 2 show the old matter as stricken, and insert "The clerk";
 3 and in line 10 strike the comma and show as stricken.
 4 2. On page 4, line 1, strike "where there
 5 are", show the old matter as stricken, and insert "when
 6 there is"; in line 7 after the second comma insert
 7 "and"; in line 8 strike the first comma and show as
 8 stricken; in line 13 strike the comma and show as
 9 stricken; and in line 24 after "licenses" insert "shall
 10 be".
 11 3. On page 5, line 1; on page 6, line 22; and
 12 on page 8, line 3, strike the comma and show as
 13 stricken.
 14 4. On page 6, line 20, strike "or" and show
 15 as stricken.

(Signed) Timothy Hall, Chairperson

STANDING COMMITTEE REPORTS

Business and Labor

LEGISLATIVE BILL 256. Indefinitely postponed.
LEGISLATIVE BILL 257. Indefinitely postponed.
LEGISLATIVE BILL 416. Indefinitely postponed.
LEGISLATIVE BILL 426. Indefinitely postponed.
LEGISLATIVE BILL 485. Indefinitely postponed.
LEGISLATIVE BILL 513. Indefinitely postponed.
LEGISLATIVE BILL 719. Indefinitely postponed.

(Signed) Bill Barrett, Chairperson

ANNOUNCEMENTS

Mrs. Smith designates LB 829 as her priority bill.

Mr. R. Johnson announced the Standing Committee on Agriculture and Environment will hold an Executive Session on Tuesday, January 28, 1986 at 8:30 a.m., in Room 1520 of the State Capitol Building.

NOTICE OF COMMITTEE HEARINGS

Business and Labor

LB 958	Wednesday, February 5, 1986	1:30 P.M.
LB 1036	Wednesday, February 5, 1986	1:30 P.M.

LB 1037	Wednesday, February 5, 1986	1:30 P.M.
LB 1203	Wednesday, February 5, 1986	1:30 P.M.
LB 1204	Wednesday, February 5, 1986	1:30 P.M.
LB 1043	Wednesday, February 12, 1986	1:30 P.M.
LB 1094	Wednesday, February 12, 1986	1:30 P.M.
LB 1108	Wednesday, February 12, 1986	1:30 P.M.
LB 1179	Wednesday, February 12, 1986	1:30 P.M.

(Signed) Bill Barrett, Chairperson

Constitutional Revision and Recreation

LB 1234	Thursday, February 6, 1986	1:30 P.M.
LB 1152	Thursday, February 6, 1986	1:30 P.M.

(Signed) Lee Rupp, Chairperson

EXECUTIVE BOARD ANNOUNCEMENT

The Executive Board announced that the following members have been appointed to the Economic Development Committee: Don Wesely, John DeCamp, Bill Barrett, Chris Beutler, Loran Schmit, Pat Morehead, Sandy Scofield, Gary Hannibal, Ron Withem, Rod Johnson, Elroy Hefner, Jerry Chizek, and Chris Abboud.

REPORT

Received report from the State Claims Board of officers and employees who are bonded and the amount of each pursuant to Section 11-203.

MOTION - Withdraw LB 990

Mrs. Morehead renewed the Beutler pending motion found in the Journal on page 502 to withdraw LB 990.

The motion prevailed with 32 ayes, 0 nays, 6 present and not voting, and 11 excused and not voting.

MOTION - Withdraw LB 1077

Mr. Schmit renewed his pending motion found in the Journal on page 502 to withdraw LB 1077.

The motion prevailed with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

MOTION - Approve Appointment

Mr. Barrett moved the adoption of the report of the Business and Labor Committee for the following Governor appointment found in the Journal on page 490: Thom K. Cope - Judge, Commission of Industrial Relations.

Voting in the affirmative, 27:

Abbound	DeCamp	Hoagland	Miller	Remmers
Barrett	Eret	Johnson, L.	Morehead	Rogers
Beyer	Goll	Johnson, R.	Nelson	Schmit
Carsten	Goodrich	Lamb	Nichol	Vickers
Chizek	Harris	Marsh	Pappas	Wesely
Chronister	Hefner			

Voting in the negative, 0.

Present and not voting, 15:

Baack	Haberman	Johnson, V.	Lundy	Scofield
Chambers	Hall	Labeledz	Pirsch	Sieck
Conway	Hannibal	Landis	Rupp	Smith

Excused and not voting, 7:

Beutler	Higgins	Peterson	Warner	Withem
Hartnett	Lynch			

The appointment was confirmed with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE RESOLUTION 16CA. Considered.

Mr. DeCamp moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The Chair declared the call raised.

Mr. DeCamp withdrew his pending amendment, AM0636, found in the Journal on page 1039, First Session.

Mr. V. Johnson moved to indefinitely postpone LR 16CA.

MR. BEUTLER PRESIDING

SPEAKER NICHOL PRESIDING

Mr. Baack moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. DeCamp requested a roll call vote on the V. Johnson motion to indefinitely postpone.

Voting in the affirmative, 24:

Beutler	Eret	Johnson, R.	Lynch	Sieck
Carsten	Goll	Johnson, V.	Nelson	Smith
Chambers	Hartnett	Lamb	Rogers	Vickers
Chizek	Hefner	Landis	Schmit	Wesely
Chronister	Higgins	Lundy	Scofield	

Voting in the negative, 22:

Baack	Goodrich	Hoagland	Morehead	Pirsch
Barrett	Haberman	Johnson, L.	Nichol	Remmers
Beyer	Hall	Marsh	Pappas	Rupp
Conway	Hannibal	Miller	Peterson	Withem
DeCamp	Harris			

Present and not voting, 1:

Abboud

Excused and not voting, 2:

Labeledz Warner

The V. Johnson motion to indefinitely postpone prevailed with 24 ayes, 22 nays, 1 present and not voting, and 2 excused and not voting.

LR 16CA stands indefinitely postponed.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 871. Placed on General File.

LEGISLATIVE BILL 882. Indefinitely postponed.

LEGISLATIVE BILL 1018. Indefinitely postponed.

(Signed) Elroy M. Hefner, Chairperson

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 755	Monday, February 3, 1986	1:30 P.M.
LB 1226	Monday, February 3, 1986	1:30 P.M.
LB 805	Monday, February 3, 1986	1:30 P.M.
LB 891	Monday, February 3, 1986	1:30 P.M.
LB 1221	Monday, February 3, 1986	1:30 P.M.
LB 999	Tuesday, February 4, 1986	1:30 P.M.
LB 1218	Tuesday, February 4, 1986	1:30 P.M.
LB 1233	Tuesday, February 4, 1986	1:30 P.M.
LB 1107	Tuesday, February 4, 1986	1:30 P.M.

(Signed) Peter Hoagland, Chairperson

Banking, Commerce and Insurance

LB 1192	Monday, February 10, 1986	1:30 P.M.
LB 1202	Monday, February 10, 1986	1:30 P.M.
LB 1215	Monday, February 10, 1986	1:30 P.M.
LB 1232	Monday, February 10, 1986	1:30 P.M.
LB 1235	Monday, February 10, 1986	1:30 P.M.
LB 1246	Monday, February 10, 1986	1:30 P.M.
LB 1032	Monday, February 10, 1986	1:30 P.M.
LB 981	Monday, February 10, 1986	1:30 P.M.

(Signed) John DeCamp, Chairperson

Miscellaneous Subjects

LB 756	Thursday, February 6, 1986	1:30 P.M.
LB 762	Thursday, February 6, 1986	1:30 P.M.
LB 766	Thursday, February 6, 1986	1:30 P.M.
LB 868	Friday, February 7, 1986	1:30 P.M.
LB 960	Friday, February 7, 1986	1:30 P.M.

(Signed) Elroy M. Hefner, Chairperson

Health and Human Services

LB 925	Monday, February 3, 1986	1:30 P.M.
LB 836	Monday, February 3, 1986	1:30 P.M.
LB 848	Monday, February 3, 1986	1:30 P.M.
LB 926	Monday, February 3, 1986	1:30 P.M.
LB 1228	Tuesday, February 4, 1986	1:30 P.M.
LB 804	Tuesday, February 4, 1986	1:30 P.M.
LB 829	Tuesday, February 4, 1986	1:30 P.M.
LB 754	Tuesday, February 4, 1986	1:30 P.M.
LB 916	Monday, February 10, 1986	1:30 P.M.
LB 1009	Monday, February 10, 1986	1:30 P.M.
LB 1135	Monday, February 10, 1986	1:30 P.M.
LB 1085	Monday, February 10, 1986	1:30 P.M.
LB 1191	Monday, February 10, 1986	1:30 P.M.
LB 1051	Tuesday, February 11, 1986	1:30 P.M.
LB 1058	Tuesday, February 11, 1986	1:30 P.M.
LB 1078	Tuesday, February 11, 1986	1:30 P.M.
LB 1088	Tuesday, February 11, 1986	1:30 P.M.
LB 1167	Tuesday, February 11, 1986	1:30 P.M.
LB 773	Tuesday, February 18, 1986	1:30 P.M.
LB 945	Tuesday, February 18, 1986	1:30 P.M.
LB 1177	Tuesday, February 18, 1986	1:30 P.M.
LB 1055	Tuesday, February 18, 1986	1:30 P.M.
LB 1083	Monday, February 24, 1986	1:30 P.M.
LB 1084	Monday, February 24, 1986	1:30 P.M.
LB 1067	Monday, February 24, 1986	1:30 P.M.
LB 858	Monday, February 24, 1986	1:30 P.M.
LB 826	Monday, February 24, 1986	1:30 P.M.

(Signed) Don Wesely, Chairperson

Education

LB 912	Monday, February 3, 1986	1:30 P.M.
LB 918	Monday, February 3, 1986	1:30 P.M.
LB 944	Monday, February 3, 1986	1:30 P.M.
LB 962	Monday, February 3, 1986	1:30 P.M.
LB 1059	Monday, February 3, 1986	1:30 P.M.
LB 1133	Monday, February 3, 1986	1:30 P.M.
LB 1172	Monday, February 3, 1986	1:30 P.M.
LB 1209	Monday, February 3, 1986	1:30 P.M.
LB 997	Tuesday, February 4, 1986	1:30 P.M.
LB 998	Tuesday, February 4, 1986	1:30 P.M.
LB 913	Tuesday, February 4, 1986	1:30 P.M.
LB 1049	Tuesday, February 4, 1986	1:30 P.M.
LB 1091	Tuesday, February 4, 1986	1:30 P.M.
LB 751	Monday, February 10, 1986	1:30 P.M.
LB 757	Monday, February 10, 1986	1:30 P.M.
LB 827	Monday, February 10, 1986	1:30 P.M.
LB 961	Monday, February 10, 1986	1:30 P.M.
LB 978	Monday, February 10, 1986	1:30 P.M.
LB 834	Monday, February 10, 1986	1:30 P.M.
LB 865	Tuesday, February 11, 1986	1:30 P.M.
LB 866	Tuesday, February 11, 1986	1:30 P.M.
LB 1013	Tuesday, February 11, 1986	1:30 P.M.
LB 1057	Tuesday, February 11, 1986	1:30 P.M.
LB 1070	Tuesday, February 11, 1986	1:30 P.M.
LB 1010	Tuesday, February 18, 1986	1:30 P.M.
LB 897	Tuesday, February 18, 1986	1:30 P.M.
LB 1075	Tuesday, February 18, 1986	1:30 P.M.
LB 1034	Tuesday, February 18, 1986	1:30 P.M.
LB 1126	Tuesday, February 18, 1986	1:30 P.M.
LB 1090	Monday, February 24, 1986	1:30 P.M.
LB 1096	Monday, February 24, 1986	1:30 P.M.

Program Review Hearing Tuesday, February 25, 1986 12:00 noon
(Joint Education and Appropriations as required by LB 981 of 1984)

(Signed) Tom Vickers, Chairperson

Revenue

LB 867	Monday, February 3, 1986	1:30 P.M.
LB 947	Monday, February 3, 1986	1:30 P.M.
LB 1143	Monday, February 3, 1986	1:30 P.M.
LB 1212	Monday, February 3, 1986	1:30 P.M.
LB 1111	Monday, February 3, 1986	1:30 P.M.
LB 1101	Tuesday, February 4, 1986	1:30 P.M.
LB 1104	Tuesday, February 4, 1986	1:30 P.M.
LB 1106	Tuesday, February 4, 1986	1:30 P.M.
LB 1161	Tuesday, February 4, 1986	1:30 P.M.
LB 1168	Tuesday, February 4, 1986	1:30 P.M.
LB 1117	Tuesday, February 4, 1986	1:30 P.M.
LB 1154	Wednesday, February 5, 1986	1:30 P.M.
LB 1178	Wednesday, February 5, 1986	1:30 P.M.
LB 1248	Wednesday, February 5, 1986	1:30 P.M.

(Signed) Vard R. Johnson, Chairperson

Agriculture and Environment

LB 768	Thursday, February 6, 1986	1:30 P.M.
LB 1007	Thursday, February 6, 1986	1:30 P.M.
LB 1237	Thursday, February 6, 1986	1:30 P.M.
LB 1240	Thursday, February 6, 1986	1:30 P.M.
LB 937	Thursday, February 6, 1986	1:30 P.M.
LB 1102	Thursday, February 6, 1986	1:30 P.M.
LB 1176	Thursday, February 6, 1986	1:30 P.M.
LB 1008	Friday, February 7, 1986	1:30 P.M.
LB 1211	Friday, February 7, 1986	1:30 P.M.
LB 1173	Friday, February 7, 1986	1:30 P.M.
LB 1174	Friday, February 7, 1986	1:30 P.M.
LB 1239	Friday, February 7, 1986	1:30 P.M.

(Signed) Rod Johnson, Chairperson

SELECT COMMITTEE REPORTS**Enrollment and Review****LEGISLATIVE BILL 531.** Placed on Select File.

LEGISLATIVE BILL 471. Placed on Select File as amended.
E & R amendment to LB 471:

AM5210

- 1 1. On page 2, line 13, strike the commas and
- 2 show as stricken.

LEGISLATIVE BILL 595. Placed on Select File.

LEGISLATIVE BILL 621. Placed on Select File as amended.
E & R amendment to LB 621:

AM5211

- 1 1. Because of the amendment of section
- 2 81-8,119.01 by Laws 1985, LB 564, section 2:
- 3 a. On page 1, line 3; and page 2, line 2,
- 4 strike "1984" and insert "1985"; and
- 5 b. On page 2, line 3, strike the stricken
- 6 matter and the underscoring; and in line 20 strike
- 7 "1984" and insert "1985,".

LEGISLATIVE BILL 258. Placed on Select File.

LEGISLATIVE BILL 351. Placed on Select File as amended.
E & R amendment to LB 351:

AM5213

- 1 1. On page 5, line 27, strike "(8)", show as
- 2 stricken, and insert "(9)".

LEGISLATIVE BILL 275. Placed on Select File as amended.
E & R amendments to LB 275:

AM5214

- 1 1. On page 2, line 1, strike "shall be" and
- 2 insert "is"; in line 17 strike "or" and insert a comma;
- 3 in line 18 after "material" insert a comma and after
- 4 "or" insert "made"; in line 19 strike "non-Indians" and
- 5 insert "persons who are not American Indians"; and in
- 6 line 26 strike "American Indian".
- 7 2. On page 3, line 18, strike "to" and insert
- 8 a comma; and in line 19 strike "include" and insert
- 9 "including".
- 10 3. On page 5, line 12, strike both commas; in
- 11 line 19 strike the comma; and in lines 20 and 22 strike
- 12 "spin cast" and insert "spin-cast".

LEGISLATIVE BILL 177. Placed on Select File as amended.
E & R amendment to LB 177:

AM5215

- 1 1. On page 2, line 6, strike the comma and
- 2 show as stricken.

LEGISLATIVE BILL 626. Placed on Select File as amended.
E & R amendments to LB 626:

AM5212

- 1 1. In the Standing Committee amendments,
- 2 AM0254, adopted January 17, 1986, on page 1, strike
- 3 beginning with "strike" in line 3 through line 6 and
- 4 insert "line 13, after 'sections' insert '39-669.15 to
- 5 39-669.18 or sections', strike the new matter, and
- 6 reinstate the stricken 'and'; and in line 14 strike the
- 7 new matter."; and in line 13 strike "the".
- 8 2. On page 4, in lines 17 and 23, strike the
- 9 comma and show as stricken.
- 10 3. On page 6, line 8, strike the third comma
- 11 and show as stricken; and in line 19 strike the comma
- 12 and show as stricken.
- 13 4. On page 7, line 5, strike the second "or"
- 14 and show as stricken.
- 15 5. On page 8, line 4, strike the first comma
- 16 and show as stricken; and in line 11 strike "like", show
- 17 as stricken, and insert "six-month".
- 18 6. On page 9, line 2; and page 10, line 7,
- 19 strike the comma and show as stricken.
- 20 7. On page 11, in lines 9 and 21, strike the
- 21 first comma and show as stricken.
- 1 8. On page 12, line 4, strike the second "to"
- 2 and show as stricken; and in line 5 strike the first
- 3 "and", show as stricken, and insert an underscored
- 4 comma.
- 5 9. On page 13, in lines 1 and 2, strike the
- 6 comma and show as stricken.

LEGISLATIVE BILL 379. Placed on Select File.

(Signed) Timothy Hall, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 327.

Introduced by Abboud, 12th District.

WHEREAS, Air Force 2nd Lt. John E. "Ned" O'Brien, 24, son of Mr. and Mrs. T. J. O'Brien III of Ralston, passed from this life on July 30, 1985, while in the service of his country; and

WHEREAS, Ned joined the Air Force in November, 1983, earning the "Commander's Cup" award at flight school, signifying the top flight training graduating pilot, and distinguished graduate honors at combat; and

WHEREAS, Ned's earthly life, although short, was rich in accomplishments and full of love, spirit, and friendship; and

WHEREAS, Ned's many achievements serve as an inspiration to all Nebraskans, young and old; and

WHEREAS, Ned is survived by his parents and brothers Dr. Thomas J. O'Brien IV, Timothy, Michael, and James; and

WHEREAS, his death has brought grief to many.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature express their sympathy to the family of Lt. John E. "Ned" O'Brien and acknowledge the fine example this young man set for children, teenagers, and adults in Ralston and throughout the state.

2. That a copy of this resolution be presented to his family as a tangible symbol of the best wishes for the O'Brien family and as an expression of regret for Ned's passing.

Laid over.

LEGISLATIVE RESOLUTION 328.

Introduced by Marsh, 29th District.

WHEREAS, Gordon MacRae chose Lincoln as his home after achieving success in films, radio, television, recordings, and nightclubs; and

WHEREAS, Gordon's wife, Elizabeth, was from Sterling, Nebraska; and

WHEREAS, Gordon MacRae was referred to as Nebraska's "singer laureate"; and

WHEREAS, Gordon MacRae worked with the Nebraskaland Foundation, Arbor Day Foundation, the National Council on Alcoholism, and a number of other civic and charitable organizations; and

WHEREAS, MacRae, 64, died of cancer early Friday morning in Lincoln.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature express their sympathy to the family of Gordon MacRae.
2. That a copy of this resolution be presented to the family as a tangible symbol of the best wishes for the MacRae family by the Nebraska Legislature.

Laid over.

LEGISLATIVE RESOLUTION 329.

Introduced by Lamb, 43rd District; Sieck, 24th District; Wesely, 26th District; Hefner, 19th District.

WHEREAS, the University of Nebraska Cooperative Extension Service has made more than forty-five thousand personal contacts throughout the state during the past year providing assistance to farm and ranch families experiencing financial stress; and

WHEREAS, the Farm Financial Information Line has been used by more than two thousand seven hundred persons; and

WHEREAS, five hundred twenty-eight families have participated in the Farm and Ranch Financial Counseling Program; and

WHEREAS, three thousand six hundred fifty-five persons participated in farm stress workshops; and

WHEREAS, assistance was provided to customers of nine banks which failed; and

WHEREAS, two hundred eighty women attended a Women In Agriculture -- Building The Future Conference; and

WHEREAS, seven hundred sixty farm and ranch families participated in the Managing for Tomorrow Workshops and follow-up individual counseling, and eighty enrolled in the Managing for Tomorrow II program; and

WHEREAS, seventy-five bankers attended a conference to learn more about managing for tomorrow as well as the outlook for agriculture; and

WHEREAS, six new NebGuide publications relating to legal and tax problems associated with financial stress are being developed; and

WHEREAS, Nebraska is the site for a national demonstration project linking the videodisc with the computer providing interactive capability to help clientele learn cash-flow planning faster and retain more information, as well as to relearn procedures; and

WHEREAS, the various farm and ranch financial assistance programs developed under the leadership of Larry Bitney and

Douglas Jose have been recognized at the regional and national levels as the programs to emulate and Bitney was recognized for his contributions by Farm Journal magazine.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes members of the University of Nebraska Cooperative Extension Service for their outstanding efforts in providing assistance to farm and ranch families experiencing financial stress.

2. That the Legislature commends the efforts of the University of Nebraska Cooperative Extension Service staff in helping farm and ranch families learn how to develop strategies for maintaining competitive, viable operations both now and in the future.

3. That the Legislature hereby congratulates all members of the University of Nebraska Cooperative Extension Service throughout the state for their outstanding efforts to help farm and ranch families cope with the current financial crisis and build for the future.

Laid over.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 92. Placed on Select File as amended.

E & R amendments to LB 92:

AM5220

- 1 1. In the Standing Committee amendments,
- 2 AM0360, adopted January 17, 1986, on page 1, line 7,
- 3 strike "1985" and insert "1986".
- 4 2. On page 1, line 5, strike "a term" and
- 5 insert "terms"; in line 11 strike "and" and insert "to
- 6 provide an operative date;"; and in line 12 after
- 7 "sections" insert "; and to declare an emergency".
- 8 3. On page 2, in lines 10 and 15, strike the
- 9 comma and show as stricken.
- 10 4. On page 9, line 9, strike "must", show as
- 11 stricken, and insert "shall".
- 12 5. On page 10, line 8; page 12, line 24; page
- 13 13, line 18; and page 14, lines 13 and 17, strike the
- 14 comma and show as stricken.
- 15 6. On page 12, line 25, strike the first
- 16 comma and show as stricken.
- 17 7. On page 14, line 8, after "and" insert an
- 18 underscored comma.

19 8. On page 16, line 25, after "(a)" insert
20 "adopt and".

21 9. On page 17, line 24, strike "(4)", show as
1 stricken, and insert "(3)".

LEGISLATIVE BILL 298. Placed on Select File as amended.
E & R amendment to LB 298:
AM5216

1 1. On page 1, line 1, strike "and loans".

LEGISLATIVE BILL 374. Placed on Select File as amended.
E & R amendments to LB 374:
AM5217

1 1. On page 1, line 4, after "payments" insert
2 "and expenses".

3 2. On page 2, line 7, after "duties" insert
4 an underscored period; and in line 9 strike the period
5 and show as stricken.

LEGISLATIVE BILL 125. Placed on Select File as amended.
E & R amendments to LB 125:
AM5219

1 1. Because of the amendment of section 24-524
2 by Laws 1985, LB 373, section 3, strike the original
3 sections and all amendments thereto and insert the
4 following new sections:
5 "Section 1. That section 24-524, Revised
6 Statutes Supplement, 1985, be amended to read as
7 follows:

8 24-524. (1) Actions in the Small Claims Court
9 shall be commenced by the filing of a claim, personally
10 or by mail, by the plaintiff on a form provided by the
11 clerk of the a county court. The claim form shall be
12 executed by the plaintiff in the presence of a judge, ~~or~~
13 ~~the a clerk or deputy or assistant clerk of the a county~~
14 ~~court, or a deputy or assistant designated by the clerk~~
15 notary public of the State of Nebraska. If not filed in
16 person, the claim form and appropriate fees shall be
17 mailed by the plaintiff to the court of proper
18 jurisdiction.

19 (2) At the time of the filing of the claim,
20 the plaintiff shall pay a fee of five dollars to the
21 clerk.

1 (3) Upon filing of a claim in the Small Claims
2 Court, the court shall set a time for hearing and shall
3 cause notice to be served upon the defendant. Notice

4 shall be served not less than five days before the time
5 set for hearing. Notice shall consist of a copy of the
6 complaint and a summons directing the defendant to
7 appear at the time set for hearing and informing the
8 defendant that if he or she fails to appear, judgment
9 will be entered against him or her. Notice shall be
10 served in the manner provided for service of a summons
11 in a civil action, except that service by certified mail
12 shall be made by the clerk. The cost of service shall
13 be paid by the plaintiff, but such cost and filing fee
14 shall be added to any judgment given the plaintiff.

15 (4) The defendant may file a setoff or
16 counterclaim. Any setoff or counterclaim shall be filed
17 and a copy delivered to the plaintiff at least two days
18 prior to the time of trial. If the setoff or
19 counterclaim exceeds the jurisdictional limits of the
20 Small Claims Court as established pursuant to section
21 24-522, the court shall cause the entire matter to be
22 transferred to the regular county court docket and set
23 for trial.

24 (5) No prejudgment actions for attachment,
1 garnishment, replevin, or other provisional remedy may
2 be filed in the Small Claims Court.

3 (6) All forms required by this section shall
4 be prescribed by the Supreme Court. The claim form
5 shall provide for the names and addresses of the
6 plaintiff and defendant, ~~and~~ a concise statement of the
7 nature, amount, and time and place of accruing of the
8 claim, and an acknowledgement for use by the person in
9 whose presence the claim form is executed and shall also
10 contain a brief explanation of the Small Claims Court
11 procedure and methods of appeal therefrom.

12 (7) Judgments rendered against a defendant in
13 his or her absence may not be set aside but may only be
14 appealed as governed by section 24-527.

15 Sec. 2. That original section 24-524, Revised
16 Statutes Supplement, 1985, is repealed.”.

17 2. On page 1, line 2, strike “1984” and
18 insert “1985”.

LEGISLATIVE BILL 483. Placed on Select File as amended.
E & R amendments to LB 483:
AM5218

- 1 1. In the Standing Committee amendments,
- 2 AM0399, adopted January 17, 1986:

- 3 a. On page 1, line 7, strike "reinstate" and
4 insert "reinstated"; and
5 b. On page 2, line 15, after "year" insert an
6 underscored comma.
7 2. On page 1, line 2, strike "section" and
8 insert "sections" and after the comma insert "31-735.02,
9 and 31-735.05,"; and in line 5 after the semicolon
10 insert "to change provisions relating to the payment of
11 election expenses;" and strike "section" and insert
12 "sections".
13 3. On page 7, line 3, strike the comma and
14 show as stricken.

(Signed) Timothy Hall, Chairperson

MESSAGE FROM THE GOVERNOR

January 20, 1986

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the position of Director, Department of Energy, requiring legislative confirmation:

Appointee:
Martha Beeman, Lincoln, Nebraska.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Staff Assistant to the Governor
Accountability and Disclosure Commission
Department of Administrative Services
Department of Energy

VISITORS

Visitors to the Chamber were a group of farmers and ranchers from the state of Nebraska; 15 members of the Nebraska Federal Democratic Women (N.F.D.W.); and Chuck and Nancy Tomsen from Minden.

ADJOURNMENT

At 12:04 p.m., on a motion by Mrs. Marsh, the Legislature adjourned until 9:00 a.m., Tuesday, January 28, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTEENTH DAY - JANUARY 28, 1986**LEGISLATIVE JOURNAL****EIGHTY-NINTH LEGISLATURE
SECOND SESSION****FOURTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 28, 1986

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Elder LeRoy Roth, Reorganized Church of Jesus Christ of Latter Day Saints, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Warner who was excused; and Messrs. Barrett, Beutler, Chambers, Haberman, Hefner, V. Johnson, Rupp, and Withem who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirteenth Day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 328. Read. Considered.

LR 328 was adopted with 29 ayes, 0 nays, and 20 not voting.

LEGISLATIVE RESOLUTION 329. Read. Considered.

LR 329 was adopted with 31 ayes, 0 nays, and 18 not voting.

LEGISLATIVE RESOLUTION 327. Read. Considered.

LR 327 was adopted with 30 ayes, 0 nays, and 19 not voting.

MOTION - Rerefer LB 1132

Mr. R. Johnson renewed his pending motion found in the Journal on page 503 to rerefer LB 1132 from the Public Works Committee to the Agriculture and Environment Committee.

The R. Johnson motion prevailed with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

NOTICE OF COMMITTEE HEARINGS Nebraska Retirement Systems

LB 1140	Tuesday, February 11, 1986	12:00 noon
LB 1149	Tuesday, February 11, 1986	12:00 noon

(Signed) Bill Harris, Chairperson

STANDING COMMITTEE REPORTS Public Works

LEGISLATIVE BILL 310. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM1798.)

LEGISLATIVE BILL 759. Placed on General File as amended.
Standing Committee amendment to LB 759:
AM1797

- 1 1. On page 3, line 14, strike "trucks or
- 2 truck-tractors", show as stricken, and insert "motor
- 3 vehicles"; in line 15 strike "(a)" and strike the comma;
- 4 and strike the new matter in lines 16 through 22 and
- 5 insert "or complete motor vehicles which are inventory
- 6 of such licensed dealer.".

LEGISLATIVE BILL 894. Placed on General File as amended.
Standing Committee amendments to LB 894:
AM1863

- 1 1. On page 2, line 15, after "contamination"
- 2 insert "in both urban and rural areas".
- 3 2. On page 3, line 21, after the period
- 4 insert "The department shall consider the relevant water
- 5 quality portions of the management plan developed by the

6 district pursuant to section 46-673.01 during the study
7 required in this section.”.

8 3. On page 5, line 21, after “users” insert
9 “, including, but not limited to, domestic, municipal,
10 industrial, and agricultural users.”.

11 4. On page 6, line 19, after the period
12 insert “The report by the Director of Environmental
13 Control shall include the specific reasons for the
14 creation of the ground water quality protection area and
15 a full disclosure of the possible causes.”.

16 5. On page 9, line 4, strike “eighty” and
17 insert “twenty”.

18 6. On page 12, strike beginning with
19 “Director” in line 16 through “may” in line 17 and
20 insert “Environmental Control Council shall”; and in
21 line 18 strike “of”.

1 7. On page 13, strike beginning with “a” in
2 line 9 through “guidesheets” in line 10 and insert
3 “current information available with respect to
4 fertilizer and chemical usage”.

5 8. On page 19, line 4, strike “prohibitions
6 of practices.”; in line 8 after “scheduling” insert “, proper
7 timing of fertilizer and pesticide application.”
8 and after the first “and” insert “other”.

9 9. Insert the following new section:

10 “Sec. 28. That section 46-673.05, Reissue
11 Revised Statutes of Nebraska, 1943, be amended to read
12 as follows:

13 46-673.05. ~~If the director has approved the~~
14 ~~ground water management plan or the district has~~
15 ~~submitted an explanation of a disapproved plan, the~~
16 ~~district shall, in~~ Prior to proceeding toward
17 establishing a management area, a management plan shall
18 have been approved by the director or the district shall
19 have completed the requirements of section 46-673.04.
20 In order to establish a management area, the district
21 shall as proposed in the plan, fix a time and place for
22 a public hearing to consider the management plan
23 information supplied by the director and to hear any
24 other evidence. Such hearing shall be held within sixty
1 days after receiving the director's approval or after
2 submitting an explanation. The hearing shall be located
3 within, or in reasonable proximity to, the area proposed
4 for designation as a management area. Notice of the
5 hearing shall be given in accordance with section

- 6 46-658, and shall provide a general description of the
 7 contents of the plan and of the area which will be
 8 considered for inclusion in the management area, and
 9 shall provide the text of the control ~~or controls~~
 10 proposed for adoption by the district. All interested
 11 persons shall be allowed to appear and present
 12 testimony. The hearing shall include testimony of a
 13 representative of the Department of Water Resources and
 14 the results of any studies or investigations conducted
 15 by the district.”.
- 16 10. On page 36, line 8, after “46-673.03,”
 17 insert “46-673.05,”.
- 18 11. Renumber remaining sections accordingly.

(Signed) Loran Schmit, Chairperson

SELECT FILE

LEGISLATIVE BILL 301. E & R amendments, AM5199, found in the Journal on page 414 for the Ninth Day were adopted.

Mr. Schmit offered the following amendment:
 AM1864

(Amendments to Standing Committee amendments)

- 1 1. On page 1, line 11, after “drivers” insert
 2 “of such carriers” and after “vehicles” insert “of such
 3 carriers”.

The Schmit amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 644. E & R amendments, AM5200, found in the Journal on page 414 for the Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 172. E & R amendments, AM5204, found in the Journal on page 416 for the Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 302. E & R amendments, AM5201, found in the Journal on page 417 for the Ninth Day were adopted.

Mr. Schmit renewed his pending amendment, AM1760, found in the Journal on page 433.

The Schmit amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 643. E & R amendments, AM5205, printed separate from the Journal and referred to on page 472 for the Eleventh Day were adopted.

Mr. Withem renewed his pending amendment, AM1853, found in the Journal on page 502.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Morehead moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Withem moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Withem requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Barrett	Chronister	Harris	Lynch	Pirsch
Beyer	Conway	Hartnett	Morehead	Sieck
Carsten	Goll	Labeledz	Nelson	Wesely
Chizek	Hall	Lamb	Peterson	Withem

Voting in the negative, 20:

Abboud	Haberman	Lundy	Pappas	Schmit
Baack	Hoagland	Marsh	Remmers	Scofield
DeCamp	Johnson, L.	Miller	Rogers	Smith
Eret	Landis	Nichol	Rupp	Vickers

Present and not voting, 3:

Hannibal	Higgins	Johnson, R.
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Absent and not voting, 1:

Goodrich

Excused and not voting, 5:

Beutler Chambers Hefner Johnson, V. Warner

The Withem amendment lost with 20 ayes, 20 nays, 3 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Withem withdrew his pending amendment, AM1683, found in the Journal on page 158.

Mr. Pappas offered the following amendment:
AM1837

(Amendments to AM5205)

- 1 1. On page 1, line 19, strike "a" and
- 2 insert "or" and strike the second comma.

The Pappas amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment with 26 ayes, 12 nays, 6 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 643A. E & R amendments, AM5206, found in the Journal on page 472 for the Eleventh Day were adopted.

Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 895. Placed on General File.

LEGISLATIVE BILL 963. Placed on General File.

LEGISLATIVE BILL 983. Placed on General File.

LEGISLATIVE BILL 1025. Placed on General File.

LEGISLATIVE BILL 883. Indefinitely postponed.

(Signed) John DeCamp, Chairperson

SELECT FILE

LEGISLATIVE BILL 599. Messrs. Warner, Beutler, Lamb, and Mrs. Marsh renewed their pending amendment, AM1776, found in the Journal on page 424.

Mr. Lundy asked unanimous consent to be excused until he returns. No objections. So ordered.

The Warner et al. amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Hannibal and Warner offered the following amendment: (Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM1766.)

The Hannibal-Warner amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 124. Considered.

Mr. Beutler withdrew his name on the pending motion to indefinitely postpone.

Mr. Wesely renewed the pending motion found in the Journal on page 367 to indefinitely postpone.

Messrs. Chronister, Schmit, and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

The Wesely motion to indefinitely postpone lost with 7 ayes, 25 nays, 11 present and not voting, and 6 excused and not voting.

Mr. Vickers renewed his pending amendment, AM1803, found in the Journal on page 482.

Mr. Chizek asked unanimous consent to be excused. No objections. So ordered.

The Vickers amendment lost with 6 ayes, 8 nays, 28 present and not voting, and 7 excused and not voting.

Mr. Vickers offered the following amendment:
to amend LB 124, by striking "after January 1, 1992" wherever it appears.

Mr. Vickers moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Vickers amendment lost with 19 ayes, 19 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Messrs. Beutler and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. R. Johnson moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Advanced to E & R for Review with 29 ayes, 8 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 1154	Wednesday, February 5, 1986 (cancelled)	1:30 P.M.
LB 1178	Wednesday, February 5, 1986 (cancelled)	1:30 P.M.
LB 846	Wednesday, February 5, 1986	1:30 P.M.
LB 1068	Wednesday, February 5, 1986	1:30 P.M.

(Signed) Vard R. Johnson, Chairperson

Public Works

LB 1210	Wednesday, February 5, 1986	1:30 P.M.
LB 1121	Wednesday, February 5, 1986	1:30 P.M.
LB 1169	Wednesday, February 5, 1986	1:30 P.M.

LB 1103	Wednesday, February 5, 1986	1:30 P.M.
LB 807	Wednesday, February 5, 1986	1:30 P.M.
LB 1156	Wednesday, February 5, 1986	1:30 P.M.
LB 835	Wednesday, February 5, 1986	1:30 P.M.
LB 1230	Thursday, February 6, 1986	1:30 P.M.
LB 1004	Thursday, February 6, 1986	1:30 P.M.
LB 1187	Thursday, February 6, 1986	1:30 P.M.
LB 1197	Thursday, February 6, 1986	1:30 P.M.
LB 1186	Thursday, February 6, 1986	1:30 P.M.
LB 1131	Thursday, February 6, 1986	1:30 P.M.
LB 1130	Thursday, February 6, 1986	1:30 P.M.
LB 786	Friday, February 7, 1986	1:30 P.M.
LB 1079	Friday, February 7, 1986	1:30 P.M.
LB 1081	Friday, February 7, 1986	1:30 P.M.
LB 1122	Friday, February 7, 1986	1:30 P.M.
LB 1145	Friday, February 7, 1986	1:30 P.M.
LB 1151	Friday, February 7, 1986	1:30 P.M.
LB 1201	Friday, February 7, 1986	1:30 P.M.

(Signed) Loran Schmit, Chairperson

Agriculture and Environment

LB 1173	Friday, February 7, 1986 (cancelled)	1:30 P.M.
LB 1173	Thursday, February 13, 1986 (reset)	1:30 P.M.
LB 1174	Friday, February 7, 1986 (cancelled)	1:30 P.M.
LB 1174	Thursday, February 13, 1986 (reset)	1:30 P.M.
LB 818	Friday, February 7, 1986	1:30 P.M.
LB 953	Friday, February 7, 1986	1:30 P.M.
LB 1001	Thursday, February 13, 1986	1:30 P.M.
LB 946	Thursday, February 13, 1986	1:30 P.M.
LB 1238	Thursday, February 13, 1986	1:30 P.M.

(Signed) Rod Johnson, Chairperson

STANDING COMMITTEE REPORTS **Agriculture and Environment**

LEGISLATIVE BILL 795. Placed on General File.
LEGISLATIVE BILL 898. Placed on General File.

LEGISLATIVE BILL 899. Placed on General File.

LEGISLATIVE BILL 832. Indefinitely postponed.

(Signed) Rod Johnson, Chairperson

NOTICE OF COMMITTEE HEARING
Education

LB 1206 Tuesday, February 4, 1986

1:30 P.M.

(Signed) Tom Vickers, Chairperson

MOTION - Reconsider Action on LR 16CA

Mr. Lynch moved to reconsider the motion to indefinitely postpone LR 16CA.

Laid over.

UNANIMOUS CONSENT - Announcement

Mr. Wesely asked unanimous consent for the Health and Human Services Committee to hold their public hearing in the East Chamber rather than Room 1019 on Tuesday, February 4, 1986. No objections. So ordered.

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Higgins asked unanimous consent to have her name added as co-introducer to LB 988. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 330.

Introduced by Vickers, 38th District.

WHEREAS, community education programs maximize the use of schools by extending its services to all citizens through the provision of programs in basic education, social and cultural enrichment, and recreation; and

WHEREAS, community education programs serve all age groups; and

WHEREAS, community education programs work in cooperation with other agencies and institutions in the delivery of services thus avoiding competition and unnecessary duplication; and

WHEREAS, existing community education programs in the Alliance, Arlington, Blair, Broken Bow, Cozad, Crete, David City, Emerson-Hubbard, Geneva, Gothenburg, Grand Island, Hebron, Hershey, Lexington, Millard, Plattsmouth, Seward, Sidney, Sutherland, Wisner-Pilger, and York school districts demonstrate the success and value of such programs and services; and

WHEREAS, citizens support schools in which they have the opportunity to participate.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature endorses the concept of community education and urges local school districts to consider the adoption and implementation of community education programs.

2. That the Legislature encourages small school districts to work together to develop community education programs to serve their communities.

3. That the Clerk of the Legislature mail copies of this resolution to the Nebraska Council of School Administrators and the Nebraska Association of School Boards for publication and distribution to all school districts which provide education for grades nine through twelve and kindergarten through twelve.

Laid over.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 484. Placed on Select File.

LEGISLATIVE BILL 575. Placed on Select File as amended.
E & R amendments to LB 575:

AM5221

- 1 1. In the Standing Committee amendments,
- 2 AM0417, adopted January 17, 1986:
- 3 (a) On page 3, line 20, strike the first two
- 4 commas, show both as stricken, and insert "or" in both
- 5 places and strike the third comma and show as stricken;
- 6 and
- 7 (b) On page 5, line 4, strike "60-440", show
- 8 as stricken, and insert "60-430.06".
- 9 2. On page 1, line 1, after the semicolon

- 10 insert "to amend sections 60-406.04 and 60-415, Reissue
11 Revised Statutes of Nebraska, 1943;"; and in line 3
12 after "prescribed" insert "; to provide for and change
13 fees for certain licenses and permits as prescribed; and
14 to repeal the original sections".

LEGISLATIVE BILL 436. Placed on Select File as amended.
E & R amendments to LB 436:

AM5222

- 1 1. On page 1, line 4, after "maintenance"
2 insert ", repair," and after the semicolon insert "to
3 provide a penalty;".
4 2. On page 2, line 1, after "39-663" insert a
5 comma.
6 3. On page 3, line 11, strike the comma and
7 show as stricken; and in line 22 strike "residence",
8 show as stricken, and insert "residential".
9 4. On page 5, line 11, after "performed"
10 insert an underscored comma; and in line 18 strike the
11 first comma and insert "or" and strike the second comma.

LEGISLATIVE BILL 437. Placed on Select File as amended.
E & R amendment to LB 437:

AM5224

- 1 1. On page 3, line 7, after the first comma
2 insert "or".

LEGISLATIVE BILL 494. Placed on Select File.

LEGISLATIVE BILL 558. Placed on Select File as amended.
E & R amendments to LB 558:

AM5225

- 1 1. In the Standing Committee amendments,
2 AM0482, adopted January 17, 1986:
3 a. On page 1, line 12, after "37-714" insert
4 an underscored comma; in line 13 after "birds" insert an
5 underscored comma; in line 18 strike "federal"; in line
6 19 after "1973" insert ", 87 Stat. 884,"; and in line 21
7 strike "and in section 37-717";
8 b. On page 2, line 8, strike the comma; and in
9 line 23 strike "provision of" and show as stricken; and
10 c. On page 3, line 14, strike the last comma
11 and show as stricken.
12 2. On page 1, line 1, strike "section" and
13 insert "sections"; in line 2 after the first comma

- 14 insert "37-714, and 37-717,"; and in line 5 strike "and"
15 and insert "to define a term; to prohibit the keeping in
16 captivity of certain animals; to provide exceptions;"
17 and strike "section" and insert "sections; and to
18 declare an emergency".

(Signed) Timothy Hall, Chairperson

STANDING COMMITTEE REPORTS

Judiciary

The Committee on Judiciary desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Robert Tagg - Superintendent of the Nebraska State Patrol

Voting aye: Senators Abboud, Chizek, Conway, Remmers, Rupp, and Hoagland

Voting nay: None

Absent: Senators Beutler and Chambers

The Committee on Judiciary desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Jim Joneson - Executive Director of the Nebraska Commission on Law Enforcement and Criminal Justice

Voting aye: Senators Abboud, Chizek, Conway, Remmers, Rupp, and Hoagland

Voting nay: None

Absent: Senators Beutler and Chambers

The Committee on Judiciary desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Ronald L. Bartee - Chairman of the Parole Board

Voting aye: Senators Abboud, Chizek, Conway, Remmers, Rupp, and Hoagland

Voting nay: None

Absent: Senators Beutler and Chambers

LEGISLATIVE BILL 969. Placed on General File.

LEGISLATIVE BILL 975. Placed on General File.

LEGISLATIVE BILL 772. Placed on General File.

LEGISLATIVE BILL 771. Placed on General File as amended.

Standing Committee amendment to LB 771:

AM1856

- 1 1. On page 2, strike the new matter in lines
- 2 7 and 8; and in line 9 strike “, which”, show as
- 3 stricken, and insert “or a blanket surety bond arranged
- 4 and paid for by the governing body and bonding all such
- 5 officers of the governing body has been filed. Such”.

(Signed) Peter Hoagland, Chairperson

GENERAL FILE

LEGISLATIVE BILL 631. Considered.

Messrs. Hartnett and R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mr. Hoagland renewed his pending amendment, AM1796, found in the Journal on page 433.

The Hoagland amendment was adopted with 26 ayes, 1 nay, 15 present and not voting, and 7 excused and not voting.

Messrs. Hall, Barrett, Chronister, Harris, and Haberman asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 631A. Mr. Hoagland offered the following amendment:

AM1719

- 1 1. On page 2, line 2, strike “\$6,810” and
- 2 insert “\$7,116”; in line 3 strike “\$6,810” and insert
- 3 “\$7,121”; in line 7 strike “First Session, 1985” and
- 4 insert “Second Session, 1986”; and in lines 10 and 11
- 5 strike “\$5,664” and insert “\$5,834”.

Mrs. Higgins moved to adjourn until 9:00 a.m., January 29, 1986.

Mrs. Higgins moved for a call of the house. The motion lost with 4 ayes, 8 nays, and 37 not voting.

The Higgins motion to adjourn lost with 3 ayes, 13 nays, 21 present and not voting, and 12 excused and not voting.

Mr. Peterson and Mrs. Nelson asked unanimous consent to be excused. No objections. So ordered.

Mrs. Higgins moved for a call of the house. The motion lost with 5 ayes, 13 nays, and 31 not voting.

The Hoagland amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Mrs. Higgins moved to indefinitely postpone LB 631A.

Mrs. Higgins withdrew her pending motion to indefinitely postpone.

Advanced to E & R for Review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

SELECT COMMITTEE REPORT Enrollment and Review

LEGISLATIVE BILL 640. Placed on Select File as amended.
E & R amendments to LB 640:
AM5223

- 1 1. Strike the original sections and all
- 2 amendments thereto and insert the following new
- 3 sections:
- 4 "Section 1. That section 39-868, Reissue
- 5 Revised Statutes of Nebraska, 1943, be amended to read
- 6 as follows:
- 7 39-868. Through the exercise of the powers
- 8 conferred by sections 39-855 to 39-872, the governing
- 9 body of any county, city, or village may by resolution
- 10 create a bridge commission. Upon the passage of such
- 11 resolution, the governing body of such county shall
- 12 appoint three, four, or five persons who shall
- 13 constitute the bridge commission of such county. The
- 14 bridge commission ~~and~~ shall be a public body corporate
- 15 and politic. The bridge commission shall have the power
- 16 to contract, to sue and be sued, and to adopt a seal and
- 17 alter the same at pleasure, but shall not have power to

18 pledge the credit or taxing power of the county.

19 Sec. 2. That section 39-869, Reissue Revised
20 Statutes of Nebraska, 1943, be amended to read as
21 follows:

1 39-869. (1) The bridge commission shall
2 consist of not less than three nor more than five
3 persons of well-known and successful business
4 qualifications. The commissioners shall immediately
5 enter upon their duties, and three of the commissioners
6 shall hold office until the expiration of two, four, and
7 six years, respectively, from the date or dates of their
8 appointments. If more than three commissioners are
9 appointed, the fourth commissioner shall hold office
10 until the expiration of four years from the date of his
11 or her appointment, and the fifth commissioner, if any,
12 shall hold office until the expiration of six years from
13 the date of his or her appointment. The term of each
14 commissioner shall be designated by the governing body
15 of the county. Except for the initial appointees,
16 commissioners ~~, but their successors~~ shall be appointed
17 ~~for the term~~ terms of six years. Any ~~, except that any~~
18 person appointed to fill a vacancy shall serve only for
19 the unexpired term. ~~Not more than two of such~~
20 ~~commissioners shall be members of the same political~~
21 ~~party. The commissioners, before~~ Before entering upon
22 their duties, the commissioners shall take, subscribe,
23 and file an oath of office as required by law.

24 (2) Such bridge commission shall elect a
1 chairperson and vice-chairperson from its members and a
2 secretary-treasurer, who need not be a member of such
3 commission. Each member of the commission shall serve
4 without compensation but shall be paid his or her actual
5 expenses, while engaged in performing the duties of such
6 office, with mileage to be computed at the rate provided
7 in section 23-1112 for county officers and employees,
8 and fees on a per diem basis which shall not exceed
9 thirty-five dollars a day for each meeting attended on
10 the specific call of the chairperson, ~~except~~ PROVIDED,
11 that they shall not be paid for more than three meetings
12 per month. The commission shall fix the compensation of
13 the secretary-treasurer in its discretion, but if the
14 secretary-treasurer is a member of the commission, he or
15 she shall receive compensation as secretary-treasurer
16 and shall not receive his or her per diem compensation
17 for attending meetings.

18 Sec. 3. That original sections 39-868 and
19 39-869, Reissue Revised Statutes of Nebraska, 1943, are
20 repealed.

21 Sec. 4. Since an emergency exists, this act
22 shall be in full force and take effect, from and after
23 its passage and approval, according to law.”.

24 2. On page 1, line 2, strike “section” and
1 insert “sections 39-868 and”; in line 3 strike “a
2 provision” and insert “provisions”; in line 4 strike
3 “the”, strike “commission” and insert “commissions”, and
4 strike “and”; and in line 5 strike “section” and insert
5 “sections; and to declare an emergency”.

(Signed) Timothy Hall, Chairperson

VISITORS

Visitors to the Chamber were 60 members of Nebraska Farm Bureau Federation; Mark and Elizabeth DeCamp; and Dwight and Jo Baltensberger.

ADJOURNMENT

At 12:02 p.m., on a motion by Speaker Nichol, the Legislature adjourned until 9:00 a.m., Wednesday, January 29, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTEENTH DAY - JANUARY 29, 1986

LEGISLATIVE JOURNAL

FIFTEENTH DAY - JANUARY 29, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 29, 1986

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Pastor Curt Lehman, Berean Fundamental Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Barrett, Beutler, Chambers, Chizek, Eret, Hannibal, Harris, R. Johnson, V. Johnson, Landis, Lynch, Rupp, Schmit, Mesdames Higgins, Labeledz, Nelson, and Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fourteenth Day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

LEGISLATIVE BILL 645. Placed on Select File.

LEGISLATIVE BILL 645A. Placed on Select File as amended.
E & R amendments to LB 645A:

AM5226

- 1 1. On page 1, line 3; and page 2, line 8,
- 2 strike "First Session, 1985" and insert "Second Session,

3 1986".

4 2. On page 2, in lines 3 and 12, strike
5 "1985" and insert "1986"; in lines 3, 5, 12, and 13
6 strike "1986" and insert "1987"; and in lines 5 and 13
7 strike "1987" and insert "1988".

LEGISLATIVE BILL 43. Placed on Select File as amended.
E & R amendments to LB 43:

AM5227

- 1 1. In the Standing Committee amendments,
2 AM0251, adopted March 6, 1985:
 - 3 a. On page 1, line 11, after the period
4 insert "Such salary shall be payable in equal monthly
5 installments.";
 - 6 b. On page 2, lines 2, 5, 9, and 19; and page
7 3, lines 4 and 14, strike the comma;
 - 8 c. On page 2, line 17; and page 3, lines 1
9 and 2 and 11 strike "From and after" and insert
10 "Commencing"; and
 - 11 d. On page 2, line 26, strike "forty seven"
12 and insert "forty-seven".
- 13 2. On page 2, line 1, after "24-201.01"
14 insert a comma.
- 15 3. On page 3, line 25, after "84-201.01"
16 insert ", Reissue"; and in line 26 strike "Supplement,
17 1984" and insert "of Nebraska, 1943".
- 18 4. On page 4, lines 2, 6, 13, and 22, strike
19 the comma and show as stricken; and in line 20 strike
20 "From and after", show as stricken, and insert
21 "Commencing".

LEGISLATIVE BILL 43A. Placed on Select File as amended.
E & R amendment to LB 43A:

AM5228

- 1 1. On page 1, line 3, strike "First Session,
2 1985" and insert "Second Session, 1986".

LEGISLATIVE BILL 153. Placed on Select File as amended.
E & R amendments to LB 153:

AM5229

- 1 1. In the Standing Committee amendments,
2 AM0301, adopted March 27, 1985, on page 1, line 23,
3 strike "to" and show as stricken and strike "and", show
4 as stricken, and insert an underscored comma.
- 5 2. On page 1, line 1, strike "vehicles

6 operators'” and insert “vehicle operator’s”; in line 2
7 strike “section” and insert “sections 39-669.12,” and
8 after the comma insert “and 60-505.02,”; and in line 5
9 after the semicolon insert “to change and impose certain
10 reinstatement fees;” and strike “section” and insert
11 “sections”.

12 3. On page 2, line 13, strike the comma and
13 show as stricken.

LEGISLATIVE BILL 153A. Placed on Select File as amended.

E & R amendments to LB 153A:

AM5230

1 1. On page 1, line 3; and page 2, line 8,
2 strike “First Session, 1985” and insert “Second Session,
3 1986”.

4 2. On page 2, in lines 3 and 12, strike
5 “1985” and insert “1986”; in lines 3, 5, 12, and 13
6 strike “1986” and insert “1987”; and in lines 5 and 13
7 strike “1987” and insert “1988”.

(Signed) Timothy Hall, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Chronister asked unanimous consent to have his name added as co-introducer to LB 945. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 327, LR 328, and LR 329.

RESOLUTION

LEGISLATIVE RESOLUTION 330. Read. Considered.

LR 330 was adopted with 25 ayes, 0 nays, and 24 not voting.

MOTION - Approve Appointments

Mr. Hoagland moved the adoption of the report of the Judiciary Committee for the following Governor appointments found in the Journal on page 551: Robert Tagg - Superintendent of the Nebraska State Patrol; Jim Joneson - Executive Director of the Nebraska

Commission on Law Enforcement and Criminal Justice; and Ronald L. Bartee - Chairman of the Parole Board.

Voting in the affirmative, 25:

Barrett	Goodrich	Higgins	Morehead	Scofield
Carsten	Haberman	Hoagland	Nichol	Smith
DeCamp	Hall	Johnson, L.	Pirsch	Vickers
Eret	Harris	Marsh	Remmers	Warner
Goll	Hefner	Miller	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 12:

Baack	Chronister	Lamb	Pappas	Sieck
Beutler	Conway	Lundy	Peterson	Wesely
Beyer	Hartnett			

Excused and not voting, 12:

Abboud	Hannibal	Labeledz	Lynch	Rupp
Chambers	Johnson, R.	Landis	Nelson	Schmit
Chizek	Johnson, V.			

These appointments were confirmed with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 729.

A BILL FOR AN ACT relating to highways; to amend section 39-2518, Reissue Revised Statutes of Nebraska, 1943; to change a provision on allocation of street funds in order to eliminate a reference to a repealed statute; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud	DeCamp	Hefner	Nelson	Scofield
Baack	Eret	Higgins	Nichol	Sieck
Barrett	Goll	Hoagland	Pappas	Smith
Beutler	Goodrich	Johnson, L.	Peterson	Vickers
Beyer	Haberman	Landis	Pirsch	Warner
Carsten	Hall	Marsh	Remmers	Wesely
Chronister	Harris	Miller	Rogers	Withem
Conway	Hartnett	Morehead		

Voting in the negative, 0.

Present and not voting, 2:

Lamb Lundy

Excused and not voting, 9:

Chambers	Hannibal	Johnson, V.	Lynch	Schmit
Chizek	Johnson, R.	Labeledz	Rupp	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 730.

A BILL FOR AN ACT relating to fraternal benefit societies; to amend section 44-10,105, Revised Statutes Supplement, 1985; to correct a reference to a repealed act; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud	Eret	Higgins	Morehead	Scofield
Baack	Goll	Hoagland	Nelson	Sieck
Barrett	Goodrich	Johnson, L.	Nichol	Smith
Beutler	Haberman	Johnson, V.	Pappas	Vickers
Carsten	Hall	Lamb	Peterson	Warner
Chronister	Harris	Landis	Pirsch	Wesely
Conway	Hartnett	Marsh	Remmers	Withem
DeCamp	Hefner	Miller	Rogers	

Voting in the negative, 0.

Present and not voting, 2:

Beyer Lundy

Excused and not voting, 8:

Chambers	Hannibal	Labeledz	Rupp	Schmit
Chizek	Johnson, R.	Lynch		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 731.

A BILL FOR AN ACT relating to motor vehicle inspection; to amend sections 39-602, 39-6,196, and 60-2101.01, Reissue Revised Statutes of Nebraska, 1943; to eliminate a requirement for a study which was to be completed by January 1, 1982; to harmonize provisions; and to repeal the original sections, and also section 60-1708, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Abboud	Eret	Hoagland	Miller	Rupp
Baack	Goll	Johnson, L.	Morehead	Schmit
Barrett	Goodrich	Johnson, V.	Nelson	Scofield
Beutler	Haberman	Labeledz	Nichol	Sieck
Beyer	Hall	Lamb	Pappas	Smith
Carsten	Hannibal	Landis	Peterson	Vickers
Chizek	Harris	Lundy	Pirsch	Warner
Chronister	Hartnett	Lynch	Remmers	Wesely
Conway	Hefner	Marsh	Rogers	Withem
DeCamp	Higgins			

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Johnson, R.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 732.

A BILL FOR AN ACT relating to public service entities; to amend section 77-803, Reissue Revised Statutes of Nebraska, 1943, and sections 77-202 and 77-801.01, Revised Statutes Supplement, 1985; to harmonize provisions with previous legislation; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Abboud	Eret	Hoagland	Miller	Rupp
Baack	Goll	Johnson, L.	Morehead	Schmit
Barrett	Goodrich	Johnson, V.	Nelson	Scofield
Beutler	Haberman	Labedz	Nichol	Sieck
Beyer	Hall	Lamb	Pappas	Smith
Carsten	Hannibal	Landis	Peterson	Vickers
Chizek	Harris	Lundy	Pirsch	Warner
Chronister	Hartnett	Lynch	Remmers	Wesely
Conway	Hefner	Marsh	Rogers	Withem
DeCamp	Higgins			

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Johnson, R.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 733.

A BILL FOR AN ACT relating to hospital authorities; to amend sections 23-343.80, 23-343.84, 23-343.95, and 23-343.97, Reissue Revised Statutes of Nebraska, 1943; to correct internal references to repealed statutes; to eliminate obsolete provisions relating to the applicability of certain statutes; to harmonize provisions; to repeal

the original sections, and also sections 23-343.83 and 23-343.98, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Abboud	Eret	Hoagland	Miller	Rupp
Baack	Goll	Johnson, L.	Morehead	Schmit
Barrett	Goodrich	Johnson, V.	Nelson	Scofield
Beutler	Haberman	Labeledz	Nichol	Sieck
Beyer	Hall	Lamb	Pappas	Smith
Carsten	Hannibal	Landis	Peterson	Vickers
Chizek	Harris	Lundy	Pirsch	Warner
Chronister	Hartnett	Lynch	Remmers	Wesely
Conway	Hefner	Marsh	Rogers	Withem
DeCamp	Higgins			

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Johnson, R.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 734.

A BILL FOR AN ACT relating to police judges; to amend section 57-506, Reissue Revised Statutes of Nebraska, 1943; to repeal an obsolete provision governing the election of a police judge; to harmonize provisions; and to repeal the original section, and also section 19-434, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Abboud	Barrett	Beyer	Chizek	Conway
Baack	Beutler	Carsten	Chronister	DeCamp

Eret	Hefner	Lundy	Pappas	Scofield
Goll	Higgins	Lynch	Peterson	Sieck
Goodrich	Hoagland	Marsh	Pirsch	Smith
Haberman	Johnson, L.	Miller	Remmers	Vickers
Hall	Johnson, V.	Morehead	Rogers	Warner
Hannibal	Labedz	Nelson	Rupp	Wesely
Harris	Lamb	Nichol	Schmit	Withem
Hartnett	Landis			

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Johnson, R.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 735.

A BILL FOR AN ACT relating to civil procedure; to repeal a provision which mandated certain actions be commenced within one year from June 5, 1957; and to repeal section 25-520.04, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Eret	Hoagland	Miller	Rupp
Baack	Goll	Johnson, L.	Morehead	Schmit
Barrett	Goodrich	Johnson, V.	Nelson	Scofield
Beutler	Haberman	Labedz	Nichol	Sieck
Beyer	Hall	Lamb	Pappas	Smith
Carsten	Hannibal	Landis	Peterson	Vickers
Chizek	Harris	Lundy	Pirsch	Warner
Chronister	Hartnett	Lynch	Remmers	Wesely
Conway	Hefner	Marsh	Rogers	Withem
DeCamp	Higgins			

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Johnson, R.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mrs. Pirsch asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 736.

A BILL FOR AN ACT relating to the Petroleum Products Act; to repeal the act which terminated on December 31, 1985; and to repeal sections 66-1201 to 66-1213, Revised Statutes Supplement, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	DeCamp	Hefner	Marsh	Rupp
Baack	Eret	Higgins	Miller	Schmit
Barrett	Goll	Hoagland	Morehead	Scofield
Beutler	Goodrich	Johnson, L.	Nelson	Sieck
Beyer	Haberman	Johnson, V.	Nichol	Smith
Carsten	Hall	Labeledz	Pappas	Vickers
Chizek	Hannibal	Lamb	Peterson	Warner
Chronister	Harris	Landis	Remmers	Wesely
Conway	Hartnett	Lundy	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 3:

Chambers Johnson, R. Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 737.

A BILL FOR AN ACT relating to revenue and taxation; to repeal provisions governing certain litigation pending in 1971; to repeal obsolete provisions related to the food sales tax credit; and to repeal section 77-1506.10, Reissue Revised Statutes of Nebraska, 1943, and section 77-2715.06, Revised Statutes Supplement, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	DeCamp	Hefner	Marsh	Rupp
Baack	Eret	Higgins	Miller	Schmit
Barrett	Goll	Hoagland	Morehead	Scofield
Beutler	Goodrich	Johnson, L.	Nelson	Sieck
Beyer	Haberman	Johnson, V.	Nichol	Smith
Carsten	Hall	Labedz	Pappas	Vickers
Chizek	Hannibal	Lamb	Peterson	Warner
Chronister	Harris	Landis	Remmers	Wesely
Conway	Hartnett	Lundy	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 3:

Chambers Johnson, R. Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 738.

A BILL FOR AN ACT relating to the Nebraska Capital Construction Fund; to repeal provisions governing a transfer to such fund in 1972; and to repeal section 77-2602.02, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Abboud	Eret	Higgins	Marsh	Rupp
Baack	Goll	Hoagland	Miller	Schmit
Barrett	Goodrich	Johnson, L.	Morehead	Scofield
Beutler	Haberman	Johnson, V.	Nelson	Sieck
Beyer	Hall	Labeledz	Nichol	Smith
Carsten	Hannibal	Lamb	Pappas	Vickers
Chizek	Harris	Landis	Peterson	Warner
Chronister	Hartnett	Lundy	Remmers	Wesely
Conway	Hefner	Lynch	Rogers	Withem
DeCamp				

Voting in the negative, 0.

Excused and not voting, 3:

Chambers Johnson, R. Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 739.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Supplement, 1985; to delete obsolete provisions related to the Cash Reserve Fund; to harmonize provisions; and to repeal the original section, and also sections 77-2715.04 and 77-2715.05, Revised Statutes Supplement, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Abboud	Carsten	Eret	Hannibal	Hoagland
Baack	Chizek	Goll	Harris	Johnson, L.
Barrett	Chronister	Goodrich	Hartnett	Johnson, V.
Beutler	Conway	Haberman	Hefner	Labeledz
Beyer	DeCamp	Hall	Higgins	Lamb

Landis	Morehead	Peterson	Schmit	Vickers
Lundy	Nelson	Remmers	Scofield	Warner
Lynch	Nichol	Rogers	Sieck	Wesely
Marsh	Pappas	Rupp	Smith	Withem
Miller				

Voting in the negative, 0.

Excused and not voting, 3:

Chambers Johnson, R. Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 741.

A BILL FOR AN ACT relating to the Civil Administrative Code of 1919; to delete obsolete definitions and penalties; and to repeal sections 81-123 and 81-124, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Eret	Higgins	Marsh	Rupp
Baack	Goll	Hoagland	Miller	Schmit
Barrett	Goodrich	Johnson, L.	Morehead	Scofield
Beutler	Haberman	Johnson, V.	Nelson	Sieck
Beyer	Hall	Labedz	Nichol	Smith
Carsten	Hannibal	Lamb	Pappas	Vickers
Chizek	Harris	Landis	Peterson	Warner
Chronister	Hartnett	Lundy	Remmers	Wesely
Conway	Hefner	Lynch	Rogers	Withem
DeCamp				

Voting in the negative, 0.

Excused and not voting, 3:

Chambers Johnson, R. Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 742.

A BILL FOR AN ACT relating to the Beatrice State Developmental Center; to delete provisions governing a substitution of terms; and to repeal section 83-217.01, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Abboud	Eret	Higgins	Marsh	Rupp
Baack	Goll	Hoagland	Miller	Schmit
Barrett	Goodrich	Johnson, L.	Morehead	Scofield
Beutler	Haberman	Johnson, V.	Nelson	Sieck
Beyer	Hall	Labeledz	Nichol	Smith
Carsten	Hannibal	Lamb	Pappas	Vickers
Chizek	Harris	Landis	Peterson	Warner
Chronister	Hartnett	Lundy	Remmers	Wesely
Conway	Hefner	Lynch	Rogers	Withem
DeCamp				

Voting in the negative, 0.

Excused and not voting, 3:

Chambers Johnson, R. Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 743.

A BILL FOR AN ACT relating to the Nebraska Center for Women; to delete provisions governing a substitution of terms; and to repeal section 83-905.01, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Abboud	Eret	Higgins	Marsh	Rupp
Baack	Goll	Hoagland	Miller	Schmit
Barrett	Goodrich	Johnson, L.	Morehead	Scofield
Beutler	Haberman	Johnson, V.	Nelson	Sieck
Beyer	Hall	Labedz	Nichol	Smith
Carsten	Hannibal	Lamb	Pappas	Vickers
Chizek	Harris	Landis	Peterson	Warner
Chronister	Hartnett	Lundy	Remmers	Wesely
Conway	Hefner	Lynch	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 1:

DeCamp

Excused and not voting, 3:

Chambers Johnson, R. Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 744.

A BILL FOR AN ACT relating to railroads; to delete a penalty provision for a statute which has been repealed; and to repeal section 74-914, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Abboud	Conway	Harris	Lamb	Nichol
Baack	DeCamp	Hartnett	Landis	Pappas
Barrett	Eret	Hefner	Lundy	Peterson
Beutler	Goll	Higgins	Lynch	Remmers
Beyer	Goodrich	Hoagland	Marsh	Rogers
Carsten	Haberman	Johnson, L.	Miller	Rupp
Chizek	Hall	Johnson, V.	Morehead	Schmit
Chronister	Hannibal	Labedz	Nelson	Scofield

Sieck
Smith

Vickers

Warner

Wesely

Withem

Voting in the negative, 0.

Excused and not voting, 3:

Chambers Johnson, R. Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 745.

A BILL FOR AN ACT relating to performance review and audit; to delete obsolete provisions which terminated on or before July 2, 1985; to repeal related provisions; and to repeal sections 81-192, 81-1,100 to 81-1,102, 81-1,104, and 81-1,106 to 81-1,108, Reissue Revised Statutes of Nebraska, 1943, sections 81-196, 81-198.01 to 81-198.04, 81-1,103, and 81-1,105, Revised Statutes Supplement, 1984, and sections 81-198, 81-198.05, 81-198.06, and 81-199, Revised Statutes Supplement, 1985.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Abboud
Baack
Barrett
Beutler
Beyer
Carsten
Chizek
Chronister
Conway
DeCamp

Eret

Goll

Goodrich

Haberman

Hall

Hannibal

Harris

Hartnett

Hefner

Higgins

Hoagland

Johnson, L.

Johnson, V.

Labeledz

Lamb

Landis

Lundy

Lynch

Marsh

Miller

Morehead

Nelson

Nichol

Pappas

Peterson

Remmers

Rogers

Rupp

Schmit

Scofield

Sieck

Smith

Vickers

Warner

Wesely

Withem

Voting in the negative, 0.

Excused and not voting, 3:

Chambers Johnson, R. Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Place LB 832 on General File

Mr. Pappas moved to place LB 832 on General File notwithstanding the action of the committee.

Laid over.

NOTICE OF COMMITTEE HEARING
Revenue

LB 1029 Wednesday, February 5, 1986 1:30 P.M.

(Signed) Vard R. Johnson, Chairperson

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 988. Placed on General File as amended.
Standing Committee amendment to LB 988:
AM1862

- 1 1. On page 2, in lines 2 and 7, strike
- 2 "178,596" and insert "113,081".

(Signed) Jerome Warner, Chairperson

Agriculture and Environment

LEGISLATIVE BILL 900. Placed on General File as amended.
Standing Committee amendment to LB 900:
AM1888

- 1 1. On page 18, strike the new matter in lines
- 2 11 through 15.

(Signed) Rod Johnson, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 741, 742, 743, 744, and 745.

SELECT FILE

LEGISLATIVE BILL 74. Mr. Pappas offered the following amendment:

1. On page 2, line 18 after the word "age" insert "or becomes medically disabled"

The Pappas amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Morehead offered the following amendment:

In Section 1 on page 2, strike subsection (3) and insert the following new subsection (3):

(3) Any state employee who voluntarily retires when his or her age plus years of service with the state equals eighty-five or who is mandatorily retired before age sixty-five because of the provisions of any state retirement system shall be afforded the opportunity to remain enrolled in the state employees' group health insurance program until age sixty-five. Employees electing this option shall be responsible for the entire premium cost, including the state's share and the employee's share. Retired state employees who elect to remain in the state employees' group health insurance program may be charged up to an additional ten percent in premium costs if the group insurance carrier can show proof that retirees are increasing the group insurance costs.

Mrs. Morehead requested a record vote on her amendment.

Voting in the affirmative, 13:

Chambers	Higgins	Marsh	Rupp	Vickers
DeCamp	Labedz	Morehead	Smith	Withem
Goodrich	Landis	Nelson		

Voting in the negative, 25:

Abboud	Chronister	Hoagland	Lynch	Remmers
Baack	Goll	Johnson, L.	Nichol	Rogers
Beyer	Haberman	Johnson, V.	Pappas	Sieck
Carsten	Hannibal	Lamb	Peterson	Warner
Chizek	Hefner	Lundy	Pirsch	Wesely

Present and not voting, 9:

Barrett	Eret	Harris	Miller	Scofield
Conway	Hall	Hartnett	Schmit	

Excused and not voting, 2:

Beutler Johnson, R.

The Morehead amendment lost with 13 ayes, 25 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 525. E & R amendments, AM5209, found in the Journal on page 521 for the Thirteenth Day were adopted.

Mr. Warner renewed his pending amendment, AM0937, found in the Journal on page 447.

Mr. Warner moved for a call of the house. The motion prevailed with 6 ayes, 0 nays, and 43 not voting.

Mr. Warner requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Abboud	DeCamp	Hoagland	Marsh	Scofield
Baack	Goodrich	Johnson, L.	Miller	Vickers
Barrett	Hall	Johnson, V.	Pirsch	Warner
Carsten	Harris	Landis	Rupp	Wesely
Chronister	Hefner	Lynch		

Voting in the negative, 23:

Chambers	Haberman	Lamb	Pappas	Schmit
Chizek	Hannibal	Lundy	Peterson	Sieck
Conway	Hartnett	Morehead	Remmers	Smith
Eret	Higgins	Nelson	Rogers	Withem
Goll	Labeledz	Nichol		

Present and not voting, 2:

Beyer Johnson, R.

Excused and not voting, 1:

Beutler

The Warner amendment lost with 23 ayes, 23 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Chronister asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 531. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 471. E & R amendment, AM5210, found in the Journal on page 530 for the Thirteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 595. Mrs. Higgins requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 65. Indefinitely postponed.
LEGISLATIVE BILL 133. Indefinitely postponed.
LEGISLATIVE BILL 156. Indefinitely postponed.
LEGISLATIVE BILL 234. Indefinitely postponed.
LEGISLATIVE BILL 246. Indefinitely postponed.
LEGISLATIVE BILL 260. Indefinitely postponed.
LEGISLATIVE BILL 261. Indefinitely postponed.
LEGISLATIVE BILL 388. Indefinitely postponed.
LEGISLATIVE BILL 418. Indefinitely postponed.
LEGISLATIVE BILL 455. Indefinitely postponed.
LEGISLATIVE BILL 495. Indefinitely postponed.
LEGISLATIVE BILL 506. Indefinitely postponed.
LEGISLATIVE BILL 607. Indefinitely postponed.
LEGISLATIVE BILL 650. Indefinitely postponed.
LEGISLATIVE BILL 670. Indefinitely postponed.

LEGISLATIVE BILL 695. Indefinitely postponed.

LEGISLATIVE BILL 710. Indefinitely postponed.

(Signed) Tom Vickers, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on January 29, 1986, at 10:35 a.m., were the following bills: 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 741, 742, 743, 744, & 745.

(Signed) Pam Moravec, Enrolling Clerk

NOTICE OF COMMITTEE HEARINGS

Appropriations

LB 839	Thursday, February 6, 1986	3:00 P.M.
LB 1190	Wednesday, February 12, 1986	3:00 P.M.
LB 1198	Monday, February 24, 1986	3:00 P.M.
LB 1219	Monday, February 24, 1986	3:00 P.M.
LB 1082	Monday, February 24, 1986 (cancelled)	1:30 P.M.
LB 1082	Monday, February 24, 1986 (reset)	3:00 P.M.

(Signed) Jerome Warner, Chairperson

Miscellaneous Subjects

LB 803	Thursday, February 13, 1986	1:30 P.M.
LB 1222	Thursday, February 13, 1986	1:30 P.M.
LB 793	Thursday, February 20, 1986	1:30 P.M.
LB 814	Thursday, February 20, 1986	1:30 P.M.
LB 1175	Thursday, February 20, 1986	1:30 P.M.
LB 1095	Friday, February 21, 1986	1:30 P.M.

(Signed) Elroy M. Hefner, Chairperson

Executive Board

LB 991	Wednesday, February 12, 1986	7:30 P.M.
LB 992	Wednesday, February 12, 1986	7:30 P.M.

LB 993	Wednesday, February 12, 1986	7:30 P.M.
LB 994	Wednesday, February 12, 1986	7:30 P.M.
LB 995	Wednesday, February 12, 1986	7:30 P.M.
LB 996	Wednesday, February 12, 1986	7:30 P.M.
LB 1225	Wednesday, February 12, 1986	7:30 P.M.

(Signed) Chris Beutler, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the following Governor Appointment.

Health and Human Services

Patty Kuehl - Director, Department of Aging

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

SELECT FILE

LEGISLATIVE BILL 621. E & R amendment, AM5211, found in the Journal on page 530 for the Thirteenth Day was adopted.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Goodrich withdrew his pending amendment, AM1780, found in the Journal on page 397.

Mr. Goodrich renewed his pending amendment (2), AM1817, found in the Journal on page 498.

Mr. Haberman requested a record vote on the Goodrich amendment.

Voting in the affirmative, 31:

Abboud	Hall	Johnson, V.	Miller	Remmers
Beyer	Hannibal	Labeledz	Morehead	Rogers
Carsten	Hartnett	Lamb	Nelson	Scofield
Chizek	Higgins	Landis	Nichol	Smith
Goll	Hoagland	Lundy	Peterson	Wesely
Goodrich	Johnson, R.	Marsh	Pirsch	Withem
Haberman				

Voting in the negative, 0.

Present and not voting, 15:

Baack	Conway	Harris	Lynch	Sieck
Barrett	DeCamp	Hefner	Pappas	Vickers
Chambers	Eret	Johnson, L.	Rupp	Warner

Excused and not voting, 3:

Beutler Chronister Schmit

The Goodrich amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Goodrich renewed his pending amendment (1), AM1816, found in the Journal on page 496.

The Goodrich amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 258. Messrs. V. Johnson and Wesely moved to indefinitely postpone.

MR. LAMB PRESIDING

Mr. Peterson and Mrs. Nelson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Haberman requested a ruling of the Chair on whether the Fiscal Impact Statement on LB 258 is proper; and if not, whether it would be inappropriate to consider the bill.

The Chair overruled the point of order, finding the Fiscal Note is properly on the bill.

Ms. Scofield moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 5 ayes, 1 nay, and 43 not voting.

Mrs. Higgins requested a record vote on the V. Johnson-Wesely motion to indefinitely postpone.

Voting in the affirmative, 13:

Chizek	Harris	Labeledz	Pappas	Rupp
Haberman	Hartnett	Landis	Pirsch	Wesely
Hall	Johnson, V.	Lynch		

Voting in the negative, 28:

Abboud	DeCamp	Higgins	Marsh	Sieck
Baack	Eret	Hoagland	Miller	Smith
Barrett	Goll	Johnson, L.	Remmers	Vickers
Beyer	Goodrich	Johnson, R.	Rogers	Warner
Carsten	Hannibal	Lamb	Scofield	Withem
Conway	Hefner	Lundy		

Present and not voting, 2:

Chambers Nichol

Excused and not voting, 6:

Beutler	Morehead	Nelson	Peterson	Schmit
Chronister				

The V. Johnson-Wesely motion lost with 13 ayes, 28 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Speaker Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Withem, Harris, and Chizek asked unanimous consent to be excused. No objections. So ordered.

Mr. Warner offered the following amendment:
(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM1901.)

Mr. Warner offered the following amendment to the pending Warner amendment:

On p. 49, line 15 of the Warner amendment #1901, strike "odd-numbered" and insert "even-numbered".

The Warner amendment was adopted with 32 ayes, 0 nays, 7 present and not voting, and 10 excused and not voting.

The Warner amendment, as amended, was adopted with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

Pending.

ANNOUNCEMENTS

Mrs. Nelson designates LB 796 as her priority bill.

Mr. Vickers designates LB 1172 as his priority bill.

RESOLUTION

LEGISLATIVE RESOLUTION 331.

Introduced by Beutler, 28th District.

WHEREAS, on January 28, 1986, the space shuttle Challenger exploded shortly after liftoff from Kennedy Space Center; and

WHEREAS, Nebraska is grieving along with the rest of the Nation for the members of the crew, Francis Scobee, Michael Smith, Judith Resnik, Ronald McNair, Ellison Onizuka, Gregory Jarvis, Christa McAuliffe, their families and loved ones.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. The Nebraska Legislature on behalf of the people of Nebraska expresses its condolences and deep sympathy to the families and loved ones of the seven crew members.

2. The Nebraska Legislature expresses its pride in and admiration for these seven pioneers of space who were in spirit brothers and sisters to the pioneers who first settled this country.

3. The Nebraska Legislature and the people of Nebraska will not forget the ultimate sacrifice these courageous individuals made for the benefit of the Nation.

4. The Nebraska Legislature expresses its sense of pride in the NASA space program and encourages continued efforts in space exploration feeling confident that the sacrifices made have been for a great and worthy cause.

5. The Clerk of the Legislature is directed to send a copy of this resolution to each of the immediate families of the seven crew members.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendments to LB 394 in the Journal. No objections. So ordered.

AM1898

- 1 1. Strike the original sections and insert
- 2 the following new section:
- 3 "Section 1. The Department of Agriculture
- 4 shall adopt and promulgate rules and regulations
- 5 relating to the processing of milk for human
- 6 consumption. Such rules and regulations shall include,
- 7 but not be limited to, the regulation of the amounts of
- 8 milk solids, vitamins, fat, and other flavorings or
- 9 additives allowed in milk which is processed and
- 10 intended for sale in Nebraska."

AM1896

- 1 1. Strike original section 2.
- 2 2. Renumber section 3 as section 2.

NOTICE OF COMMITTEE HEARINGS Nebraska Retirement Systems

LB 1048	Thursday, February 20, 1986	12:00 noon
LB 1110	Thursday, February 20, 1986	12:00 noon
LB 1134	Thursday, February 20, 1986	12:00 noon
LB 1139	Wednesday, February 26, 1986	12:00 noon
LB 1200	Wednesday, February 26, 1986	12:00 noon

(Signed) Bill Harris, Chairperson

STANDING COMMITTEE REPORTS Health and Human Services

LEGISLATIVE BILL 924. Placed on General File.

LEGISLATIVE BILL 1047. Placed on General File.

LEGISLATIVE BILL 318. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal
and on file in the Clerk's Office - Room 1102 - AM1813.)

LEGISLATIVE BILL 586. Placed on General File as amended.
Standing Committee amendments to LB 586:
AM1877

- 1 1. On page 3, strike lines 9 through 24.
- 2 2. On page 5, strike beginning with "and" in
- 3 line 10 through "examination" in line 13; and in line 25
- 4 strike "Local or regional" and insert "Regional".
- 5 3. On page 8, line 1, after "basis" insert "
- 6 All patient-specific information shall be considered
- 7 privileged medical information"; and strike beginning
- 8 with the comma in line 12 through "Transportation" in
- 9 line 16.
- 10 4. On page 10, in lines 15, 16, 19 and 20,
- 11 and 21, strike "local or"; and in line 24 after "plan"
- 12 insert ", shall be advisory in nature,".
- 13 5. On page 11, line 8, strike "designation"
- 14 and insert "identification".
- 15 6. On page 12, in lines 1, 7, 8, 11, 19, and
- 16 25, strike "local or"; and in line 3 after "and" insert
- 17 "recommended".
- 18 7. On page 13, in lines 6, 16, and 21, strike
- 19 "local or"; in line 8 strike "Local or" and insert
- 20 "Regional"; and in line 14 after the first "services"
- 21 insert "or empower the department to directly or
- 1 indirectly alter the operation of fire department rescue
- 2 squads".
- 3 8. On page 14, strike lines 4 through 8 and
- 4 insert the following new subdivisions:
- 5 "(1) Appropriations from the General Fund; or
- 6 (2) Any and all other funds available through
- 7 the department."; and in line 13 strike "local or".
- 8 9. On page 15, in lines 2, 13, and 19, strike
- 9 "local or".
- 10 10. On page 39, line 24, after the comma
- 11 insert "when transporting an injured person from one
- 12 hospital to another.".
- 13 11. On page 42, in line 20, strike the second

14 “or”, show as stricken, and insert an underscored comma;
 15 in line 21 after “light” insert “,red and blue light, or
 16 red, white, and blue light”; and in line 25 after the
 17 period insert “For purposes of this section, emergency
 18 shall mean a condition or situation in which an
 19 individual declares a need for immediate medical
 20 attention or when such need is declared by emergency
 21 medical personnel or a public safety official.”.

(Signed) Don Wesely, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 850. Placed on General File.

LEGISLATIVE BILL 967. Placed on General File.

LEGISLATIVE BILL 973. Placed on General File.

LEGISLATIVE BILL 976. Placed on General File as amended.
 Standing Committee amendments to LB 976:

AM1879

- 1 1. On page 2, line 13, after “officer” insert
- 2 “, licensed as such pursuant to section 8-139.”.
- 3 2. On page 3, line 4, after “officer” insert
- 4 an underscored comma and strike “and” and show as
- 5 stricken; strike beginning with “or” in line 4 through
- 6 “executive” in line 5 and show the old matter as
- 7 stricken; in line 5 after “officer” insert “, or any
- 8 employee of the bank”; in lines 15 through 19 reinstate
- 9 the stricken matter; and in line 21 after “person”
- 10 insert “, licensed as an executive officer pursuant to
- 11 section 8-139.”.
- 12 3. Strike original section 2.
- 13 4. Renumber remaining sections accordingly.

LEGISLATIVE BILL 893. Indefinitely postponed.

(Signed) John DeCamp, Chairperson

Judiciary

LEGISLATIVE BILL 788. Placed on General File as amended.
 Standing Committee amendment to LB 788:

AM1881

- 1 1. On page 2, line 6, after “child” insert “1
- 2 in the case of a participant”; and in line 7 strike

- 3 "seventeen" and insert "eighteen" and after "years"
4 insert ", and in the case of a portrayed observer shall
5 mean any person under the age of sixteen years".

(Signed) Peter Hoagland, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Harris asked unanimous consent to print the following amendment to LB 92 in the Journal. No objections. So ordered.

AM1904

- 1 1. Strike the Harris amendment, AM0368,
2 adopted January 17, 1986.
3 2. On page 13, strike beginning with
4 "retired" in line 18 through "and" in line 19 and show
5 as stricken; and in line 22 after "survive" insert "and
6 had the judge retired (1) on the date of death, if his
7 or her age at death is sixty-five or more, or (2) at age
8 sixty-five, if his or her age at death is less than
9 sixty-five".

MOTION - Withdraw LB 1147

Mr. Pappas moved to withdraw LB 1147.

Laid over.

UNANIMOUS CONSENT - Members Excused

Messrs. DeCamp and Lynch asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 258. Considered.

Mr. Haberman moved to adjourn.

Mr. Landis requested a machine vote on the motion to adjourn.

The Haberman motion to adjourn lost with 5 ayes, 23 nays, 10 present and not voting, and 11 excused and not voting.

Mr. V. Johnson requested a machine vote on the advancement of the bill.

Mrs. Higgins requested a record vote on the advancement of the bill.

Speaker Nichol asked unanimous consent to be excused. No objections. So ordered.

Mr. Warner moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Haberman requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Abboud	Goll	Hoagland	Lundy	Scofield
Barrett	Goodrich	Johnson, L.	Marsh	Sieck
Beyer	Hannibal	Johnson, R.	Miller	Smith
Carsten	Hefner	Lamb	Remmers	Vickers
Eret	Higgins	Landis	Rogers	Warner

Voting in the negative, 11:

Baack	Haberman	Hartnett	Labeledz	Rupp
Chambers	Hall	Johnson, V.	Pappas	Wesely
Conway				

Present and not voting, 1:

Pirsch

Excused and not voting, 12:

Beutler	DeCamp	Morehead	Nichol	Schmit
Chizek	Harris	Nelson	Peterson	Withem
Chronister	Lynch			

Advanced to E & R for Engrossment with 25 ayes, 11 nays, 1 present and not voting, and 12 excused and not voting.

VISITORS

Visitors to the Chamber were 15 members of the NE. State Electrical Council and NE. State Utility Conference; 33 fourth grade students

and teachers from Clarkson School in Fremont; Bob Poppin, Marlin Ferguson, and Rod Horn; Darrel and Betty Curry from Newcastle; Mrs. Greta Swendson from Nelson; and Dr. Duane Krause from Fremont.

ADJOURNMENT

At 12:17 p.m., on a motion by Mr. Sieck, the Legislature adjourned until 9:00 a.m., Thursday, January 30, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTEENTH DAY - JANUARY 30, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 30, 1986

Pursuant to adjournment, the Legislature met at 9:02 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Pastor Marvin Hostetler, First Mennonite Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Hall, Hannibal, Hartnett, R. Johnson, Rupp, Schmit, Withem, Mesdames Labedz, and Morehead who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifteenth Day was approved.

MESSAGE FROM THE GOVERNOR

January 29, 1986

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 741, 742, 743, 744 and 745 were received in my office on January 29, 1986.

These bills were signed by me on January 29, 1986 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

ANNOUNCEMENTS

Mr. Chizek designates LB 772 as his priority bill.

Mr. Baack designates LB 942 as his priority bill.

STANDING COMMITTEE REPORT Banking, Commerce and Insurance

LEGISLATIVE BILL 959. Placed on General File as amended.
Standing Committee amendment to LB 959:
AM1903

- 1 1. On page 3, line 6, strike beginning with
- 2 "may" in line 6 through the period in line 8 and insert
- 3 "shall charge a fee for each manual in an amount
- 4 necessary to cover the costs of the manual as determined
- 5 by the department. Such fees shall be deposited in the
- 6 Department of Economic Development Cash Fund."

(Signed) John DeCamp, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 330.

ANNOUNCEMENT

The Chair announced Saturday, February 1, is Senator Carson Rogers' birthday.

RESOLUTION

LEGISLATIVE RESOLUTION 331. Read. Considered.

Mr. Beutler asked unanimous consent to add the names of all members to LR 331. No objections. So ordered.

Mr. Chambers offered the following amendment:

Add to 4th Resolve:

Strike period and add: "And recommends that NASA officials take every precaution to insure that neither political nor commercial concerns take priority over considerations of safety."

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers amendment was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

LR 331 was adopted with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LB 1002	Thursday, February 13, 1986 (cancelled)	1:30 P.M.
LB 1014	Thursday, February 13, 1986	1:30 P.M.

(Signed) David Landis, Chairperson

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 888. Placed on General File.
LEGISLATIVE BILL 890. Placed on General File.
LEGISLATIVE BILL 1028. Placed on General File.

LEGISLATIVE BILL 824. Indefinitely postponed.
LEGISLATIVE BILL 863. Indefinitely postponed.
LEGISLATIVE BILL 936. Indefinitely postponed.
LEGISLATIVE BILL 1044. Indefinitely postponed.

(Signed) Vard R. Johnson, Chairperson

MOTION - Place LB 681 on General File

Mr. V. Johnson renewed his pending motion found in the Journal on page 484 to place LB 681 on General File notwithstanding the action of the Banking Committee.

Messrs. Beutler and Nichol asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Barrett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

The V. Johnson motion lost with 8 ayes, 23 nays, 13 present and not voting, and 5 excused and not voting.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 333, 333A, and 546.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 333

The following changes, required to be reported for publication in the Journal, have been made:

ER0114

1. In the Beutler amendment, AM1366, adopted May 8, 1985:

(a) On page 1, in lines 17 and 20, the semicolon has been struck, shown as stricken, and an underscored comma inserted; and in line 19 "where" has been struck, shown as stricken, and "when" inserted; and

(b) On page 2, line 9, "where" has been struck, shown as stricken, and "when" inserted; in line 13 the second comma has been struck and shown as stricken; and in line 18 "wherein" has been struck, shown as stricken, and "in which" inserted.

2. In the Lynch amendment, AM1012, adopted May 8, 1985:

(a) On page 2, line 26, the matter beginning with "1984" through "Legislative" has been struck;

(b) On page 3, line 1, the matter beginning with "Bill" through the third comma has been struck;

(c) On page 5, the matter beginning with "22" in line 13 through "Session" in line 14 has been struck and "71-617.15, Revised Statutes

Supplement" inserted; and in line 16 strike "Sec. 22" and insert "71-617.15"; and

(d) On page 7, line 6, the stricken comma has been reinstated.

3. In the Warner amendment, AM1299, adopted May 6, 1985, on page 1, line 11 "(3)" has been inserted before "Until".

4. Because of the amendment of sections 28-710, 71-1903, and 71-1912 by Laws 1985, LB 447, sections 10, 37, and 38, respectively, in the E & R amendment, AM5128, adopted May 6, 1985:

(a) Sections 7, 8, 9, and 11, and all amendments thereto have been struck;

(b) Amendment 2 and all amendments thereto have been struck; and

(c) The remaining sections have been renumbered accordingly.

5. In AM5128:

The following new section has been inserted:

a. "Sec. 14. That original section 33-106, Reissue Revised Statutes of Nebraska, 1943, sections 71-627 and 71-628, Revised Statutes Supplement, 1984, and sections 71-612 and 71-617.15, Revised Statutes Supplement, 1985, are repealed.";

b. On page 2, the matter beginning with "Two" in line 19 through "appointed" in line 20 has been struck and "The Governor shall appoint two members" inserted; and the matter beginning with "of" in line 21 through "be" in line 22 has been struck and "member" inserted; and

c. On page 6, line 20, the comma has been struck.

6. On page 1, the matter beginning with "child" in line 1 through line 10 has been struck and "families; to amend section 33-106, Reissue Revised Statutes of Nebraska, 1943, sections 71-627 and 71-628, Revised Statutes Supplement, 1984, and sections 71-612 and 71-617.15, Revised Statutes Supplement, 1985; to state intent; to define terms; to create a board; to provide powers and duties relating to child abuse and neglect; to create a fund; to change provisions relating to certain fees; to provide for an additional docket fee for dissolution of marriage; to harmonize provisions; to provide severability; and to repeal the original sections." has been inserted.

Enrollment and Review Change to LB 333A

The following changes, required to be reported for publication in the Journal, have been made:

ER0115

1. Due to the adoption of the Barrett amendment found on page 464 of the Journal, the E & R amendment, AM5129, adopted January 22, 1986, has been struck.

2. On page 1, line 3, "First" has been struck and "Second" inserted and "1985" has been struck and "1986" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 887. Placed on General File.

LEGISLATIVE BILL 1093. Placed on General File as amended.
Standing Committee amendments to LB 1093:
AM1907

- 1 1. On page 2, line 14, strike "up to".
- 2 2. On page 3, line 5, strike "up to" and
- 3 insert "payment for".

LEGISLATIVE BILL 1092. Indefinitely postponed.

(Signed) Tom Vickers, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 332.

Introduced by Goll, 16th District.

WHEREAS, John G. Neihardt was the Poet Laureate of the State of Nebraska from 1921 until his death in 1973 and has not been replaced, and after 1973 remains Poet Laureate in perpetuity, and

WHEREAS, John G. Neihardt was a native and longtime resident of Bancroft, Nebraska, a town he called "paradise", and where the Neihardt Center serves to honor his name, and

WHEREAS, John G. Neihardt wrote thirty (30) books including such famous works as "Black Elk Speaks" and the epic poem "Cycle of the West" glorifying the prairie and its residents, and

WHEREAS, it is important for Nebraskans to honor, on a regular basis, their most famous citizens.

BE IT THEREFORE RESOLVED by the members of the Eighty-ninth Legislature of Nebraska, Second Session, that hereafter, the First Sunday in August shall be John G. Neihardt Day, to be celebrated appropriately throughout the State of Nebraska.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 469. Title read. Considered.

Failed to advance to E & R for Review with 7 ayes, 25 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 781. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 869. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 907. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 909. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 778. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 831. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 886. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 753. Title read. Considered.

Mr. Pappas requested a record vote on the advancement of the bill.

Voting in the affirmative, 34:

Abboud	Goll	Higgins	Lynch	Remmers
Baack	Haberman	Johnson, L.	Miller	Rogers
Barrett	Hall	Johnson, R.	Morehead	Rupp
Chizek	Hannibal	Johnson, V.	Nelson	Scofield
Chronister	Harris	Labeledz	Pappas	Vickers
Conway	Hartnett	Lamb	Peterson	Withem
Eret	Hefner	Lundy	Pirsch	

Voting in the negative, 0.

Present and not voting, 14:

Beyer	DeCamp	Landis	Schmit	Warner
Carsten	Goodrich	Marsh	Sieck	Wesely
Chambers	Hoagland	Nichol	Smith	

Excused and not voting, 1:

Beutler

Advanced to E & R for Review with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 331.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Harris asked unanimous consent to have his name added as co-introducer to LB 1120. No objections. So ordered.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of January 29, 1986. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Arthur, Shirley A. - Lincoln, Sullivan-Arthur & Associates
Cutshall, Bruce A. - Lincoln, Citizens for a Responsible Lottery
Evans, Nancy - Lincoln, Minnegasco, Inc.
Mass, Ken E. - Omaha, Nebraska State AFL-CIO
McCullough, Mardy - Grant, GTE Sprint; Lottery Consultants of
Nebraska
Nelson & Harding
Green, John K. - Omaha, Motorcycle Industry Council, Inc.
Shultz, Jack L. - Lincoln, Motorcycle Industry Council, Inc.
Radcliffe, Walter/Tews & Radcliffe
Radcliffe, Walter H. - Lincoln, Medical Liability Mutual
Insurance Company of Nebraska; Walgreen Company
Severens, Eugene - Walthill, Center for Rural Affairs
Stenberg, Neal - Lincoln, Nebraska Association of School Boards
Strange, Marty - Walthill, Center for Rural Affairs
Sullivan-Arthur & Associates - Lincoln, Association of Independent
Colleges and Universities of Nebraska, Inc.; Nebraska
Hairdressers & Cosmetologists Association; Nebraskans for our
Visually Handicapped Children; Traffic Safety Now, Inc.
Sullivan, John L. - Lincoln, Sullivan-Arthur & Associates

MOTION - Withdraw LB 671

Mr. Chambers moved to withdraw LB 671.

Laid over.

ATTORNEY GENERAL'S OPINION

Opinion No. 86010
January 27, 1986

To: Senator Jim Goll

Subject: Neb.Rev.Stat. §60-320(3)(b); LB 759

QUESTION: May a motor vehicle, sold by a licensed dealer to an ultimate purchaser, and bearing "In Transit" stickers as provided in Neb.Rev.Stat. §60-320(3)(b), haul complete vehicles, which are properly licensed, from the seller's place of business to the purchaser

for purposes of delivery of the vehicle to the purchaser and transportation back for a driver?

CONCLUSION: The ultimate purchaser may operate such a motor vehicle for a period of 15 days in order to effect proper registration, which would enable said purchaser to haul complete vehicles which are themselves properly licensed.

Neb.Rev. Stat §60-320(3)(b) (Supp. 1985) provides that:

Subject to all the provisions of law relating to motor vehicles and trailers not inconsistent with this section, any person, firm, or corporation holding a dealer's license issued pursuant to the laws of this state, . . . and who desires to effect delivery of any motor vehicle or trailer bought or sold by him or her from the point where purchased or sold to points within or outside this state may, solely for the purpose of such delivery by himself or herself, agent, or bona fide purchaser, drive such motor vehicle or pull such trailer on the highways of this state without charge or registration of such vehicle or trailer Such transit decal shall allow such owner to operate the motor vehicle or pull such trailer for a period of fifteen days in order to effect proper registration of the new or used motor vehicle or trailer, . . . (Emphasis added.)

The section quoted above provides that registration of vehicles sold or purchased by a licensed dealer is not required. Instead, delivery of those vehicles may be effected by the use of "In Transit" decals. However, the statute is specific in providing that the use by a licensed dealer of "In Transit" decals is solely for the purpose of such delivery. The use of an "In Transit" decal by a licensed dealer is limited to delivery only, and that licensed dealer may not operate the vehicle for other purposes which are permitted under regular dealer's license plates or regular registration. See, Opinion of the Attorney General, No. 261, August 26, 1958.

However, §60-320 does provide that the owner of a motor vehicle may operate said vehicle or pull such trailer for a period of 15 days in order to effect proper registration of the new or used motor vehicle or trailer. It is important to note that there is a distinction between the use of "In Transit" decals by licensed dealers and ultimate purchasers. The ultimate purchaser may operate the motor vehicle or pull such trailer for the designated period in order to effect proper registration. There does not appear to be any restrictions on the ultimate purchaser during the in transit period. Therefore, it is our conclusion that ultimate purchasers, as opposed to licensed dealers, may haul complete vehicles, which are properly licensed, during the in transit period. The ultimate purchaser is responsible for effecting

the appropriate registration for whatever use is made of said vehicle during the in transit period. A licensed dealer may not utilize an "In Transit" decal for any other purpose than delivery, and could not haul other vehicles as described above.

It is apparent from your letter that the instant situation involves the delivery by the licensed dealer of a motor vehicle to an ultimate purchaser, and transportation back for a driver. We assume, for purposes of this opinion, that the driver is an employee of the licensed dealer. We specifically do not comment upon any contractual arrangements between the ultimate purchaser and the operation of his or her motor vehicle by an employee of the licensed dealer. Such questions are beyond the scope of this opinion. The only question addressed is the use of an "In Transit" sticker by an ultimate purchaser other than a licensed dealer.

Sincerely,
ROBERT M. SPIRE
Attorney General

(Signed) Ruth Anne Evans
Assistant Attorney General

RAE:cw

cc: Patrick J. O'Donnell
Clerk of the Legislature

UNANIMOUS CONSENT - Print in Journal

Mr. Beyer asked unanimous consent to print the following amendment to LB 298 in the Journal. No objections. So ordered.

AM1751

- 1 1. Strike all original sections and
- 2 amendments thereto and insert the following new
- 3 sections:
- 4 "Section 1. Postjudgment interest shall be
- 5 awarded on decrees and judgments for the payment of
- 6 money from the date such decrees or judgments are
- 7 rendered until they are satisfied.
- 8 Sec. 2. Prejudgment interest may be awarded
- 9 on decrees and judgments for the payment of money,
- 10 subject to the following conditions:
- 11 (1) Prejudgment interest shall begin accruing
- 12 from the date of the plaintiff's first offer of
- 13 settlement which is exceeded by the resulting decree or
- 14 judgment and continue accruing until the decree or
- 15 judgment is rendered, if:

16 (a) The offer was made in writing to the other
17 party by certified or registered mail, return receipt
18 requested, not less than ten days prior to commencement
19 of trial;

20 (b) The offer is to allow judgment to be taken
21 for the amount and on the terms stated;

1 (c) A copy of the offer, signed by the
2 plaintiff or his or her attorney, and proof of delivery
3 to the other party is filed with the clerk of the court
4 in which the action is pending;

5 (d) The offer is not accepted prior to trial
6 or within thirty days of the date of the offer,
7 whichever occurs first; and

8 (e) The money judgment in favor of plaintiff
9 is in an amount greater than the offer of settlement;

10 (2) Prejudgment interest shall be limited to
11 that portion of a decree or judgment awarding money for
12 lost wages and special damages for which plaintiff was
13 not previously compensated by or on behalf of the
14 defendant; and

15 (3) Prejudgment interest shall not apply to:

16 (a) Actions arising under Chapter 42;

17 (b) Actions based upon a contractual
18 relationship, agreement, or policy of insurance
19 providing for payment of benefits for hospital,
20 surgical, medical, dental, psychological, or other
21 health care services written, issued, or administered by
22 a third party including, but not limited to, a health
23 and accident insurance company, hospital service
24 corporation, or health maintenance organization; or

1 (c) Actions against the state or its political
2 subdivisions.

3 Sec. 3. Prejudgment interest, if awarded, and
4 postjudgment interest shall be at a rate equal to one
5 percentage point above the bond equivalent yield, as
6 published by the Secretary of the United States
7 Treasury, of the average accepted auction price for the
8 last auction of fifty-two week United States Treasury
9 Bills settled immediately prior to the date of judgment.
10 The State Court Administrator shall distribute a notice
11 of such rate to all judges within two weeks after the
12 date the auction price is published by the Secretary of
13 the Treasury. However, this interest rate shall not
14 apply to:

15 (1) An action in which the judgment interest

- 16 rate is otherwise specifically provided by law; or
 17 (2) An action founded upon an oral or written
 18 contract in which the parties have agreed to a rate of
 19 interest other than that specified in this section.
 20 Sec. 4. A defendant recovering pursuant to a
 21 judgment or decree on a cross-claim or counterclaim
 22 shall be considered a plaintiff under sections 2 to 4 of
 23 this act and entitled to prejudgment interest.
 24 Sec. 5. This act shall apply to all causes of
 1 action accruing on or after January 1, 1988.
 2 Sec. 6. That section 45-103, Reissue Revised
 3 Statutes of Nebraska, 1943, is repealed.”.

NOTICE OF COMMITTEE HEARINGS
Constitutional Revision and Recreation

LR 322CA	Friday, February 7, 1986	1:30 P.M.
LB 1234	Thursday, February 13, 1986	1:30 P.M.
LR 326CA	Thursday, February 13, 1986	1:30 P.M.
LR 314CA	Thursday, February 20, 1986	1:30 P.M.
LR 307CA	Thursday, February 20, 1986	1:30 P.M.
LR 311CA	Thursday, February 27, 1986	1:30 P.M.
LR 318CA	Thursday, February 27, 1986	1:30 P.M.
LB 1115	Friday, February 28, 1986	1:30 P.M.
LB 1116	Friday, February 28, 1986	1:30 P.M.
LB 1073	Thursday, March 6, 1986	1:30 P.M.
LB 1189	Thursday, March 6, 1986	1:30 P.M.

(Signed) Lee Rupp, Chairperson

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE RESOLUTION 29CA. Placed on General File as amended.

Standing Committee amendments to LR 29CA:

AM1892

- 1 1. On page 2, line 7, after "Legislature"
- 2 insert "(1)"; reinstate the stricken matter beginning
- 3 with "of" in line 8 through "his" in line 9; and strike

4 beginning with "as" in line 9 through "Governor" in line
5 11 and insert "or her office or (2) if the Legislature
6 passes, in 1987, legislation totally prohibiting the
7 acceptance by members of the Legislature of gifts from
8 lobbyists and keeps such prohibition continually in
9 effect, shall, effective July 1, 1987, receive an annual
10 salary as provided by law in an amount not to exceed the
11 amount determined by the federal Census Bureau to be the
12 median family income for the State of Nebraska as of the
13 most currently available decennial census of population
14 and housing".

15 2. On page 3, strike beginning with "shall"
16 in line 1 through "plus" in line 3 and insert "may
17 receive an annual salary not to exceed the median family
18 income for the State of Nebraska if members are
19 prohibited from accepting gifts from lobbyists. Members
20 shall also receive".

LEGISLATIVE RESOLUTION 34CA. Placed on General File as amended.

Standing Committee amendment to LR 34CA:

AM1847

1 1. On page 2, line 10, after "wage" insert
2 "in effect on November 1, 1986"; and in line 11 after
3 "office" insert ", and if any adjustment is made in the
4 federal minimum wage, as soon as practicable after such
5 adjustment takes effect, the Legislature shall provide a
6 like adjustment in the hourly wage paid to members of
7 the Legislature".

LEGISLATIVE RESOLUTION 13CA. Indefinitely postponed.

LEGISLATIVE RESOLUTION 304CA. Indefinitely postponed.

LEGISLATIVE RESOLUTION 310CA. Indefinitely postponed.

(Signed) Lee Rupp, Chairperson

GENERAL FILE

LEGISLATIVE BILL 819. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 811. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 228. Title read. Considered.

Mr. Eret moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Eret requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 21:

Abboud	Haberman	Hefner	Nelson	Rupp
Chizek	Hall	Higgins	Pappas	Sieck
Chronister	Harris	Johnson, R.	Pirsch	Smith
Eret	Hartnett	Labeledz	Remmers	Vickers
Goodrich				

Voting in the negative, 19:

Baack	Goll	Johnson, V.	Lynch	Warner
Carsten	Hannibal	Lamb	Marsh	Wesely
Chambers	Hoagland	Landis	Morehead	Withem
DeCamp	Johnson, L.	Lundy	Scofield	

Present and not voting, 6:

Barrett	Conway	Miller	Peterson	Rogers
Beyer				

Absent and not voting, 2:

Nichol	Schmit
--------	--------

Excused and not voting, 1:

Beutler

Failed to advance to E & R for Review with 21 ayes, 19 nays, 6 present and not voting, 2 absent and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Messrs. Schmit and Nichol asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 779. Title read. Considered.

Mr. V. Johnson offered the following amendment:
to strike the new language in subsection 4 of section 2 of LB 779.

The V. Johnson amendment was adopted with 25 ayes, 7 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 780. Title read. Considered.

Mr. Barrett asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 864. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 904. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 922. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 871. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

ANNOUNCEMENT

Mr. Chronister designates LB 131 as his priority bill.

NOTICE OF COMMITTEE HEARINGS
Agriculture and Environment

LB 1146	Thursday, February 20, 1986	1:30 P.M.
LB 1216	Thursday, February 20, 1986	1:30 P.M.
LB 1144	Thursday, February 20, 1986	1:30 P.M.
LB 1183	Thursday, February 20, 1986	1:30 P.M.
LB 1127	Thursday, February 20, 1986	1:30 P.M.
LB 927	Thursday, February 20, 1986	1:30 P.M.
LB 1199	Friday, February 21, 1986	1:30 P.M.
LB 1113	Friday, February 21, 1986	1:30 P.M.
LB 1132	Friday, February 21, 1986	1:30 P.M.
LB 985	Friday, February 21, 1986	1:30 P.M.

(Signed) Rod Johnson, Chairperson

STANDING COMMITTEE REPORT
Urban Affairs

LEGISLATIVE BILL 808. Placed on General File as amended.
Standing Committee amendment to LB 808:
AM1843

- 1 1. On page 3, line 14, strike "twenty" and
- 2 insert "three"; and in line 17 after "after" insert
- 3 "notifying the record owner at his or her last known
- 4 residence by certified mail and".

(Signed) Ron Withem, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. R. Johnson asked unanimous consent to have his name added as co-introducer to LB 1230. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 548.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 548

The following changes, required to be reported for publication in the Journal, have been made:

ER0123

1. On page 3, line 18, the second "and" has been struck and "who" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Pappas asked unanimous consent to print the following amendment to LB 275 in the Journal. No objections. So ordered.

1. On page 2, line 17, after the word, "Any" insert the words, "American Indian Style".

Mr. Lamb asked unanimous consent to print the following amendment to LB 753 in the Journal. No objections. So ordered.

AM1902

1. On page 2, line 15, strike "seven"
2. thousand" and insert "twenty-five hundred".

**NOTICE OF COMMITTEE HEARING
Health and Human Services**

Governor Appointment Tuesday, February 11, 1986 1:30 P.M.
Patricia Kuehl - Director, Department on Aging

(Signed) Don Wesely, Chairperson

**STANDING COMMITTEE REPORT
Judiciary**

LEGISLATIVE BILL 957. Placed on General File.

(Signed) Peter Hoagland, Chairperson

GENERAL FILE

LEGISLATIVE BILL 512. Title read. Considered.

Standing Committee amendments, AM0514, found in the Journal on page 896 for the Thirty-Sixth Day, First Session, were adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

MOTION - Withdraw LB 1128

Mrs. Labeledz moved to withdraw LB 1128.

Laid over.

SELECT COMMITTEE REPORTS Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 212, 284, and 284A.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Changes to LB 284

The following changes, required to be reported for publication in the Journal, have been made:

ER0124

1. In the Schmit amendment, AM1655, adopted January 23, 1986:
 - a. On page 2, line 14, "on farm" has been struck and "onfarm" inserted; and
 - b. On page 14, line 16, "district" has been struck and "districts" inserted.

Enrollment and Review Change to LB 284A

The following changes, required to be reported for publication in the Journal, have been made:

ER0116

1. On page 1, line 3; and page 2, line 10, "First Session, 1985" has been struck and "Second Session, 1986" inserted.
2. On page 2, in lines 3 and 6 "Department of Environmental Control" has been struck; in lines 4 and 14 "1985" has been struck and "1986" inserted; in lines 4, 7, 14, and 15 "1986" has been struck

and "1987" inserted; and in lines 7 and 15 "1987" has been struck and "1988" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

VISITORS

Visitors to the Chamber were Dr. and Mrs. Paul Scott from Auburn; Mrs. Eileen Dort from Lincoln; Mattie Rumery; 27 eighth grade students and teacher from Norris Middle School, Firth; Lawrence and Virginia Peterson from Holdredge; Bill Pound (Colorado), Senator Dave Nething (North Dakota), and Sharon Lawrence (Washington, D.C.) with NCSL; and Duane Duane Worley from Alliance.

ADJOURNMENT

At 11:58 a.m., on a motion by Mrs. Nelson, the Legislature adjourned until 9:00 a.m., Monday, February 3, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTEENTH DAY - FEBRUARY 3, 1986**LEGISLATIVE JOURNAL****EIGHTY-NINTH LEGISLATURE
SECOND SESSION****SEVENTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, February 3, 1986

Pursuant to adjournment, the Legislature met at 9:04 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Pastor Terry Dinovo, Faith Lutheran Church, Seward, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chizek and Withem who were excused; and Messrs. Abboud, Conway, Hall, Harris, Landis, Lynch, Peterson, Remmers, Rupp, Schmit, and Mrs. Labeledz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 599, after line 17 insert "continuation".
The Journal for the Sixteenth Day was approved as corrected.

STANDING COMMITTEE REPORTS**Revenue**

LEGISLATIVE BILL 1012. Placed on General File as amended.
Standing Committee amendments to LB 1012:
AM1931

- 1 1. On page 7, line 1, strike "and the", show
- 2 as stricken, and insert "except that for all taxable
- 3 years beginning after December 31, 1988, such tax shall
- 4 not exceed seven cents. The".

- 5 2. On page 9, line 19, after "Nebraska"
 6 insert ", except that for all taxable years beginning
 7 after December 31, 1988, such tax shall not exceed seven
 8 cents".

LEGISLATIVE BILL 1027. Placed on General File as amended.
 Standing Committee amendments to LB 1027:
 AM1929

- 1 1. On page 3, line 6, strike "either"; and
 2 strike beginning with "or" in line 8 through "use" in
 3 line 11 and insert ", except that an alternative method
 4 of labeling and containing the gasoline may be approved
 5 by the Tax Commissioner if the purchaser and claimant
 6 maintain an approved system of records to account for
 7 the tax credit gasoline".
 8 2. On page 39, line 6, strike "it" and insert
 9 "such airplane"; in line 8 strike "the calendar" and
 10 insert "a"; in line 14 after the first "the" insert
 11 "first" and after "date" insert "after which"; in line
 12 16 strike "the calendar" and insert "a"; and in line 18
 13 strike "nor" and insert "with".

LEGISLATIVE BILL 1105. Placed on General File as amended.
 Standing Committee amendments to LB 1105:
 AM1928

- 1 1. Strike original section 1.
 2 2. On page 2, strike beginning with "section"
 3 in line 18 through "and" in line 19.
 4 3. Renumber the remaining sections
 5 accordingly.

LEGISLATIVE BILL 1030. Indefinitely postponed.

(Signed) Vard R. Johnson, Chairperson

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1986 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT
 Nemaha

FEE

Steven Seglin	\$13,092.32
L. Joe Stehlik	483.50
Morrissey & Morrissey	108.06
Steven R. Brott	50.00

REPORTS

Received report from Nebraska Investment Council listing South Africa related investments as of December 31, 1985, as required by 72-1273(3) and 72-1274(2).

Received from Nebraska State Board of Landscape Architects a list of registered Professional Landscape Architects in the State of Nebraska.

STANDING COMMITTEE REPORTS

Nebraska Retirement Systems

The Committee on Nebraska Retirement Systems desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Alcurtis Robinson - Public Employees Retirement Board
Lou Ninegar - Public Employees Retirement Board

Voting aye: Senators Abboud, Goodrich, Harris, Marsh, Vickers, and Warner.

(Signed) Bill Harris, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Hall asked unanimous consent to have his name added as co-introducer to LB 71. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 332. Read. Considered.

Mr. Goll offered the following amendment:

In the first Whereas, strike from "and" in Line 2 to "perpetuity" in Line 3.

The Goll amendment was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

LR 332 was adopted with 28 ayes, 0 nays, and 21 not voting.

MOTION - Withdraw LB 1147

Mr. Pappas renewed his pending motion found in the Journal on page 584 to withdraw LB 1147.

The Pappas motion prevailed with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

MOTION - Withdraw LB 1128

Mr. DeCamp renewed the Labeledz motion found in the Journal on page 605 to withdraw LB 1128.

The motion prevailed with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 172, 301, 593, 644, and 663.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 593

The following changes, required to be reported for publication in the Journal, have been made:

ER0125

1. On page 11, line 27, an underscored comma has been inserted after the first "and".
2. On page 35, line 7, "known and may be" has been inserted after "be".

Enrollment and Review Change to LB 663

The following changes, required to be reported for publication in the Journal, have been made:

ER0117

1. In the Labeledz amendment, AM1762, adopted January 24, 1986, on page 1, line 2, "this" has been inserted after "in"; and in line 3 "(8) of this section" has been struck.

2. On page 1, line 3, "relating to abortions" has been inserted after "term".

(Signed) Mary E. Sommermeyer
E & R Attorney

STANDING COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 285. Indefinitely postponed.

LEGISLATIVE BILL 1046. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Hoagland and Warner asked unanimous consent to print the following amendment to LB 525 in the Journal. No objections. So ordered.

AM1914

- 1 1. On page 3, line 3, strike "ten" and insert
- 2 "fifteen"; in line 5 strike "Such" and insert "Ten
- 3 dollars of such"; and in line 6 after "fund" insert ",
- 4 and five dollars shall be transmitted to the State
- 5 Treasurer for deposit in the General Fund".

MOTION - Place LB 832 on General File

Mr. Pappas renewed his pending motion found in the Journal on page 572 to place LB 832 on General File notwithstanding the committee action.

Mr. Pappas requested a record vote on his motion.

Voting in the affirmative, 5:

Haberman Higgins Lynch Pappas Rogers

Voting in the negative, 30:

Abboud	DeCamp	Johnson, L.	Miller	Scofield
Baack	Goll	Johnson, R.	Nelson	Sieck
Barrett	Hall	Johnson, V.	Nichol	Smith
Beyer	Hannibal	Lamb	Peterson	Vickers
Carsten	Harris	Landis	Pirsch	Warner
Chronister	Hefner	Marsh	Remmers	Wesely

Present and not voting, 8:

Beutler	Eret	Hartnett	Lundy	Morehead
Chambers	Goodrich	Hoagland		

Excused and not voting, 6:

Chizek	Labeledz	Rupp	Schmit	Withem
Conway				

The Pappas motion lost with 5 ayes, 30 nays, 8 present and not voting, and 6 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 988. Title read. Considered.

Standing Committee amendment, AM1862, found in the Journal on page 572 for the Fifteenth Day was considered.

Mr. Beutler offered the following amendment to the Standing Committee amendment:

AM1946

(Amendments to Standing Committee amendments)

- 1 1. On page 1, line 2, strike "113,081" and
- 2 insert "178,595".

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Beutler amendment was adopted with 27 ayes, 13 nays, 7 present and not voting, and 2 excused and not voting.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Standing Committee amendment, as amended, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Expedite LB 988

Mr. Beutler asked unanimous consent to expedite LB 988. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 333.

Introduced by Vickers, 38th District; Peterson, 21st District; Harris, 27th District; Pirsch, 10th District; Baack, 47th District; Chronister, 18th District; Carsten, 2nd District; Morehead, 30th District; Lundy, 36th District; Hannibal, 4th District; Beutler, 28th District; Marsh, 29th District; Landis, 48th District; Nelson, 35th District; Haberman, 44th District; Hoagland, 6th District; Wesely, 26th District; Barrett, 39th District; R. Johnson, 34th District; Lamb, 43rd District; Hefner, 19th District; Lynch, 13th District; Smith, 33rd District.

WHEREAS, on October 22, 1985, Ronald Reagan, President of the United States, did sign into law PL 99-128, designating the month of February 1986 as National Community College Month in recognition of the outstanding contribution to education of the more than one thousand two hundred nineteen community, technical, and junior colleges in the United States; and

WHEREAS, on January 29, 1985, Robert Kerrey, Governor of the State of Nebraska, signed a Proclamation declaring February Community College Month in Nebraska; and

WHEREAS, the six Nebraska technical community college areas:
Central Technical Community College Area; Metropolitan Technical Community College Area; Mid-Plains Technical Community College Area; Northeast Technical Community College Area; Southeast Technical Community College Area; and Western Technical Community College Area;

provide ninety-three different educational programs leading directly to employment in vocational technical fields and seventeen educational programs for transfer to four-year colleges and universities. Such colleges deliver adult and continuing education and community service programs including adult literacy, agricultural management education, and job training and retraining at over four hundred fifty sites in Nebraska; and

WHEREAS, the six Nebraska technical community college areas provide an opportunity to obtain a postsecondary education at low cost for many people who could not otherwise attend college; and

WHEREAS, the six Nebraska technical community college areas are an integral part of economic development in Nebraska, providing facilities and staff to field service personnel of the Department of Economic Development, custom design job-training and retraining to Nebraska businesses and industries, and help displaced farmers and ranchers to retrain for other occupations; and

WHEREAS, the six Nebraska technical community college areas are community-based institutions which provide flexible and diverse programs and services tailored to fit the needs of their local populations industries.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That February 1986 be designated as Community College Month in Nebraska.

2. That Nebraskans observe such month with appropriate ceremonies and activities.

Laid over.

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 1154	Monday, February 10, 1986	1:30 P.M.
LB 1178	Monday, February 10, 1986	1:30 P.M.
LB 1124	Monday, February 10, 1986	1:30 P.M.
LB 798	Tuesday, February 11, 1986	1:30 P.M.
LB 1041	Tuesday, February 11, 1986	1:30 P.M.
LB 1157	Tuesday, February 11, 1986	1:30 P.M.
LB 815	Tuesday, February 18, 1986	1:30 P.M.
LB 1017	Tuesday, February 18, 1986	1:30 P.M.
LB 980	Tuesday, February 18, 1986	1:30 P.M.
LB 1155	Tuesday, February 18, 1986	1:30 P.M.

LB 758	Wednesday, February 19, 1986	1:30 P.M.
LB 1065	Wednesday, February 19, 1986	1:30 P.M.
LB 1220	Wednesday, February 19, 1986	1:30 P.M.
LB 789	Monday, February 24, 1986	1:30 P.M.
LB 1061	Monday, February 24, 1986	1:30 P.M.
LB 1142	Monday, February 24, 1986	1:30 P.M.
LB 800	Tuesday, February 25, 1986	1:30 P.M.
LB 1180	Tuesday, February 25, 1986	1:30 P.M.
LB 1072	Monday, March 3, 1986	1:30 P.M.
LB 1076	Monday, March 3, 1986	1:30 P.M.
LB 1153	Monday, March 3, 1986	1:30 P.M.
LB 1193	Tuesday, March 4, 1986	1:30 P.M.
LB 1194	Tuesday, March 4, 1986	1:30 P.M.
LB 1195	Tuesday, March 4, 1986	1:30 P.M.
LB 914	Tuesday, March 4, 1986	1:30 P.M.

(Signed) Vard R. Johnson, Chairperson

Judiciary

LB 1054	Monday, February 10, 1986	1:30 P.M.
LB 1247	Monday, February 10, 1986	1:30 P.M.
LB 1224	Monday, February 10, 1986	1:30 P.M.
LB 1241	Monday, February 10, 1986	1:30 P.M.
LB 1242	Monday, February 10, 1986	1:30 P.M.

(Signed) Peter Hoagland, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 760 in the Journal. No objections. So ordered.

To amend the Committee Amendments to LB 760 by adding "from two or more vehicles" following "parts" on page 1, line 21.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 767 in the Journal. No objections. So ordered.

AM1945

- 1 1. On page 3, line 18, strike "five", show as
2 stricken, and insert "three".

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 901. Placed on General File.

LEGISLATIVE BILL 497. Placed on General File as amended.
Standing Committee amendment to LB 497:
AM1937

- 1 1. Strike the original sections and insert
2 the following new sections:
3 "Section 1. This act shall be known and may
4 be cited as the Amusement Ride Act.
5 Sec. 2. As used in the Amusement Ride Act,
6 unless the context otherwise requires:
7 (1) Amusement ride shall mean any mechanical
8 device that carries or conveys passengers along, around,
9 or over a fixed or restricted route or course or within
10 a defined area for the purpose of giving its passengers
11 amusement, pleasure, or excitement, but such term does
12 not include (a) any single-passenger coin-operated ride
13 that is manually, mechanically, or electrically operated
14 and customarily placed in a public location and that
15 does not normally require the supervision or services of
16 an operator or (b) nonmechanized playground equipment,
17 including, but not limited to, swings, seesaws,
18 stationary spring-mounted animal features,
19 rider-propelled merry-go-rounds, climbers, slides,
20 trampolines, and physical fitness devices;
21 (2) Commissioner shall mean the Commissioner
1 of Labor;
2 (3) Operator shall mean a person actually
3 engaged in or directly controlling the operations of an
4 amusement ride; and
5 (4) Owner shall mean a person who owns,
6 leases, controls, or manages the operations of an
7 amusement ride and may include the state or any
8 political subdivision of the state.
9 Sec. 3. No person shall operate an amusement
10 ride unless at the time of operation the owner or
11 operator has:
12 (1) An insurance policy currently in effect
13 written by an insurance company authorized to do

14 business in this state in an amount of not less than one
15 million dollars per occurrence insuring the owner or
16 operator against liability for injury to persons arising
17 out of the use of the amusement ride; and

18 (2) Furnished proof of insurance to each
19 sponsor, lessor, landowner, or other person responsible
20 for an amusement ride being offered for use by the
21 public on a form approved by the commissioner stating
22 that the insurance policy required by subdivision (1) of
23 this section is in effect.

24 Sec. 4. The commissioner may request from the
1 sponsor, lessor, landowner, or person responsible for an
2 amusement ride being offered for use by the public the
3 information regarding insurance coverage required by
4 subdivision (2) of section 3 of this act. The sponsor,
5 lessor, landowner, or other person to whom the request
6 for information is made shall respond to the
7 commissioner's request within fifteen days after the
8 request is received.

9 Sec. 5. The owner or operator of an amusement
10 ride which is involved in an accident in this state
11 arising out of the use of the amusement ride and
12 resulting in injuries or death to any person or property
13 damage to the amusement ride to an apparent extent of
14 more than one hundred dollars shall, within fifteen
15 days, file a report of such accident with the
16 commissioner on a form prescribed by the commissioner.

17 Sec. 6. The commissioner may adopt and
18 promulgate rules and regulations necessary to carry out
19 the Amusement Ride Act pursuant to Chapter 84, article
20 9.

21 Sec. 7. The Amusement Ride Act shall not be
22 construed to alter the duty of care or liability of an
23 owner or operator of an amusement ride for injuries or
24 death to any person or damage to any property arising
1 out of an accident involving an amusement ride. The
2 state and its officers and employees shall not be
3 construed to assume liability by reason of
4 administration of the Amusement Ride Act.

5 Sec. 8. The Amusement Ride Act and all grants
6 of authority made in such act to the commissioner shall
7 be liberally construed to effectuate the public policy
8 of enhancing the safety of persons who use amusement
9 rides in this state.

10 Sec. 9. The Attorney General, acting on

11 behalf of the commissioner, or the county attorney in a
12 county in which an amusement ride is located or
13 operated, may make application to the district court,
14 pursuant to the rules of civil procedure, for an order
15 enjoining operation of any amusement ride operated in
16 violation of the Amusement Ride Act.

17 Sec. 10. (1) Any person who knowingly
18 operates or causes to be operated an amusement ride in
19 violation of the Amusement Ride Act shall be guilty of a
20 Class II misdemeanor.

21 (2) Any person who otherwise violates or aids
22 and abets the violation of the Amusement Ride Act or who
23 fails to perform any duty under such act shall be guilty
24 of a Class V misdemeanor.

1 (3) Each day a violation continues shall
2 constitute a separate offense.

3 Sec. 11. This act shall become operative on
4 January 1, 1987.

5 Sec. 12. If any section in this act or any
6 part of any section shall be declared invalid or
7 unconstitutional, such declaration shall not affect the
8 validity or constitutionality of the remaining portions
9 thereof.”.

LEGISLATIVE BILL 799. Placed on General File as amended.
Standing Committee amendments to LB 799:
AM1932

1 1. On page 18, line 17, after “testing”
2 insert “for any organization other than one described in
3 section 501(c)(3) of the Internal Revenue Code of 1954,
4 as amended, or any governmental entity”.

5 2. Insert the following new section:
6 “Sec. 3. Since an emergency exists, this act
7 shall be in full force and take effect, from and after
8 its passage and approval, according to law.”.

LEGISLATIVE BILL 950. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal
and on file in the Clerk's Office - Room 1102 - AM1933.)

LEGISLATIVE BILL 951. Indefinitely postponed.

LEGISLATIVE BILL 952. Indefinitely postponed.

LEGISLATIVE BILL 1023. Indefinitely postponed.

(Signed) Bill Barrett, Chairperson

Public Works

LEGISLATIVE BILL 896. Placed on General File.

LEGISLATIVE BILL 920. Placed on General File.

LEGISLATIVE BILL 948. Placed on General File.

LEGISLATIVE BILL 949. Placed on General File as amended.

Standing Committee amendments to LB 949:

AM1940

- 1 1. On page 10, line 25, after "census" insert
- 2 "Each district engaged in the operation of electric
- 3 generation, transmission, or distribution facilities, or
- 4 any combination thereof, in fifty counties or less in
- 5 this state may, in the discretion of the board of
- 6 directors of such district and upon a finding by the
- 7 board that it would be consistent with the best
- 8 interests of the district and its customers, provide
- 9 that subdivisions from which directors are to be elected
- 10 or appointed shall be of a substantially equal number of
- 11 electors, and such district shall not be required to
- 12 redistrict its subdivisions for purposes of equalizing
- 13 the number of electors more frequently than once every
- 14 ten years".
- 15 2. On page 25, line 22, after "population"
- 16 insert "or number of electors".
- 17 3. On page 26, line 3, after "population"
- 18 insert "or number of electors"; in line 9 after "is"
- 19 insert "(1)"; in line 10 strike "primarily"; in line 11,
- 20 strike "to", show as stricken, insert "and more than
- 21 fifty per cent of its customers are", and after "or"
- 2 insert "(2)"; and in line 15 after "population" insert
- 2 "or number of electors".

LEGISLATIVE BILL 821. Indefinitely postponed.

LEGISLATIVE BILL 854. Indefinitely postponed.

LEGISLATIVE BILL 933. Indefinitely postponed.

LEGISLATIVE BILL 934. Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

Judiciary

LEGISLATIVE BILL 877. Placed on General File.

LEGISLATIVE BILL 760. Placed on General File as amended.
Standing Committee amendments to LB 760:
AM1925

- 1 1. On page 2, after line 8 insert the
2 following:
3 “(3) Motor vehicle part shall mean any
4 component part of a motor vehicle which bears a serial
5 or component part number”; in line 9 strike “(3)” and
6 insert “(4)”; and in line 12 strike “(4)” and insert
7 “(5)”.
- 8 2. Strike original sections 2 and 3 and
9 insert the following new section:
10 “Sec. 2. (1) A person commits the offense of
11 operating a chop shop if such person:
12 (a) Engages in altering, destroying,
13 disassembling, dismantling, or reassembling two or more
14 motor vehicles or motor vehicle parts from two or more
15 vehicles knowing such vehicles or parts were illegally
16 obtained by fraud, theft, or conspiracy to commit either
17 of such offenses;
18 (b) Alters, counterfeits, defaces, destroys,
19 falsifies, or removes the vehicles identification number
20 or the serial or component part number of two or more
21 motor vehicles or motor vehicle parts for the purpose of
1 misrepresenting the identity of such motor vehicles or
2 motor vehicles parts; or
3 (c) Knowingly conducts an operation in which
4 one or more persons have engaged in an activity
5 prohibited by subdivision (a) or (b) of this section.
6 (2) Operating a chop shop is a Class IV
7 felony.”.
- 8 3. On page 3, line 23, strike “to 3” and
9 insert “and 2”.
- 10 4. Renumber remaining sections accordingly.

LEGISLATIVE BILL 979. Placed on General File as amended.
Standing Committee amendments to LB 979:
AM1935

- 1 1. Insert the following new sections:
2 “Sec. 7. If there is no beneficiary or
3 alternate beneficiary or no action is filed, all
4 proceeds shall be paid to the Crime Victim’s
5 Compensation Fund.
- 6 Sec. 10. That section 81-1836, Reissue
7 Revised Statutes of Nebraska, 1943, is repealed.”.

- 8 2. On page 7, in line 11 and 12, strike "six
9 months" and insert "four years".
10 3. On page 8, line 4, strike "7" and insert
11 "8".
12 4. Renumber the remaining sections
13 accordingly.

LEGISLATIVE BILL 874. Indefinitely postponed.

(Signed) Peter Hoagland, Chairperson

Education

LEGISLATIVE BILL 461. Placed on General File as amended.
Standing Committee amendments to LB 461:
AM1763

- 1 1. On page 2, line 5, after "of" insert
2 "(1)"; in line 7 after "Nebraska" insert "(2)"; in
3 line 8 strike "and" and show as stricken; and in line 11
4 strike the new matter and insert "and (3) establishing
5 over a period of time and operating a statewide
6 educational and public radio network and service. The
7 commission shall seek funding from federal, state,
8 foundation, and private sources for capital construction
9 and annual operations. The commission shall also report
10 annually to the Legislature and the Legislature's
11 Education Committee regarding its progress in the
12 development of such a network and service. It is the
13 intent of the Legislature that priority for such network
14 and service shall be given to currently underserved
15 areas".
16 2. On page 3, line 1, after "necessary"
17 insert "as funds become available".

(Signed) Tom Vickers, Chairperson

SELECT FILE

LEGISLATIVE BILL 351. E & R amendment, AM5213, found in the Journal on page 530 for the Thirteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 275. E & R amendments, AM5214, found in the Journal on page 530 for the Thirteenth Day were adopted.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Pappas renewed his pending amendment found in the Journal on page 604.

The Pappas amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 177. Mr. DeCamp asked unanimous consent to bracket until February 17, 1986. No objections. So ordered.

LEGISLATIVE BILL 626. E & R amendments, AM5212, found in the Journal on page 531 for the Thirteenth Day were adopted.

Messrs. Hoagland and Beyer offered the following amendment:
AM1789

- 1 1. On page 13, after line 26, insert the
2 following new subsection:
3 “(2) Any operator of a local commercial truck
4 as defined in section 60-301, taxicab, or vehicle for
5 which a class CC operator's license is required who is
6 convicted of a violation of section 39-669.07 or
7 39-669.08 shall not be eligible for an employment
8 driving permit.”; and in line 27 strike “(2)” and insert
9 “(3)”.
- 10 2. In the Standing Committee amendments, on
11 page 1, line 12, strike “(3)” and insert “(4)”.

Mr. Vickers moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Hoagland-Beyer amendment was adopted with 26 ayes, 13 nays, 8 present and not voting, and 2 excused and not voting.

Mr. Chambers offered the following amendment:

Amend Committee Amendment:

In line 8, strike “shall not” and insert “may”.

Mr. Chambers moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 10:

Chambers	Higgins	Lynch	Pappas	Vickers
Haberman	Landis	Morehead	Smith	Warner

Voting in the negative, 36:

Abboud	DeCamp	Hefner	Lundy	Remmers
Baack	Eret	Hoagland	Marsh	Rogers
Barrett	Goll	Johnson, L.	Miller	Rupp
Beutler	Hall	Johnson, R.	Nelson	Schmit
Beyer	Hannibal	Johnson, V.	Nichol	Scofield
Carsten	Harris	Labeledz	Peterson	Sieck
Chronister	Hartnett	Lamb	Pirsch	Wesely
Conway				

Present and not voting, 1:

Goodrich

Excused and not voting, 2:

Chizek Withem

The Chambers amendment lost with 10 ayes, 36 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman offered the following amendment:

1. On page 13, after line 26, insert the following new subsection:
“(2) Any operator of an emergency vehicle who is convicted of a violation of section 39-669.07 or 39-669.08 shall not be eligible for an employment driving permit.”; and in line 27 strike “(2)” and insert “(3)”.

2. In the Standing Committee amendments, on page 1, line 12, strike “(3)” and insert “(4)”.

Pending.

Mrs. Morehead and Mr. Nichol asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 988. Placed on Select File.

(Signed) Timothy Hall, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. DeCamp, Lundy, and Hannibal asked unanimous consent to print the following amendment to LB 298 in the Journal. No objections. So ordered.

AM1709

1 1. Strike all original sections and all
2 amendments thereto and insert the following new
3 sections:
4 "Section 1. That section 45-103, Reissue
5 Revised Statutes of Nebraska, 1943, be amended to read
6 as follows:
7 45-103. ~~Interest on all decrees and judgments~~
8 ~~for the payment of money shall be from the date of the~~
9 ~~rendition thereof at the rate specified in section~~
10 ~~45-104.01, as such rate may from time to time be~~
11 ~~adjusted by the Legislature until the same shall be~~
12 ~~paid; PROVIDED, if such judgment or decree shall be~~
13 ~~founded upon any contract, either verbal or written, by~~
14 ~~the terms of which a greater rate of interest, not~~
15 ~~exceeding the amount allowed by law, than the rate~~
16 ~~specified in section 45-104.01, as such rate may from~~
17 ~~time to time be adjusted by the Legislature, shall have~~
18 ~~been agreed upon, the rate of interest upon such~~
19 ~~judgment or decree shall be the same as provided for by~~
20 ~~the terms of the contract upon which the same was~~
21 ~~founded. Interest on a judgment appealed to the~~
1 ~~district court shall be determined in accordance with~~
2 ~~subsection (3) of section 24-541.06. Judgment interest~~
3 on decrees and judgments for the payment of money shall
4 be at a rate equal to one percentage point above the
5 bond equivalent yield, as published by the Secretary of
6 the Treasury, of the average accepted auction price for

7 the last auction of fifty-two-week United States
8 Treasury bills settled immediately prior to the date of
9 judgment. The State Court Administrator shall
10 distribute notice of such rate to all Nebraska judges
11 within two weeks after the date the auction price is
12 published by the Secretary of the Treasury. This
13 interest rate shall not apply to:

14 (1) An action in which the judgment interest
15 rate is specifically provided by law; or

16 (2) An action founded upon an oral or written
17 contract in which the parties have agreed to rate of
18 interest other than that specified in this section.

19 Sec. 2. Judgment interest shall accrue on
20 decrees and judgments for the payment of money from the
21 date of rendition of judgment until satisfaction of
22 judgment.

23 Sec. 3. Except as provided in section 5 of
24 this act, judgment interest shall also accrue on decrees
1 and judgments for the payment of money from the date of
2 the plaintiff's first offer of settlement which is
3 exceeded by the judgment until the rendition of judgment
4 if all of the following conditions are met:

5 (1) The offer is made in writing upon the
6 defendant by certified mail return receipt requested to
7 allow judgment to be taken in accordance with the terms
8 and conditions stated in the offer;

9 (2) The offer is made not less than ten days
10 prior to the commencement of the trial;

11 (3) A copy of the offer and proof of delivery
12 to the defendant in the form of a receipt signed by the
13 party or his or her attorney is filed with the clerk of
14 the court in which the action is pending; and

15 (4) The offer is not accepted prior to trial
16 or within thirty days of the date of the offer,
17 whichever occurs first.

18 Sec. 4. All payments made prior to trial by
19 or on behalf of the defendant shall be subtracted from
20 the judgment before judgment interest is added.

21 Sec. 5. Judgment interest shall not accrue
22 prior to the date of rendition of judgment for:

23 (1) Any action arising under Chapter 42; or

24 (2) Any action involving the state, a
1 political subdivision of the state, or any employee of
2 the state or any of its political subdivisions for any
3 negligent or wrongful act or omission accruing within

- 4 the scope of such employee's office or employment.
5 Sec. 6. This act shall be operative for all
6 causes of action accruing on or after January 1, 1987.
7 Sec. 7. That original section 45-103, Reissue
8 Revised Statutes of Nebraska, 1943, is repealed.”.

Mr. Hall asked unanimous consent to print the following amendment to LB 298 in the Journal. No objections. So ordered.

AM1915

- 1 1. On page 2, line 12, strike “settled
2 immediately prior to” and insert “in effect on”.
3 2. In the Standing Committee amendments,
4 AM0348, adopted January 17, 1986, on page 1, line 6,
5 strike “such” and insert “the published”.

Mr. Pappas asked unanimous consent to print the following amendment to LB 379 in the Journal. No objections. So ordered.

AM1865

- 1 1. Insert the following new sections:
2 “Section 1. That section 81-2101, Revised
3 Statutes Supplement, 1984, be amended to read as
4 follows:
5 81-2101. Sections 81-2101 to 81-2145 and
6 section 3 of this act shall be known and may be cited as
7 the State Electrical Act.
8 Sec. 4. The Revisor of Statutes shall,
9 wherever the phrase sections 81-2101 to 81-2145 appears
10 in the statutes, change such phrase, if necessary, to
11 include section 3 of this act.”
12 2. On page 4, line 1, after “and” insert
13 “who, prior to the effective date of this act,”; in line
14 10 strike “section” and insert “sections 81-2101 and”;
15 and in line 11 strike “is” and insert “are”.
16 3. Renumber the remaining sections
17 accordingly.

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 1016. Placed on General File as amended.
Standing Committee amendments to LB 1016:

AM1941

- 1 1. On page 16, strike lines 2 and 3; in line

- 2 4 strike "(4)" and insert "(3)"; and in line 7 strike
3 "(5)" and insert "(4)".
4 2. On page 19, strike lines 23 through 25.
5 3. On page 20, line 1, strike "(3)" and
6 insert "(2)"; in line 5 strike "(4)" and insert "(3)";
7 in line 10 strike "(5)" and insert "(4)"; in line 15
8 strike "(6)" and insert "(5)"; in line 21 strike "(7)"
9 and insert "(6)"; and in line 24 strike "(8)" and insert
10 "(7)".
11 4. On page 21, after line 4, insert the
12 following new subdivision:
13 "(8) To compile a list of persons who grow or
14 raise organic food and adopt and promulgate rules and
15 regulations including a provision for standards for
16 organic food and marketing practices;".

LEGISLATIVE BILL 227. Indefinitely postponed.

LEGISLATIVE BILL 443. Indefinitely postponed.

LEGISLATIVE BILL 463. Indefinitely postponed.

LEGISLATIVE BILL 617. Indefinitely postponed.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Sieck asked unanimous consent to have his name added as co-introducer to LR 333. No objections. So ordered.

Mrs. Morehead asked unanimous consent to have her name added as co-introducer to LB 1049. No objections. So ordered.

Mr. Eret asked unanimous consent to have his name added as co-introducer to LB 91. No objections. So ordered.

Mr. Beutler asked unanimous consent to have his name added as co-introducer to LB 91. No objections. So ordered.

STANDING COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 267. Placed on General File as amended.

Standing Committee amendment to LB 267:

AM1920

- 1 1. Strike the original sections and insert
2 the following new section:

3 “Section 1. Dental assistant shall mean a
4 person, other than a dental hygienist, employed by a
5 licensed dentist for the purpose of assisting such
6 dentist in the performance of his or her clinical and
7 clinical-related duties.”.

LEGISLATIVE BILL 277. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal
and on file in the Clerk's Office - Room 1102 - AM1855.)

LEGISLATIVE BILL 438. Placed on General File as amended.
Standing Committee amendments to LB 438:
AM1938

- 1 1. On page 2 strike beginning with “Dental”
2 in line 9 through “(4)” in line 17; in line 24 strike
3 “(5)” and insert “(4)”; and in line 27 strike “(6)” and
4 insert “(5)”.
- 5 2. On page 3, line 3, strike “(7)” and insert
6 “(6)”; in line 6 strike “(8)” and insert “(7)”; and in
7 lines 13 and 20 strike “1986” and insert “1987”.
- 8 3. On page 4, strike beginning with “Employs”
9 in line 15 through “(3)” in line 19; and in line 21
10 strike “(4)” and insert “(3)”.
- 11 4. On page 5, line 1, strike “Is eligible”
12 and insert “Has completed the educational requirements
13 for eligibility”; strike beginning with “Employs” in
14 line 19 through “(3)” in line 23; and in line 25 strike
15 “(4)” and insert “(3)”.
- 16 5. On page 6, line 1, strike “(5)” and insert
17 “(4)”.
- 18 6. On page 7, strike beginning with “Employs”
19 in line 1 through “(3)” in line 5; and in line 7 strike
20 “(4)” and insert “(3)”.
- 21 7. Insert the following new section:
1 “Sec. 14. Any person who assists a dentist in
2 the administration of general anesthesia, parenteral
3 sedation, or inhalation analgesic shall be currently
4 certified in basic life support skills or the equivalent
5 thereof.”.
- 6 8. On page 9, in lines 13 and 14 strike “with
7 the advice” and insert “upon the recommendation”.
- 8 9. Renumber remaining sections accordingly.

LEGISLATIVE BILL 572. Placed on General File as amended.
Standing Committee amendments to LB 572:

AM1919

- 1 1. Strike original sections 1 to 3.
- 2 2. Insert the following new section:
- 3 "Section 1. That section 71-193.13, Reissue
- 4 Revised Statutes of Nebraska, 1943, be amended to read
- 5 as follows:
- 6 71-193.13. Any licensed dentist, public
- 7 institution, or school may employ dental auxiliaries, in
- 8 addition to licensed dental hygienists. Such dental
- 9 auxiliaries, under the supervision of a licensed
- 10 dentist, may perform such duties as are prescribed in
- 11 accordance with rules and regulations adopted and and
- 12 promulgated by the Department of Health; ~~PROVIDED,~~
- 13 ~~that only a licensed dentist or a licensed dental~~
- 14 ~~hygienist may perform the sealing and polishing of~~
- 15 ~~teeth in the oral prophylaxis procedure."~~
- 16 3. On page 6, line 20, strike "5" and insert
- 17 "3".
- 18 4. On page 7, line 4, after "the" insert
- 19 "general"; in line 5 strike "physician, or surgeon.";
- 20 strike beginning with the first "The" in line 7 through
- 21 "scaling" and insert "Scaling"; and in line 11 after
- 1 "instruments" insert "in the oral prophylaxis
- 2 procedure".
- 3 4. Insert the following new sections:
- 4 "Sec. 4. A dental hygienist may monitor
- 5 nitrous oxide analgesia under the indirect supervision
- 6 of a licensed dentist.
- 7 Sec. 7. The Department of Health upon the
- 8 recommendation of the Board of Examiners in Dentistry
- 9 may adopt and promulgate rules and regulations providing
- 10 for employment or work-setting facilities required for
- 11 the provision of dental services by a licensed dental
- 12 hygienist."
- 13 5. On page 8, line 3, strike "section" and
- 14 insert "sections"; in line 4, strike "sections 3 to 7
- 15 of" and strike "the term" and insert "(1) general"; in
- 16 line 8 after "activities" insert "and (2) indirect
- 17 supervision shall mean supervision where the licensed
- 18 dentist authorizes the procedure to be performed by a
- 19 dental hygienist or dental auxiliary and the licensed
- 20 dentist is physically present on the premises when such
- 21 procedure is being performed by the dental auxiliary";
- 22 in line 11 strike "5" and insert "3"; in line 17 strike
- 23 "71-184" and insert "71-193.13"; strike beginning with

- 24 "and" in line 18 through the second comma in line 19; in
1 line 19 strike "sections" and insert "section"; in line
2 20 strike "and 71-193.13".
3 6. Renumber original sections 4, 5, 6 and 7
4 as sections 2, 3, 5, and 6 respectively.

SELECT FILE

LEGISLATIVE BILL 626. The Haberman pending amendment found in this day's Journal was considered.

The Haberman amendment lost with 8 ayes, 6 nays, 29 present and not voting, and 6 excused and not voting.

VISITORS

Visitors to the Chamber were Senator Hall's brother, Greg Hall; and Senator Beyer's grandson, Jeromy Schnell.

ADJOURNMENT

At 12:09 p.m., on a motion by Mr. Barrett, the Legislature adjourned until 9:00 a.m., Tuesday, February 4, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTEENTH DAY - FEBRUARY 4, 1986**LEGISLATIVE JOURNAL****EIGHTY-NINTH LEGISLATURE
SECOND SESSION****EIGHTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 4, 1986

Pursuant to adjournment, the Legislature met at 9:03 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Pastor Floyd Richardson, United Methodist Church, Beaver Crossing, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chizek, Rogers, and Withem who were excused; and Messrs. Beutler, V. Johnson, Schmit, Mesdames Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventeenth Day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review****Correctly Engrossed**

The following bills were correctly engrossed: 302, 643, and 643A.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 302

The following changes, required to be reported for publication in the Journal, have been made:

ER0118

1. On page 1, line 4, "to provide an operative date;" has been inserted before "and".

2. In the Standing Committee amendments, AM0710:

(a) On page 8, line 26; and page 9, line 14, "resource" has been struck and "resources" inserted; and

(b) On page 9, line 25, "and" has been struck, shown as stricken, and an underscored comma inserted; and in line 26 "and candidates for directors of natural resources districts," has been inserted after the comma.

Enrollment and Review Change to LB 643

The following changes, required to be reported for publication in the Journal, have been made:

ER0126

1. In the E & R amendment, AM5205, adopted January 28, 1986, on page 27, line 7, "Sale" has been inserted after "Pre-Need".

(Signed) Mary E. Sommermeyer
E & R Attorney

NOTICE OF COMMITTEE HEARINGS

Miscellaneous Subjects

Governor Appointments Friday, February 21, 1986 1:30 P.M.
Ted Kooser - Nebraska Arts Council
Robert C. Ripley - Nebraska Arts Council

(Signed) Elroy M. Hefner, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 332.

RESOLUTION

LEGISLATIVE RESOLUTION 333. Read. Considered.

LR 333 was adopted with 28 ayes, 0 nays, and 21 not voting.

MOTION - Approve Appointments

Mr. Harris moved the adoption of the report of the Nebraska Retirement Systems Committee for the following Governor appointments found in the Journal on page 609: Alcurtis Robinson - Public Employees Retirement Board, Lou Ninegar - Public Employees Retirement Board.

Voting in the affirmative, 35:

Abboud	DeCamp	Harris	Landis	Peterson
Baack	Eret	Hartnett	Lundy	Remmers
Barrett	Goll	Hefner	Marsh	Rupp
Beyer	Goodrich	Higgins	Miller	Scofield
Carsten	Haberman	Hoagland	Morehead	Smith
Chronister	Hall	Johnson, L.	Nelson	Vickers
Conway	Hannibal	Lamb	Nichol	Wesely

Voting in the negative, 0.

Present and not voting, 4:

Chambers	Lynch	Pappas	Sieck
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Excused and not voting, 10:

Beutler	Johnson, R.	Labeledz	Rogers	Warner
Chizek	Johnson, V.	Pirsch	Schmit	Withem

These appointments were confirmed with 35 ayes, 0 nays, 4 present and not voting, and 10 excused and not voting.

MOTION - Reconsider Action on LR 16CA

Mr. Lynch renewed his pending motion found in the Journal on page 548 to reconsider the motion to indefinitely postpone LR 16CA.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Pappas moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 9 nays, and 16 not voting.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. DeCamp moved for a call of the house. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Mr. DeCamp requested a roll call vote on the Lynch motion.

Voting in the affirmative, 25:

Abboud	Conway	Harris	Lynch	Peterson
Baack	DeCamp	Hoagland	Marsh	Pirsch
Barrett	Goodrich	Johnson, L.	Morehead	Remmers
Beyer	Haberman	Labeledz	Nichol	Rupp
Chronister	Hannibal	Lundy	Pappas	Schmit

Voting in the negative, 20:

Beutler	Goll	Higgins	Miller	Smith
Carsten	Hall	Johnson, R.	Nelson	Vickers
Chambers	Hartnett	Johnson, V.	Scofield	Warner
Eret	Hefner	Lamb	Sieck	Wesely

Excused and not voting, 4:

Chizek	Landis	Rogers	Withem
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The Lynch motion to reconsider prevailed with 25 ayes, 20 nays, and 4 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARINGS

Appropriations

LB 1038	Wednesday, February 19, 1986 (cancelled)	1:30 P.M.
LB 1038	Wednesday, February 12, 1986 (reset)	4:00 P.M.

(Signed) Jerome Warner, Chairperson

Judiciary

LB 1109	Tuesday, February 11, 1986	1:30 P.M.
LB 1071	Tuesday, February 11, 1986	1:30 P.M.

LB 1214	Tuesday, February 11, 1986	1:30 P.M.
LB 1159	Tuesday, February 11, 1986	1:30 P.M.
LB 1229	Tuesday, February 11, 1986	1:30 P.M.
LB 984	Tuesday, February 11, 1986	1:30 P.M.

Executive Session Wednesday, February 12, 1986 1:30 P.M.

(Signed) Peter Hoagland, Chairperson

STANDING COMMITTEE REPORTS **Appropriations**

LEGISLATIVE BILL 847. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

Health and Human Services

LEGISLATIVE BILL 131. Placed on General File as amended.
Standing Committee amendments to LB 131:
AM1963

- 1 1. On page 2, line 21, after the comma insert
- 2 "excluding anti-glaucoma agents,",
- 3 2. Insert the following new section:
- 4 "Sec. 2. That section 71-1,135.01, Reissue
- 5 Revised Statutes of Nebraska, 1943, be amended to read
- 6 as follows:
- 7 71-1,135.01. For the purposes of this act,
- 8 unless the context otherwise requires:
- 9 (1) Pharmaceutical agents, for diagnostic
- 10 purposes, pharmaceutical agents shall mean anesthetics,
- 11 cycloplegics, and mydriatics; and
- 12 (2) Pharmaceutical agents, for therapeutic
- 13 purposes, shall mean topical ophthalmic pharmaceutical
- 14 agents."
- 15 3. On page 4, line 20, after the second comma
- 16 insert "71-1,135.01,".
- 17 4. Renumber the remaining sections
- 18 accordingly.

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 484 in the Journal. No objections. So ordered.

AM1899

- 1 1. In the Standing Committee amendments,
- 2 AM0400, adopted January 17, 1986, on page 1, line 3,
- 3 strike "or" and insert "and" and after "located" insert
- 4 "in whole or in part"; and in line 4 after "with" insert
- 5 "the planning department of".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 959 in the Journal. No objections. So ordered.

AM1976

(Amendments to Standing Committee amendments, AM1903)

- 1 1. On page 1, line 6, strike "Department of
- 2 Economic Development" and insert "Nebraska Resources".

SELECT FILE

LEGISLATIVE BILL 988. Advanced to E & R for Engrossment.

VISITORS

Visitors to the Chamber were Dr. Dale Michels; Senator Warner's cousin, Cristine Groppe from Santa Barbara, California, and Elsie Jevons; and Mrs. Phyllis Hansen.

ADJOURNMENT

At 11:56 a.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Wednesday, February 5, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

NINETEENTH DAY - FEBRUARY 5, 1986**LEGISLATIVE JOURNAL****EIGHTY-NINTH LEGISLATURE
SECOND SESSION****NINETEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 5, 1986

Pursuant to adjournment, the Legislature met at 9:04 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Pastor Bob Chitwood, Capital City Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Pirsch and Mr. Withem who were excused; and Messrs. Abboud, Chambers, Hartnett, V. Johnson, Schmit, Mesdames Nelson, and Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighteenth Day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

LEGISLATIVE BILL 124. Placed on Select File as amended.
E & R amendment to LB 124:
AM5233

- 1 1. On page 4, line 11; and page 6, line 11,
- 2 strike the comma and show as stricken.

LEGISLATIVE BILL 631. Placed on Select File as amended.
E & R amendments to LB 631:

AM5231

- 1 1. In the Standing Committee amendments,
2 AM0321, adopted January 17, 1986, on page 1, line 9,
3 strike "alcohol related" and insert "alcohol-related";
4 strike beginning with "strike" in line 13 through "and"
5 in line 15; and in line 15 strike "period" and insert
6 "of", strike the underscored comma, and after "reason"
7 insert "for".
- 8 2. On page 1, line 2, after the third comma
9 insert "and" and strike "and"; in line 3 strike
10 "60-430.01,"; in line 4 strike the first "and"; and in
11 line 5 after "1984" insert ", and section 60-430.01,
12 Revised Statutes Supplement, 1985".
- 13 3. On page 12, line 12, strike the comma and
14 show as stricken; and in line 25 strike the first "or"
15 and show as stricken.
- 16 4. On page 13, line 15, strike "39-669.19",
17 show as stricken, and insert "39-669.18".
- 18 5. On page 14, line 14; and page 15, line 10,
19 strike the underscored comma.
- 20 6. On page 17, line 1, strike the first comma
21 and show as stricken.
- 1 7. On page 19, line 6, after "his" insert "or
2 her".
- 3 8. On page 20, strike beginning with
4 "superintendent" in line 2 through "safety" in line 3,
5 show as stricken, and insert "Superintendent of Law
6 Enforcement and Public Safety".
- 7 9. Because of the amendment of section
8 60-430.01 by Laws 1985, LB 356, section 1, strike
9 original section 9 and all amendments thereto and insert
10 the following new section:
11 "Sec. 9. That section 60-430.01, Revised
12 Statutes Supplement, 1985, be amended to read as
13 follows:
14 60-430.01. It shall be unlawful for any
15 person to operate a motor vehicle during any period that
16 his or her motor vehicle operator's license has been
17 suspended, revoked, or impounded pursuant to conviction
18 or convictions for violation of any law or laws of this
19 state or by an order of any court or by an
20 administrative order of the Director of Motor Vehicles ;
21 or after such suspension, revocation, or impoundment but
22 before reinstatement of his or her license or issuance
23 of a new license. ~~Any~~ Except as otherwise provided by

24 law, any person so offending shall: (1) For a first
 1 such offense, be guilty of a Class III misdemeanor, and
 2 the court shall, as a part of the judgment of
 3 conviction, order such person not to operate any motor
 4 vehicle for any purpose for a period of one year from
 5 (a) the date of final discharge from the county jail or
 6 other correctional facility, or (b) the date of payment
 7 or satisfaction of any fine imposed, or (c) the date of
 8 judgment, whichever is later the latest; and (2) for
 9 each subsequent such offense, be guilty of a Class III
 10 misdemeanor, and the court shall, as a part of the
 11 judgment of conviction, order such person not to operate
 12 any motor vehicle for any purpose for a period of two
 13 years from (a) the date of final discharge from the
 14 county jail or other correctional facility, or (b) the
 15 date of payment or satisfaction of any fine imposed, or
 16 (c) the date of judgment, whichever is later the
 17 latest.".

18 10. On page 22, line 2, after the second
 19 comma insert "and" and strike "and 60-430.01,"; in line
 20 3 strike the first "and"; and in line 4 after the last
 21 comma insert "and section 60-430.01, Revised Statutes
 22 Supplement, 1985,".

LEGISLATIVE BILL 631A. Placed on Select File as amended.
 E & R amendments to LB 631A:

AM5232

- 1 1. On page 1, line 3, strike "First Session,
 2 1985" and insert "Second Session, 1986".
- 3 2. On page 2, lines 2 and 11, strike "1985"
 4 and insert "1986"; in lines 3, 4, 11, and 12 strike
 5 "1986" and insert "1987"; and in lines 4 and 12 strike
 6 "1987" and insert "1988".

LEGISLATIVE BILL 781. Placed on Select File.

LEGISLATIVE BILL 869. Placed on Select File.

LEGISLATIVE BILL 907. Placed on Select File as amended.
 E & R amendments to LB 907:

AM5234

- 1 1. On page 2, line 21, after "or" insert
 2 "by".
- 3 2. On page 3, lines 8 and 9, after
 4 "department" insert an underscored comma.

Correctly Engrossed

The following bill was correctly engrossed: 988.

(Signed) Timothy Hall, Chairperson

MESSAGES FROM THE GOVERNOR

January 31, 1986

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Motor Vehicle Industry Licensing Board requiring legislative confirmation:

Appointees:

P.J. Morgan, 8420 West Dodge Road, Suite 100, Omaha, NE 68114, 393-7775, Term: 1/30/86 to 5/18/86, Succeeds: Thom Cope, resigned.

Donald Ramer, Ramer Motors, Inc., 3333 South 61st Avenue, Omaha, NE 68106, 556-1306, Term: 1/30/86 to 1/1/89, Succeeds: Donald Beltz, term expired.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/mr

cc: Staff Assistant to the Governor
Accountability and Disclosure Commission
Department of Administrative Services
Motor Vehicle Industry Licensing Board

February 5, 1986

Mr. President, Mr. Speaker

and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Game and Parks Commission requiring legislative confirmation:

Appointee:

L. Bruce Wright, Attorney at Law, Cline, Williams, Wright,
Johnson & Oldfather, 1900 First National Bank Building,
Lincoln, NE 68508, 474-6900, Term: 2/5/86 to 1/15/91,
Succeeds: Charles Wright, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/mr

cc: Staff Assistant to the Governor
Accountability and Disclosure Commission
Department of Administrative Services
Game and Parks Commission

RESOLUTION

LEGISLATIVE RESOLUTION 334.

Introduced by Pappas, 42nd District.

WHEREAS, the Nebraska Capitol attracts hundreds of people per day to attend public hearings, administrative matters, the Governor's office, the Supreme Court, and several other agencies; and

WHEREAS, the Nebraska Capitol welcomed in 1985, 43,521 people on tours, not counting tourists that just walked through or visited the towers; and

WHEREAS, Legislative Chairpersons have to continually remind visitors to be wary of getting parking tickets because of the short time span on parking; and

WHEREAS, there is a one year waiting list for employees of the Capitol who park their cars in the outdoor parking lot comprised of 199 names on the list; and

WHEREAS, there is a four year waiting list for employees to park their cars in the garage with 726 names on that list; and

WHEREAS, available parking will continue to be an ever increasing concern for the public.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a feasibility study be done by the Building Maintenance Committee to advise the Legislature on necessary parking facilities.

2. That the Committee upon the conclusion of this study make a report of its findings, together with its recommendations to the Legislative Council or Legislature by January 1, 1987.

Referred to the Executive Board.

UNANIMOUS CONSENT - Member Excused

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 667. Considered.

Mrs. Higgins moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mrs. Higgins requested a record vote on the advancement of the bill.

Voting in the affirmative, 12:

Beyer	Eret	Johnson, R.	Lynch	Rupp
Chambers	Haberman	Labeledz	Morehead	Sieck
Chizek	Higgins			

Voting in the negative, 27:

Baack	DeCamp	Hefner	Lundy	Rogers
Barrett	Goll	Hoagland	Marsh	Scofield
Beutler	Goodrich	Johnson, L.	Miller	Vickers
Carsten	Hall	Lamb	Nichol	Warner
Chronister	Hannibal	Landis	Remmers	Wesely
Conway	Harris			

Present and not voting, 2:

Pappas Peterson

Excused and not voting, 8:

Abboud	Johnson, V.	Pirsch	Smith
Hartnett	Nelson	Schmit	Withem

Failed to advance to E & R for Engrossment with 12 ayes, 27 nays, 2 present and not voting, and 8 excused and not voting.

Having failed to advance for the second time, LB 667 stands indefinitely postponed.

The Chair declared the call raised.

UNANIMOUS CONSENT - Member Excused

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 626. Mr. Haberman moved to indefinitely postpone.

Mr. Haberman withdrew his pending motion to indefinitely postpone.

Mr. Chambers offered the following amendment:

Page 13, strike lines 23-26.

Messrs. DeCamp and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chizek moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 0 nays, and 32 not voting.

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Abboud	Goll	Johnson, L.	Nichol	Schmit
Barrett	Haberman	Lamb	Peterson	Sieck
Carsten	Hall	Lundy	Remmers	Warner
Chambers	Hefner	Lynch	Rogers	Wesely
Eret	Higgins			

Voting in the negative, 16:

Baack	Hannibal	Johnson, V.	Marsh	Scofield
Chizek	Hartnett	Labeledz	Miller	Smith
Chronister	Hoagland	Landis	Rupp	Vickers
Conway				

Present and not voting, 6:

Beyer	Harris	Morehead	Nelson	Pappas
Goodrich				

Excused and not voting, 5:

Beutler	DeCamp	Johnson, R.	Pirsch	Withem
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The Chambers amendment lost with 22 ayes, 16 nays, 6 present and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 880. Placed on General File as amended.

Standing Committee amendment to LB 880:

AM1916

- 1 1. Strike original section 1 and insert the
- 2 following new section:
- 3 "Section 1. The total amount recoverable in
- 4 any action to recover damages for death, injury, or
- 5 property damage, including an action to recover damages
- 6 based upon alleged professional negligence or upon an
- 7 alleged breach of warranty in rendering or failure to
- 8 render professional services, shall be limited to:
- 9 (1) One million dollars for any person for any

- 10 number of claims arising out of a single occurrence; and
- 11 (2) Five million dollars for all claims
- 12 arising out of a single occurrence.”.

LEGISLATIVE BILL 968. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM1958.)

LEGISLATIVE BILL 792. Indefinitely postponed.

(Signed) John W. DeCamp, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 335.

Introduced by Conway, 17th District; DeCamp, 40th District.

WHEREAS, Article XII, Section 8 of the Nebraska Constitution was adopted by the people of Nebraska in 1982; and

WHEREAS, such amendment restricted the ownership of real estate for the purposes of farming and ranching; and

WHEREAS, Notwithstanding the purported purposes of such Initiative, there is a question whether this Constitutional Amendment places burdens on the states' economy in excess of that contemplated by the voters; and

WHEREAS, There is clearly a need for the Legislature to place high priority on issues regarding economic development in Nebraska; and

WHEREAS, Nebraska's agricultural industry is in such a state of turmoil that Initiative 300 should be analyzed to determine whether amendments to such initiative would benefit the citizens of this state; and

WHEREAS, for the Legislature to ignore restrictions placed on economic development opportunities during these challenging times would be an abdication of legislative responsibility.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That, pursuant to Section 50-404, a special committee of the Legislature be established by the Executive Board of the Legislative Council, to address the issues enumerated in this resolution and any matters related thereto.

2. That the Special Committee shall evaluate the impact of Initiative 300 on existing economic development activities and new economic development opportunities.

3. That the Special Committee shall determine if such initiative petition is being enforced consistent with Constitutional mandates.

4. That the Special Committee report back to the Legislature no later than March 1, 1986 with its recommendations and proposed amendments, if any, to the Nebraska Constitution.

Laid over.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 795A. By Vickers, 38th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 795, Eighty-ninth Legislature, Second Session, 1986; and to reduce an appropriation.

LEGISLATIVE BILL 900A. By R. Johnson, 34th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 900, Eighty-ninth Legislature, Second Session, 1986.

LEGISLATIVE BILL 959A. By Lynch, 13th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 959, Eighty-ninth Legislature, Second Session, 1986.

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 877 in the Journal. No objections. So ordered.

AM1966

- 1 1. On page 2, in lines 1 and 2, strike "After
- 2 the effective date of this act" and insert "For cases
- 3 filed on and after January 1, 1986".

Mr. Vickers asked unanimous consent to print the following amendment to LB 419 in the Journal. No objections. So ordered.

AM1767

1 1. Insert the following new section:

2 "Section 1. That section 79-487, Reissue
3 Revised Statutes of Nebraska, 1943, be amended to read
4 as follows:

5 79-487. The school board or board of
6 education of any public school district may, when
7 authorized by a majority vote of the members of such
8 board, purchase, lease, or contract for, out of the
9 general fund of the district, a school bus or buses for
10 the purpose of providing transportation facilities for
11 school children to and from school and to and from all
12 school-related activities. If transportation services
13 are authorized to and from school, they shall be
14 provided on an equal and nondiscriminatory basis to all
15 residents of the school district who reside beyond a
16 specified distance from the school as determined by
17 written school board policy. The school board or board
18 of education of any public school district providing
19 such transportation facilities for children attending
20 public schools shall also provide transportation without
21 cost for children who attend nonprofit private schools
1 which are approved for continued legal operation under
2 rules and regulations established by the State Board of
3 Education pursuant to subdivision (5)(c) of section
4 79-328. Such transportation shall be provided for only
5 such children attending nonprofit private schools who
6 reside in a district which provides transportation to
7 public school students, and such transportation shall
8 extend only from some point on the regular public school
9 route nearest or most easily accessible to their homes
10 to and from a point on the regular public school route
11 nearest or most easily accessible to the school or
12 schools attended by such children. The governing body
13 of such nonprofit private school, on a form to be
14 provided by the State Department of Education, shall
15 certify to the public school district the names,
16 addresses, and days of school attendance of children
17 transported and such other information useful in
18 operating the transportation facility as may be required
19 by rules established by the State Board of Education.
20 Transportation shall be provided for nonprofit private

- 21 school children only at times when transportation is
 22 being provided for public school children.
 23 The school board or board of education of any
 24 public school district may enter into a contract with a
 1 municipality or county pursuant to section 19-3908.”.
 2 2. On page 5, line 11, strike “79-490” and
 3 insert “79-487, 79-490,”.
 4 3. Renumber remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 626. Mr. Chambers offered the following amendment:

Strike Hoagland-Beyer amendment.

MRS. MARSH PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Abboud	Chambers	Johnson, V.	Morehead	Remmers
Baack	Goll	Lamb	Nichol	Vickers
Barrett	Haberman	Lundy	Peterson	Warner
Carsten	Johnson, L.	Lynch		

Voting in the negative, 15:

Beyer	Hall	Labeledz	Miller	Schmit
Chizek	Hannibal	Landis	Rogers	Scofield
Goodrich	Hoagland	Marsh	Rupp	Wesely

Present and not voting, 10:

Chronister	Eret	Hartnett	Nelson	Sieck
Conway	Harris	Hefner	Pappas	Smith

Excused and not voting, 6:

Beutler	Higgins	Johnson, R.	Pirsch	Withem
DeCamp				

The Chambers amendment lost with 18 ayes, 15 nays, 10 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Messrs. Chronister and Wesely asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment:

In Hoagland-Beyer amendment.

In line 1, after "of", add "any air craft, regardless of whether motor-driven or not, or"

Mr. Hefner asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers amendment lost with 10 ayes, 9 nays, 23 present and not voting, and 7 excused and not voting.

Mr. Haberman offered the following amendment:

In §5 of the bill add a new sub-section (4)

"If the holder of an employment driving permit is convicted of a violation of §39-669.07 or §39-669.08 while having an employment driving permit, said individual's motor vehicle operator's license shall be suspended for a period of 10 years.

The Haberman amendment lost with 6 ayes, 6 nays, 30 present and not voting, and 7 excused and not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment:

In Hoagland-Beyer amendment

In line 1, after "of", add "a vehicle licensed to the State of Nebraska or any political subdivision"

Mr. Haberman moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 14:

Abboud	Eret	Lamb	Morehead	Remmers
Baack	Goll	Lundy	Nichol	Vickers
Chambers	Haberman	Marsh	Pappas	

Voting in the negative, 22:

Beyer	DeCamp	Hoagland	Landis	Rogers
Carsten	Goodrich	Johnson, L.	Lynch	Rupp
Chizek	Hall	Johnson, V.	Miller	Warner
Chronister	Hannibal	Labeledz	Nelson	Wesely
Conway	Hefner			

Present and not voting, 8:

Barrett	Hartnett	Peterson	Sieck	Smith
Harris	Higgins	Scofield		

Excused and not voting, 5:

Beutler	Johnson, R.	Pirsch	Schmit	Withem
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The Chambers amendment lost with 14 ayes, 22 nays, 8 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Messrs. DeCamp, Carsten, Pappas, Harris, and Warner asked unanimous consent to be excused. No objections. So ordered.

Mr. Hoagland moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Hoagland requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 17:

Beyer	Hall	Johnson, V.	Lynch	Schmit
Chizek	Hannibal	Labeledz	Morehead	Scofield
Chronister	Higgins	Landis	Rupp	Smith
Conway	Hoagland			

Voting in the negative, 20:

Abboud	Goll	Lamb	Nelson	Rogers
Baack	Haberman	Lundy	Nichol	Sieck
Barrett	Hefner	Marsh	Peterson	Vickers
Chambers	Johnson, L.	Miller	Remmers	Wesely

Present and not voting, 3:

Eret Goodrich Hartnett

Excused and not voting, 9:

Beutler	DeCamp	Johnson, R.	Pirsch	Withem
Carsten	Harris	Pappas	Warner	

Failed to advance to E & R for Engrossment with 17 ayes, 20 nays, 3 present and not voting, and 9 excused and not voting.

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 1042. Placed on General File as amended.

Standing Committee amendment to LB 1042:

AM1984

- 1 1. On page 2, line 14, strike "October 19,
- 2 1963", show as stricken, and insert "January 1, 1986".

LEGISLATIVE BILL 1136. Placed on General File as amended.

Standing Committee amendment to LB 1136:

AM1985

- 1 1. on page 2, line 24, after the period
- 2 insert "The Department of Banking and Finance may adopt
- 3 and promulgate reasonable rules and regulations
- 4 concerning the amounts, terms, and conditions of such
- 5 subscriptions, investments, purchases, and ownerships.".

LEGISLATIVE BILL 1231. Placed on General File as amended.

Standing Committee amendments to LB 1231:

AM1986

- 1 1. On page 2, line 7, after "Association"
- 2 insert an underscored comma and strike "or" and show as
- 3 stricken; in line 8 strike the semicolon and show as
- 4 stricken and insert ", or a licensed title insurance
- 5 agent of Nebraska."; in line 23 strike "is" and insert
- 6 "and sections 76-1005 and 76-1006, Revised Statutes
- 7 Supplement, 1984, are".

8 2. Insert the following new sections:

9 "Sec. 2. That section 76-1005, Revised
10 Statutes Supplement, 1984, be amended to read as
11 follows:

12 76-1005. (1) A power of sale may be conferred
13 upon the trustee which the trustee may exercise and
14 under which the trust property may be sold in the manner
15 provided in ~~sections 76-1001 to 76-1018~~ the Nebraska
16 Trust Deeds Act after a breach of an obligation for
17 which the trust property is conveyed as security; or at
18 the option of the beneficiary a trust deed may be
19 foreclosed in the manner provided by law for the
20 foreclosure of mortgages on real property. The power of
21 sale must be expressly provided for in the trust deed.

1 (2) The power of sale prescribed in subsection
2 (1) of this section shall be stayed for nine months from
3 and after the date a breach of an obligation for which
4 the trust property is conveyed as security has occurred
5 if, within twenty days of such date, the owner of the
6 trust property files a written request for such stay
7 with the clerk of the court. If no such request is
8 filed, the power of sale shall be exercised pursuant to
9 the Nebraska Trust Deeds Act.

10 (2) (3) Prior to the execution of any trust
11 deed which confers a power of sale to the trustee, the
12 beneficiary shall obtain a written acknowledgement from
13 the trustor stating that the trustor understands that
14 (a) the document to be executed is a trust deed and not
15 a mortgage and (b) the power of sale provided for in the
16 trust deed provides substantially different rights and
17 obligations to the trustor than a mortgage in the event
18 of a default or breach of obligation. Failure to obtain
19 such written acknowledgement shall nullify the
20 conferring of or exercising of such power of sale.

21 Sec. 3. That section 76-1006, Revised
22 Statutes Supplement, 1984, be amended to read as
23 follows:

24 76-1006. The power of sale herein conferred
1 upon the trustee shall not be exercised until the
2 expiration of the nine-month stay prescribed in section
3 76-1005 if such a stay is requested and until:

4 (1) The trustee ~~shall first file~~ files for
5 record in the office of the register of deeds of each
6 county wherein the trust property or some part or parcel
7 thereof is situated a notice of default identifying the

- 8 trust deed by stating the name of the trustor named
9 therein and giving the book and page or computer system
10 reference where the same is recorded and a description
11 of the trust property, containing a statement that a
12 breach of an obligation for which the trust property was
13 conveyed as security has occurred, and setting forth the
14 nature of such breach and of his or her election to sell
15 or cause to be sold such property to satisfy the
16 obligation; and
17 (2) After the lapse of not less than one
18 month, the trustee ~~shall give~~ gives notice of sale as
19 provided in section 76-1007.”.
20 3. Renumber the remaining sections
21 accordingly.

(Signed) John W. DeCamp, Chairperson

ANNOUNCEMENT

Mr. Carsten designates LB 804 as his priority bill.

UNANIMOUS CONSENT - Print in Journal

Mr Rupp asked unanimous consent to print the following amendment to LB 43 in the Journal. No objections. So ordered.

AM1836

- 1 1. Strike original section 3 and all
2 amendments thereto.
3 2. On page 4, line 26, strike the new matter
4 and reinstate the stricken matter.
5 3. On page 5, line 1, strike the new matter
6 and reinstate the stricken matter; and in line 6 strike
7 “sections 24-201.01 and 75-104” and insert “section
8 24-201.01”.
9 4. In the Standing Committee amendments on
10 page 617 of the 1985 Journal:
11 (a) On page 1, line 10, strike the first comma
12 and insert “and” and strike “, and 26”; and in line 11
13 strike “and 27”;
14 (b) On page 2, strike beginning with “line” in
15 line 14 through “in” in line 16; in line 21 after the
16 semicolon insert “and”; in line 23 strike the semicolon
17 and insert an underscored period; and strike lines 24
18 through 26; and

- 19 (c) On page 3, line 1, strike beginning with
 20 "three" through the period; in line 6 after the
 21 semicolon insert "and"; in line 8 strike the semicolon
 1 and insert an underscored period; strike beginning with
 2 "State" in line 8 through the period in line 11; in line
 3 15 after the semicolon insert "and"; in line 17 strike
 4 the semicolon and insert an underscored period; and
 5 strike beginning with "State" in line 17 through the
 6 first period in line 20.
 7 5. Renumber remaining sections accordingly.

Mr. Beutler asked unanimous consent to print the following amendment to LB 217 in the Journal. No objections. So ordered.

AM2004

- 1 1. On page 2, line 18, after "shall" insert
 2 "also".
 3 2. On page 3, line 25, strike the comma and
 4 after "including" insert ", but not limited to,".
 5 3. On page 5, line 11, strike "since" and
 6 insert "on or after".
 7 4. On page 6, line 22, after "the" insert
 8 "construction, design,".
 9 5. On page 7, line 10, after "includes"
 10 insert ", but is not limited to,".
 11 6. On page 9, line 12, strike the first comma
 12 and insert "or" and strike ", or person"; and in line 13
 13 strike "responsible for" and insert "of".
 14 7. In the Vickers-R. Johnson amendment,
 15 AM1745, adopted January 14, 1986:
 16 a. On page 1, line 9, after "been" insert
 17 "permanently";
 18 b. On page 2, line 8, strike "an underground
 19 storage" and insert "a"; in lines 15, 17, and 19 strike
 20 "underground storage"; and in line 16 strike "an" and
 21 insert "a"; and
 1 c. On page 4, line 16, strike "underground
 2 storage".

Mr. Beutler asked unanimous consent to print the following amendment to LB 217 in the Journal. No objections. So ordered.

AM1885

- 1 1. Insert the following new section:
 2 "Sec. 10. The Department of Environmental

3 Control or the State Fire Marshal may apply to the
 4 district court of the county where the violation is
 5 occurring or about to occur for a restraining order, a
 6 temporary or permanent injunction, or a mandatory
 7 injunction against any person violating or threatening
 8 to violate the Petroleum Products and Hazardous
 9 Substances Storage and Handling Act or the rules,
 10 regulations, or orders adopted and promulgated under the
 11 act. The court shall have jurisdiction to grant relief
 12 upon good cause shown. Relief may be granted
 13 notwithstanding the existence of any other remedy at law
 14 and shall be granted without bond.”.

15 2. In the Vickers-R. Johnson amendment,
 16 AM1745, adopted on January 14, 1986:

17 a. On page 2, line 6, strike “10” and insert
 18 “11”; and

19 b. On page 3, line 3, strike “10” and insert
 20 “11”.

21 3. Renumber the remaining sections
 1 accordingly.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 909. Placed on Select File.

LEGISLATIVE BILL 778. Placed on Select File.

LEGISLATIVE BILL 831. Placed on Select File.

LEGISLATIVE BILL 886. Placed on Select File as amended.
 E & R amendments to LB 886:

AM5235

1 1. On page 1, line 4, strike “provision” and
 2 insert “provisions” and after the second “to” insert
 3 “well registration forms and”; and strike beginning with
 4 “and” in line 5 through “disposition” in line 6.

5 2. On page 2, line 9, strike the comma and
 6 show as stricken; in line 16 after “by” insert “rule
 7 and”; and strike beginning with “Notwithstanding” in
 8 line 19 through the period in line 22 and show as
 9 stricken.

10 3. On page 3, line 1, after “by” insert “rule
 11 and”; in line 11 strike “shall abandon”, show as
 12 stricken, and insert “abandons”.

13 4. On page 4, line 14, after “size” insert
 14 “which is”.

- 15 5. On page 5, line 5, after "log" insert an
 16 underscored comma.
- 17 6. On page 6, line 5, strike the comma, show
 18 as stricken, and insert "form"; in line 8 strike the
 19 comma and show as stricken; and in line 16 after
 20 "46-602" insert ", except that no fee shall be charged
 21 for registration of any well for which a permit was
 1 obtained to the Municipal and Rural Domestic Ground
 2 Water Transfers Permit Act".
- 3 7. On page 7, line 7, strike the first comma,
 4 show as stricken, and insert "or"; and in line 21,
 5 strike the last comma and show as stricken.

LEGISLATIVE BILL 753. Placed on Select File.

LEGISLATIVE BILL 819. Placed on Select File as amended.
 E & R amendments to LB 819:
 AM5236

- 1 1. On page 1, line 2, strike "section" and
 2 insert "sections" and after "77-3209" insert "and
 3 77-3213"; and in line 6 after the semicolon insert "to
 4 define a term; to harmonize provisions;"
- 5 2. On page 2, line 13, strike the comma, show
 6 as stricken, and insert "and".
- 7 3. On page 3, line 7, after "paid" insert
 8 "only" and strike "all" and insert "the".
- 9 4. On page 4, lines 15 and 20, strike the
 10 comma and show as stricken; in line 17 after "bills"
 11 insert an underscored comma; and in line 25 underscore
 12 "For purposes of" and strike "sections 77-3201 to" and
 13 insert "the Land Reutilization Act".
- 14 5. On page 5, line 1, strike "77-3213,";
 15 underscore beginning with "the" in line 1 through line
 16 2; and in line 3 strike "section" and insert "sections"
 17 and after "77-3209" insert "and 77-3213".
- 18 6. Insert the following new section:
 19 "Sec. 4. That section 77-3213, Reissue
 20 Revised Statutes of Nebraska, 1943, be amended to read
 21 as follows:
- 1 77-3213. Sections 77-3201 to 77-3213 and
 2 section 3 of this act shall be known and may be cited as
 3 the Land Reutilization Act."
- 4 7. Renumber the remaining section
 5 accordingly.

(Signed) Timothy Hall, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the following Governor appointment.

Banking, Commerce and Insurance

Martha Beeman - Director, Department of Energy

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 1032 in the Journal. No objections. So ordered.

AM1850

- 1 1. Strike the original sections and all
- 2 amendments thereto and insert the following new
- 3 sections:
- 4 "Section 1. Any credit union formed pursuant
- 5 to Chapter 21, article 17, may convert to a cooperative
- 6 credit association. Any credit union converting to a
- 7 cooperative credit association pursuant to this section
- 8 shall be deemed to have met the requirements of public
- 9 necessity, convenience, and advantage and the
- 10 requirement that conditions are favorable for the
- 11 success of the association. The parties converting the
- 12 credit union to a cooperative credit association shall
- 13 be deemed to be parties of integrity and responsibility
- 14 if the parties are the same persons who served as
- 15 members of the board of directors of the credit union at
- 16 the time of conversion.
- 17 Sec. 2. That section 21-1313, Reissue Revised
- 18 Statutes of Nebraska, 1943, be amended to read as
- 19 follows:
- 20 21-1313. Within thirty days after the
- 21 articles of association and bylaws, duly subscribed to
- 1 and acknowledged, are received by the Department of
- 2 Banking and Finance, it shall approve the same in
- 3 writing if it is satisfied: (1) That they are in

4 conformity with sections 21-1310 to 21-1312; (2) that
5 the parties subscribing to the articles are persons of
6 integrity and responsibility; (3) that the public
7 necessity, convenience, and advantage will be promoted
8 by granting approval; (4) that the conditions are
9 favorable for the success of the association; and (5)
10 that there is no existing banking institution in the
11 community where such association seeks to transact
12 business, except ~~; Provided,~~ that this requirement shall
13 not apply to any association now in existence or any
14 credit union converting to a cooperative credit
15 association pursuant to section 1 of this act. Upon
16 granting approval, the Department of Banking and Finance
17 shall retain the original on file in its office and
18 return the duplicate to the temporary board of
19 directors ; who shall within ten days file the articles
20 of the association, together with the written approval
21 of the Department of Banking and Finance, in the office
22 of the county clerk of the county in which the principal
23 place of business of the association is located. The
24 association shall then have power to transact business
1 as authorized by sections 21-1308 to 21-1331.
2 Sec. 3. The Revisor of Statutes shall assign
3 section 1 of this act to Chapter 21, article 17.
4 Sec. 4. That original section 21-1313,
5 Reissue Revised Statutes of Nebraska, 1943, is
6 repealed.”.

MOTION - Place LB 792 on General File

Mr. Wesely moved to place LB 792 on General File, notwithstanding the action of the Committee.

Laid over.

RESOLUTIONS

LEGISLATIVE RESOLUTION 336.

Introduced by DeCamp, 40th District; Baack, 47th District; Barrett, 39th District; Carsten, 2nd District; Chronister, 18th District; Eret, 32nd District; Goll, 16th District; Goodrich, 20th District; Hall, 7th District; Hefner, 19th District; Higgins, 9th District; Labedz, 5th District; Lamb, 43rd District; Lundy, 36th District; Marsh, 29th District; Miller, 37th District; Morehead, 30th District; Nelson, 35th

District; Nichol, 48th District; Pappas, 42nd District; Peterson, 21st District; Remmers, 1st District; Rogers, 41st District; Rupp, 22nd District; Schmit, 23rd District; Sieck, 24th District.

WHEREAS, the Legislature has a deep concern for the education and well-being of the citizens of Nebraska; and

WHEREAS, the members of the Legislature, individually and collectively, have demonstrated a genuine interest in and compassion for those less fortunate children who require special educational services; and

WHEREAS, currently consideration is being given by some Nebraska persons to merge the Nebraska School for the Visually Handicapped with the School for the Deaf; and

WHEREAS, both schools have good facilities which could accommodate more students; and

WHEREAS, in some instances children could receive an education equal to or better than that presently being received; and

WHEREAS, some Nebraskans, including the public at large, teachers in general, and, more specifically, those teachers and other specialists concerned with the care and education of visually, acoustically, and multiply handicapped children may not be fully and adequately aware of the quality care and education provided by these facilities; and

WHEREAS, such education could in some instances be provided at a lower cost; and

WHEREAS, the concern of parents and educators alike is that children receive the highest quality education available to them at the lowest possible cost.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature directs the State Department of Education to:

(a) Develop programs in conjunction with the Nebraska Educational Television Commission, which programs shall be aired on the Nebraska ETV network and be made available at no cost to Nebraska commercial broadcasters. Such programs shall show the high quality of education and other services which are available for the citizens of Nebraska at the Nebraska School for the Visually Handicapped and the Nebraska School for the Deaf.

(b) Provide brochures and other informational materials to physicians, psychologists, ophthalmologists, audiologists, surgeons, and other health care professionals to acquaint the professionals with the services available at the schools;

(c) Encourage boards of education of school districts and educational services units and the administrators and special education personnel in public and private schools and the educational service units to give serious consideration to utilizing the programs at the Nebraska School for the Visually Handicapped and the Nebraska School for the Deaf as part of the total resources available to Nebraska's handicapped students;

(d) Encourage parents and children to utilize the services at the schools;

(e) Develop plans to find additional uses for the facilities such as serving more of Nebraska's students, contracting with other states to provide services to students from those states, and providing residential facilities for multiply handicapped students; and

(f) Utilize funds already appropriated and to be appropriated to the department for printing and publication, consulting, and other costs, and make the programs a high priority within their budget.

2. That a copy of this resolution be mailed to the State Department of Education.

Laid over.

LEGISLATIVE RESOLUTION 337.

Introduced by Landis, 46th District.

WHEREAS, there is public interest in the impact of Initiative 300, now Article XII, section 8, of the Constitution of the State of Nebraska, and discussion of this topic has caused much Legislative debate and turmoil; and

WHEREAS, the public would be well served to know the impact of Initiative 300 on the economy of the state and whether or not it has accomplished what it was intended to do.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Governor shall appoint up to twelve members to serve on an impartial task force to study the effect of Initiative 300.

2. That the members of the task force shall represent the spectrum of agricultural and economic interests of the state.

3. That the task force shall have the support and assistance of the agricultural and economic research capabilities of the University of Nebraska.

4. That the task force shall hold public hearings around the state for fact-finding and informational purposes.

5. That the task force shall prepare and document a report for the Governor and the Legislature, after sufficient time to gather the necessary facts, which shall include well-considered findings and recommendations of the task force.

Laid over.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 74, 471, 525, 531, 595, 599, and 621.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 74

The following changes, required to be reported for publication in the Journal, have been made:

ER0120

1. In the Pappas amendment adopted January 29, 1986, found on page 573 of the Journal, the matter beginning with "or" through "disabled" has been underscored.

2. On page 1, line 3, "the age for" has been struck and "provisions relating to" inserted.

3. On page 2, line 18, "who" has been inserted after "and".

Enrollment and Review Change to LB 525

The following changes, required to be reported for publication in the Journal, have been made:

ER0129

1. On page 3, line 27, the stricken comma has been reinstated.

2. On page 4, line 1, the comma has been struck and shown as stricken.

3. On page 10, line 12, "1986" has been struck and "1987" inserted.

Enrollment and Review Change to LB 599

The following changes, required to be reported for publication in the Journal, have been made:

ER0119

1. In the Hannibal-Warner amendment, AM1766, adopted January 28, 1986:

a. New sections 2 to 23 added by the amendment have been renumbered as sections 3 to 16 and 18 to 25;

b. On page 8, line 4, "The State Treasurer shall make the transfer to the Tax Refund Fund required by section 66-421." has been inserted after the period; and in line 23 an underscored comma has been inserted after "subsection";

c. On page 9, line 16, an underscored comma has been inserted after "transfer";

d. On page 15, line 8, an underscored comma has been inserted after "collect";

e. On page 16, line 12, ", except that the" has been struck, shown as stricken, and "The" inserted and "first" has been struck, shown as stricken, and "then" inserted; and the matter beginning with "shall" in line 16 through "Fund" in line 17 has been struck and shown as stricken;

f. The following new section has been inserted:

"Sec. 17. That section 66-467.01, Revised Statutes Supplement, 1984, be amended to read as follows:

66-467.01. The Tax Commissioner shall transmit monthly to the State Treasurer a report of the number of gallons of tax credit gasoline or motor vehicle fuel for which credits have been approved, and the treasurer shall thereupon transfer from the ~~Highway Trust~~ Tax Refund Fund to the Agricultural Alcohol Fuel Tax Fund three-fourths of one cent per gallon approved for credit.";

g. On page 23, line 21, a stricken period has been inserted after the stricken "1967";

h. On page 24, line 15, "2 to 21" has been struck and "3 to 23 and 25" inserted; and in line 22 "section" has been struck and "sections 66-467.01 and" inserted; and

i. On page 25, the matter beginning with "Sec." in line 3 through the first period in line 12 has been struck.

2. In the Warner et al. amendment, AM1776, adopted January 28, 1986, on page 1, the matter beginning with "There" in line 2 through the first period in line 9 has been underscored; in line 8 "section" has been struck and "sections" inserted; and in line 10 "3" has been struck and "26" inserted.

3. On page 1, the matter beginning with "the" in line 1 through line 2 has been struck and "funds; to amend sections 19-3909.01, 39-847.01, 39-1323.01, 39-1326, 39-1340, 39-1341, 39-1356, 39-1804, 39-2215, 39-2401, 60-326.01, 66-421, 66-424, 66-473, 66-479, 66-480, and 66-605.02, Reissue Revised Statutes of Nebraska, 1943, sections 66-467.01 and 77-27,132, Revised Statutes Supplement, 1984, and sections 60-302 and 66-605, Revised Statutes Supplement, 1985; to

authorize a petty cash fund as prescribed; to create the Nebraska Legislative Shared Information System Cash Fund; to change provisions relating to deposits and allocations to and transfers from the Highway Trust Fund, Highway Allocation Fund, and Highway Cash Fund; to create the Highway Cash Fund; to eliminate the City and County Road Fund; to harmonize provisions; to provide operative dates; to repeal the original sections, and also sections 39-2402 and 39-2403, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency." has been inserted.

Enrollment and Review Change to LB 621

The following changes, required to be reported for publication in the Journal, have been made:

ER0122

1. Because of the adoption of the Goodrich amendment, AM1816, on January 29, 1986, the E & R amendment, AM5211, has been struck.

2. On page 1, the matter beginning with "independent" in line 1 through line 5 has been struck and "land surveyors; to amend sections 81-8,118 and 81-8,119.01, Revised Statutes Supplement, 1985; to provide for biennial registration; to change requirements for renewal of registration; to authorize inactive status; and to repeal the original sections." inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 325 in the Journal. No objections. So ordered.

AM1979

(Amendments to AM1703)

- 1 1. On page 1, line 22, strike the new matter.
- 2 2. On page 2, strike the new matter in lines
- 3 1 through 7; and strike beginning with the first "the"
- 4 in line 8 through "member" in line 10, show as stricken,
- 5 and insert "reduced by seven per cent if the member is
- 6 sixty-four, thirteen per cent if the member is
- 7 sixty-three, twenty per cent if the member is sixty-two,
- 8 thirty per cent if the member is sixty-one, and
- 9 thirty-five per cent if the member is sixty. There
- 10 shall be no retirement annuity if the member has not

- 11 passed his or her sixtieth birthday".
 12 3. On page 6, strike the new matter in lines
 13 12 to 14, 20, and 21; and in line 24 strike "on an
 14 actuarially reduced basis", show as stricken, and insert
 15 "and shall be reduced by the percentages prescribed in
 16 section 79-1522.01".

STANDING COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 243. Placed on General File as amended.
 (Standing Committee amendments printed separate from the Journal
 and on file in the Clerk's Office - Room 1102 - AM1987.)

LEGISLATIVE BILL 291. Placed on General File as amended.
 (Standing Committee amendments printed separate from the Journal
 and on file in the Clerk's Office - Room 1102 - AM1960.)

LEGISLATIVE BILL 763. Placed on General File as amended.
 Standing Committee amendment to LB 763:
 AM1969

- 1 1. On page 4, line 14, strike "any government
 2 agency or officer," show as stricken, and insert "the
 3 Department of Health, or any county or city board of
 4 health, local health department established pursuant to
 5 sections 71-1626 to 71-1636, city health department,
 6 local health agency, or any state or local public
 7 official exercising the duties and responsibilities of
 8 any board of health or health department"; in line 15
 9 strike ", and any", show as stricken, and insert "1
 10 Any"; and in line 19 after the period insert "The
 11 appropriate board, health department, agency, or
 12 official may: (1) Publish analyses of such reports and
 13 information scientific and public health purposes in
 14 such a manner as to assure that the identity of any
 15 individual concerned cannot be ascertained; (2) discuss
 16 the report or notification with the attending physician;
 17 and (3) make such investigation as deemed necessary.".

LEGISLATIVE BILL 782. Placed on General File as amended.
 Standing Committee amendments to LB 782:
 AM1970

- 1 1. On page 2, line 1, strike "Indigent or
 2 indigent" and insert "Medicaid or Medicaid eligible"; in
 3 line 9 strike "may" and insert "shall"; in lines 10 and

- 4 17 strike "a reasonable number" and insert "ten per
5 cent"; in line 11 strike "indigent" and insert "Medicaid
6 eligible"; strike beginning with "requiring" in line 11
7 through "indigents" in line 12 and insert "the ten per
8 cent requirement"; in line 13 strike "may" and insert
9 "shall"; in line 15 strike "requirement" and insert
10 "requirements"; in line 18 strike "indigent" and insert
11 "Medicaid eligible"; and strike beginning with "The" in
12 line 20 through "If" in line 25 and insert "The
13 provisions of subsection (1) of this section shall not
14 apply to the Nebraska veterans' homes established
15 pursuant to Chapter 80, article 3.".
16 2. Strike page 3.
17 3. Strike page 4.
18 4. On page 5, strike lines 1 through 16.
19 5. On page 6, line 11, strike "burial".
20 6. On page 7, lines 5 and 9, strike "twenty"
21 and insert "ten".
1 7. Strike original sections 6 and 8.
2 8. On page 15, line 11, strike "71-2023,".
3 9. Renumber remaining sections and internal
4 references accordingly.

(Signed) Don Wesely, Chairperson

VISITORS

Visitors to the Chamber were Senator Vickers' sister, Donna Burson from Cozad and Kendra Burgess from Ashby; Mr. and Mrs. Dennis Schneider from Culbertson and Mr. and Mrs. Darwin Selker from McCook; and Dennis Hensen from Omaha.

ADJOURNMENT

At 11:55 a.m., on a motion by Mr. Hannibal, the Legislature adjourned until 9:00 a.m., Thursday, February 6, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTIETH DAY - FEBRUARY 6, 1986

LEGISLATIVE JOURNAL

TWENTIETH DAY - FEBRUARY 6, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

TWENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 6, 1986

Pursuant to adjournment, the Legislature met at 9:05 a.m., Mrs. Marsh presiding.

PRAYER

The prayer was offered by Pastor Donald G. Christensen, United Methodist Churches, DeWitt, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp and Withem who were excused; and Messrs. Barrett, Beutler, Haberman, V. Johnson, Lynch, Nichol, Schmit, Vickers, Warner, and Mrs. Nelson who were excused until they arrive.

PRESIDENT MCGINLEY PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the Nineteenth Day was approved.

**CORRECTED SELECT COMMITTEE REPORTS
Enrollment and Review**

Correctly Engrossed

The following bill was correctly engrossed: 663.

(Signed) Timothy Hall, Chairperson

**Enrollment and Review Change to LB 663
(CORRECTED)**

The following changes, required to be reported for publication in the Journal, have been made:

ER0130

1. On page 1, line 3, "relating to abortions" has been inserted after "term".

(Signed) Mary Sommermeyer
E & R Attorney

ANNOUNCEMENTS

Mr. Barrett designates LB 813 as his priority bill.

Mr. Sieck designates LB 474 as his priority bill.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 333.

RESOLUTION

LEGISLATIVE RESOLUTION 336. Read. Considered.

LR 336 was adopted with 27 ayes, 0 nays, and 22 not voting.

GENERAL FILE

LEGISLATIVE BILL 572. Title read. Considered.

Standing Committee amendments, AM1919, found in the Journal on page 628 for the Seventeenth Day were adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 796. Title read. Considered.

Mr. Lamb offered the following amendment:

Line 14 & 15 page 3
reinstate original language

Mr. Goll asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Pappas moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 8 nays, and 24 not voting.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Lamb moved for a call of the house. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Abboud	Haberman	Johnson, V.	Lynch	Rogers
Beyer	Hartnett	Lamb	Peterson	Schmit
Goodrich	Johnson, L.	Lundy	Pirsch	Wesely

Voting in the negative, 29:

Baack	Conway	Higgins	Morehead	Scofield
Barrett	Eret	Hoagland	Nelson	Sieck
Carsten	Hall	Johnson, R.	Nichol	Smith
Chambers	Hannibal	Landis	Pappas	Vickers
Chizek	Harris	Marsh	Remmers	Warner
Chronister	Hefner	Miller	Rupp	

Present and not voting, 1:

Labeledz

Excused and not voting, 4:

Beutler	DeCamp	Goll	Withem
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The Lamb amendment lost with 15 ayes, 29 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. V. Johnson moved to indefinitely postpone LB 796.

Mrs. Smith moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Higgins requested a record vote on the V. Johnson motion to indefinitely postpone.

Voting in the affirmative, 12:

Abboud	Goodrich	Johnson, L.	Lamb	Pirsch
Beyer	Hartnett	Johnson, V.	Peterson	Rogers
Goll	Hefner			

Voting in the negative, 27:

Baack	Haberman	Johnson, R.	Nelson	Sieck
Barrett	Hall	Labeledz	Nichol	Smith
Carsten	Hannibal	Landis	Pappas	Vickers
Chambers	Harris	Marsh	Remmers	Warner
Chronister	Higgins	Morehead	Scofield	Wesely
Eret	Hoagland			

Present and not voting, 7:

Chizek	Lundy	Miller	Rupp	Schmit
Conway	Lynch			

Excused and not voting, 3:

Beutler	DeCamp	Withem
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The V. Johnson motion lost with 12 ayes, 27 nays, 7 present and not voting, and 3 excused and not voting.

Mrs. Smith moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Nelson moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Lamb requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Baack	Hannibal	Landis	Nelson	Scofield
Carsten	Harris	Lynch	Nichol	Sieck
Chronister	Higgins	Marsh	Pappas	Smith
Conway	Hoagland	Miller	Remmers	Vickers
Haberman	Johnson, R.	Morehead	Rupp	Wesely
Hall	Labeledz			

Voting in the negative, 9:

Abboud	Hefner	Johnson, V.	Peterson	Schmit
Beyer	Johnson, L.	Lamb	Rogers	

Present and not voting, 10:

Barrett	Chizek	Goll	Hartnett	Pirsch
Chambers	Eret	Goodrich	Lundy	Warner

Excused and not voting, 3:

Beutler	DeCamp	Withem
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Advanced to E & R for Review with 27 ayes, 9 nays, 10 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 928. Placed on General File.
LEGISLATIVE BILL 1045. Placed on General File.
LEGISLATIVE BILL 1052. Placed on General File.
LEGISLATIVE BILL 1066. Placed on General File.
LEGISLATIVE BILL 1208. Placed on General File.
LEGISLATIVE BILL 1217. Placed on General File.

LEGISLATIVE BILL 1181. Indefinitely postponed.

(Signed) John W. DeCamp, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 765. Placed on General File as amended.
Standing Committee amendment to LB 765:

AM1949

1 1. Strike the original sections and insert
2 the following new section:
3 "Section 1. The Department of Economic
4 Development may: (1) Until July 1, 1991, with the
5 written approval of the Governor, sell the property
6 known as the Wild West Arena in Lincoln County,
7 Nebraska; or (2) if it is in the best interest of the
8 state, lease such property for a term not to exceed
9 twenty years. The lease may contain an option to
10 purchase the property at a value to be determined by the
11 department. Proceeds of the sale or lease shall be
12 deposited in the appropriate fund and used for the
13 purposes set forth for the fund.

14 The legal description of the Wild West Arena
15 is: The north half of lot sixteen, of the subdivision of
16 the Cody Land and Cattle Company lands, Lincoln County,
17 Nebraska, lying north of the north right-of-way line of
18 Drainage District Number 1, Lincoln County, Nebraska,
19 subject to all easements, benefits and burdens of
20 record, such tract of land being more particularly
21 described as follows:

1 Commencing at the northeast corner of lot
2 sixteen, Cody Land and Cattle Company Subdivision,
3 thence running west on the north line of lot sixteen a
4 distance of one thousand three hundred thirty and
5 eight-tenths feet to the northwest corner of lot
6 sixteen, thence running south on the west line of lot
7 sixteen a distance of one thousand three hundred and
8 twenty feet to the southwest corner of the north one
9 half of lot sixteen, thence running east on the south
10 line of the north one half of lot sixteen a distance of
11 one thousand three hundred thirty-two feet to the
12 southeast corner of the north one half of lot sixteen,
13 thence running north on the east line of lot sixteen a
14 distance of one thousand three hundred twenty feet to
15 the point of beginning, containing forty and thirty-four
16 hundredths acres, more or less."

LEGISLATIVE BILL 812. Placed on General File as amended.
Standing Committee amendments to LB 812:

AM1952

1 1. Insert the following new section:

2 "Sec. 9. That section 32-513, Reissue Revised
3 Statutes of Nebraska, 1943, be amended to read as
4 follows:

5 32-513. A filing fee shall be paid by or on
6 behalf of each candidate prior ~~Prior~~ to the filing of
7 any nomination papers. The filing fee ~~there~~ shall be
8 paid to the county treasurer or city treasurer in case
9 of municipal officers for the use of the general fund of
10 the county or city. The fee shall be paid to the proper
11 treasurer of the candidate's residence or, if under the
12 provisions of sections 1 to 8 of this act the candidate
13 does not reside at the time of filing in the county in
14 which such candidate is seeking office, the filing fee
15 shall be paid to the county treasurer in the county
16 where the office is sought. The filing fees shall be ;
17 ~~by or on behalf of each candidate, a filing fee as~~
18 follows: For the office of United States Senator, for
19 state officers, including members of the Legislature,
20 members of Congress, county officers, including county
21 superintendent of public instruction, district
1 superintendent of public instruction, and municipal
2 officers, except those subject to subsection (3) of
3 section 14-204, subsection (2) of section 15-301, or
4 subsection (9) of section 16-302.01 regardless of
5 whether the municipality has taken action under such
6 subsections, a sum equal to one per cent of the annual
7 salary such candidate will receive if he or she is
8 elected and qualifies for the office he or she files for
9 as a candidate; for directors of public power and
10 irrigation districts in those districts receiving annual
11 gross revenue of forty million dollars or more,
12 twenty-five dollars, and in those districts receiving
13 annual gross revenue of less than forty million dollars,
14 ten dollars; and reclamation districts, ten dollars. No
15 nominating papers shall be filed until the proper
16 treasurer's receipt, showing the payment of such filing
17 fee, shall be presented to the officer with whom the
18 nominating paper is to be filed. No certificate of
19 nomination or certificate of election shall be issued to
20 any candidate who is nominated or elected by write-in
21 votes until the filing fee required for such office is
22 paid and the receipt is filed with the person issuing
23 the certificate, which filing fee shall be paid within

24 ten days after the canvass of the votes. A filing fee
 1 of twenty-five dollars shall be required from candidates
 2 for Regents of the University of Nebraska and the State
 3 Board of Education. There shall be no filing fee for
 4 any candidate filing for an office in which a per diem
 5 is paid rather than a salary or for which there is a
 6 salary of less than five hundred dollars per year. No
 7 filing fee shall be required of any candidate completing
 8 an affidavit in support of request to file for public
 9 office in forma pauperis. A pauper, for purposes of
 10 this section, is defined as one whose income and other
 11 resources for maintenance are found under assistance
 12 standards to be insufficient for meeting the cost of his
 13 or her requirements, and whose reserve of cash or other
 14 available resources does not exceed the maximum
 15 available resources that an eligible individual may own.

16 The term available resources includes every
 17 type of property or interest in property that an
 18 individual owns and may convert into cash, with the
 19 exception of:

- 20 (1) Real property used as a home;
- 21 (2) Household goods of a moderate value used
- 22 in the home; and
- 23 (3) Assets to a maximum value of three
- 24 thousand dollars used by a recipient in a planned effort
- 1 directed towards self-support."

2 2. On page 8, line 15, strike "and" and after
 3 the last comma insert "and 32-513,".

4 3. Renumber remaining section accordingly.

LEGISLATIVE BILL 861. Placed on General File as amended.
 Standing Committee amendments to LB 861:

AM1995

1 1. On page 5, line 25, strike "the University
 2 of Nebraska,".

3 2. On page 19, strike lines 7 through 13.

4 3. On page 24, line 12, after "network"
 5 insert "and the University of Nebraska"; in line 16
 6 after "Commission" insert "or the University of
 7 Nebraska"; and in line 19 after "network" insert "and
 8 the University of Nebraska".

9 4. On page 28, lines 16 through 22, reinstate
 10 the stricken matter.

11 5. On page 31, line 15, strike
 12 "Appropriations" and insert "Cash appropriations".

LEGISLATIVE BILL 878. Placed on General File as amended.
Standing Committee amendments to LB 878:

AM2017

1 1. Insert the following new section:

2 “Section 1. That section 60-403, Reissue
3 Revised Statutes of Nebraska, 1943, be amended to read
4 as follows:

5 60-403. Except as herein otherwise provided,
6 no resident of the State of Nebraska shall operate a
7 motor vehicle upon the streets, alleys, or public
8 highways of the State of Nebraska until the person has
9 obtained a license for that purpose. Application for
10 such an operator's license shall be made under oath or
11 affirmation on uniform blanks prepared and furnished to
12 the county treasurers, examiners of the Department of
13 Motor Vehicles, and any local examiners by the Director
14 of Motor Vehicles. The standard application blanks
15 shall be sufficient in form and content to substantially
16 carry out the purposes of this act. They shall contain,
17 in addition to any other information and questions
18 necessary to comply with the requirements and purposes
19 of this act, the name, age, post office address, place
20 of residence, date of birth, sex, social security
21 number, except that such social security number shall
1 not be printed on the operator's license and shall be
2 used only with the permission of the director in
3 connection with the verification of the status of an
4 individual's driving record in this state or any other
5 state, and a brief description of the applicant and the
6 following specific questions: (1) Do you suffer from
7 any physical defects that would detract from normal
8 ability to safely operate a motor vehicle? (2) Have you
9 suffered dismemberment of foot, leg, hand, or arm? (3)
10 Are you subject to vertigo or fainting spells? (4) Has
11 your operator's license ever been revoked or suspended,
12 and if so give date and period of each such
13 occurrence.”.

14 2. On page 2, line 1, after “That” insert
15 “original section 60-403, Reissue Revised Statutes of
16 Nebraska, 1943, and also”; and in line 2 strike “is” and
17 insert “are”.

18 3. Renumber original section 1 as section 2.

LEGISLATIVE BILL 855. Indefinitely postponed.

LEGISLATIVE BILL 856. Indefinitely postponed.

LEGISLATIVE BILL 857. Indefinitely postponed.

(Signed) David Landis, Chairperson

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

Governor Appointment Monday, February 10, 1986 1:30 P.M.
Martha Beeman - Director, Department of Energy

(Signed) John DeCamp, Chairperson

Government, Military and Veterans Affairs

LB 929	Thursday, February 20, 1986	1:30 P.M.
LB 930	Thursday, February 20, 1986	1:30 P.M.
LB 931	Thursday, February 20, 1986	1:30 P.M.
LB 932	Thursday, February 20, 1986	1:30 P.M.
LB 1244	Thursday, February 20, 1986	1:30 P.M.

LB 875	Friday, February 21, 1986	1:30 P.M.
LB 876	Friday, February 21, 1986	1:30 P.M.
LB 1074	Friday, February 21, 1986	1:30 P.M.
LB 1063	Friday, February 21, 1986	1:30 P.M.
LB 1196	Friday, February 21, 1986	1:30 P.M.

LB 1158	Thursday, February 27, 1986	1:30 P.M.
LB 1166	Thursday, February 27, 1986	1:30 P.M.
LB 1170	Thursday, February 27, 1986	1:30 P.M.
LB 1227	Thursday, February 27, 1986	1:30 P.M.

LB 1188	Friday, February 28, 1986	1:30 P.M.
LB 1207	Friday, February 28, 1986	1:30 P.M.
LB 1223	Friday, February 28, 1986	1:30 P.M.
LB 1056	Friday, February 28, 1986	1:30 P.M.

Governor Appointment Thursday, March 6, 1986 1:30 P.M.
Steve Torrence - Director of State Personnel

(Signed) David Landis, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 338.

Introduced by Marsh, 29th District.

WHEREAS, the National Press Club is the oldest, largest, and most prestigious press club in Washington, D.C.; and

WHEREAS, on Saturday, February 8, 1986, Mary K. Quinlan, a Lincoln, Nebraska native will be sworn in as President of the National Press Club; and

WHEREAS, Mary K. Quinlan graduated with high distinction from the University of Nebraska-Lincoln in 1972; and

WHEREAS, the Nebraska Legislature should take notice of this honor being bestowed upon a Nebraskan.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Legislature offers its best wishes to Mary K. Quinlan on her presidency of the National Press Club.

2. That the Nebraska Legislature offers Mary K. Quinlan continuing success in her journalistic endeavors.

Laid over.

STANDING COMMITTEE REPORTS

Appropriations

LEGISLATIVE BILL 1020. Placed on General File.

(Signed) Jerome Warner, Chairperson

Judiciary

LEGISLATIVE BILL 805. Placed on General File.

LEGISLATIVE BILL 891. Placed on General File.

LEGISLATIVE BILL 1221. Placed on General File.

LEGISLATIVE BILL 813. Placed on General File as amended.

Standing Committee amendment to LB 813:

AM2014

- 1 1. In line 10, strike "eighteen", show as
- 2 stricken, and insert "four"; in line 11 strike "it's",
- 3 show as stricken, and insert "the child's"; and in line
- 4 12 after "child" insert "within eighteen years after the
- 5 child's birth".

LEGISLATIVE BILL 989. Indefinitely postponed.

(Signed) Peter Hoagland, Chairperson

Health and Human Services

LEGISLATIVE BILL 286. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal
and on file in the Clerk's Office - Room 1102 - AM1926.)

LEGISLATIVE BILL 355. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal
and on file in the Clerk's Office - Room 1102 - AM1983.)

(Signed) Don Wesely, Chairperson

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 1195	Tuesday, March 4, 1986 (cancelled)	1:30 P.M.
LB 1195	Tuesday, February 18, 1986 (reset)	1:30 P.M.
LB 1017	Tuesday, February 18, 1986 (cancelled)	1:30 P.M.
LB 1017	Wednesday, February 19, 1986 (reset)	1:30 P.M.

(Signed) Vard R. Johnson, Chairperson

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 1184. Placed on General File as amended.
Standing Committee amendment to LB 1184:
AM2001

1 1. Strike original section 1 and insert the
2 following new section:
3 "Section 1. That section 44-379, Reissue
4 Revised Statutes of Nebraska, 1943, be amended to read
5 as follows:
6 44-379. (1) The Department of Insurance shall
7 not approve any insurance policy filed for approval
8 ~~therewith~~ with the department, as required by Chapter
9 44, article 3, which insures against loss or damage to
10 property or against legal liability from any cause
11 unless such policy contains an appropriate provision for
12 cancellation thereof by either the insurer or the
13 insured.

14 (2) On any policy of fire marine or liability
15 insurance, as defined in section 44-201, the insurer
16 shall give the insured sixty days written notice prior
17 to cancellation or nonrenewal of such policy, except
18 that the insurer may cancel upon ten days written notice
19 to the insured in the event of nonpayment of premium.
20 Such notice shall state the reason for cancellation or
21 nonrenewal.

1 (3) Notwithstanding subsection (2) of this
2 section, no policy of fire marine or liability
3 insurance, as defined in section 44-201, which has been
4 in effect for sixty days shall be canceled by the
5 insurer except for one of the following reasons:

6 (a) Nonpayment of premium;
7 (b) The policy was obtained through a material
8 misrepresentation;

9 (c) Any insured violating any of the terms and
10 conditions of the policy;

11 (d) The risk originally accepted has
12 substantially increased;

13 (e) Certification to the Director of Insurance
14 of loss of reinsurance by the insurer which provided
15 coverage to the insurer for all or a substantial part of
16 the underlying risk insured; or

17 (f) The determination by the director that the
18 continuation of the policy could place the insurer in
19 violation of the insurance laws of this state.

20 (4) The requirements of subsections (2) and
21 (3) of this section shall not apply to automobile
22 insurance coverage.

23 (5) Policy forms filed with the Department of
24 Insurance on and after the effective date of this act
1 shall conform to the provisions of this section and all
2 policy forms issued for delivery in Nebraska shall
3 conform to the provisions of this section no later than
4 January 1, 1987."

(Signed) John W. DeCamp, Chairperson

Revenue

LEGISLATIVE BILL 889. Placed on General File as amended.
Standing Committee amendments to LB 889:

AM1944

1 1. On page 2, line 13, strike the new matter

2 and reinstate the stricken matter; and in line 14
3 reinstate the stricken "years" and strike "year".

4 2. Insert the following new sections:

5 "Sec. 2. That section 23-925, Reissue Revised
6 Statutes of Nebraska, 1943, be amended to read as
7 follows:

8 23-925. Each governing body, after the filing
9 of the proposed budget statement with its secretary or
10 clerk, shall each year conduct a public hearing on such
11 proposed budget statement. Notice of place and time of
12 such hearing, together with a summary of the proposed
13 budget statement, shall be published at least five days
14 prior to the date set for hearing, in a newspaper of
15 general circulation within the governing body's
16 jurisdiction or by direct mailing of the notice to each
17 resident within the community, except ; ~~PROVIDED~~, that
18 when the total operating budget, not including reserves,
19 does not exceed ten thousand dollars per year, the
20 proposed budget summary may be posted at the governing
21 body's principal headquarters. The published summary of
1 the proposed budget statement shall be uniform for all
2 governing bodies and shall include a separate total for
3 each fund and a grand total of all funds maintained by
4 the governing body. After such hearing, the proposed
5 budget statement shall be adopted, or amended and
6 adopted as amended, and a written record shall be kept
7 of such hearing. The amount to be received from
8 taxation shall be certified to the levying board after
9 the proposed budget statement is adopted, or is amended
10 and adopted as amended, and if the levying board shall
11 represent more than one county, a member or a
12 representative of the governing board shall appear and
13 present its budget at the hearing of each county in
14 which is located a major area of the county affected by
15 its budget. If the adopted budget statement reflects a
16 change from that shown in the published proposed budget
17 statement, a summary of such changes shall be published
18 within twenty days after its adoption in the manner
19 provided in this section, but without provision for
20 hearing, setting forth the items changed and the reasons
21 for such changes.

22 Sec. 3. That section 23-932, Reissue Revised
23 Statutes of Nebraska, 1943, be amended to read as
24 follows:

1 23-932. The Nebraska Budget Act The

2 ~~provisions of this act shall not apply to cities under~~
 3 ~~home rule charter and~~ county agricultural societies with
 4 an annual budget of less than fifty thousand dollars.”.

5 3. On page 4, line 1, after “original” insert
 6 “sections 23-925 and 23-932, Reissue Revised Statutes of
 7 Nebraska, 1943, and”; and in line 2 strike “is” and
 8 insert “are”.

9 4. Renumber original section 2 as section 4.

LEGISLATIVE BILL 867. Indefinitely postponed.

LEGISLATIVE BILL 1101. Indefinitely postponed.

LEGISLATIVE BILL 1104. Indefinitely postponed.

LEGISLATIVE BILL 1106. Indefinitely postponed.

LEGISLATIVE BILL 1111. Indefinitely postponed.

LEGISLATIVE BILL 1117. Indefinitely postponed.

LEGISLATIVE BILL 1161. Indefinitely postponed.

LEGISLATIVE BILL 1168. Indefinitely postponed.

LEGISLATIVE BILL 1212. Indefinitely postponed.

LEGISLATIVE BILL 1248. Indefinitely postponed.

(Signed) Vard R. Johnson, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 339.

Introduced by Pappas, 42nd District.

WHEREAS, the Honorable Judge Hugh Stuart is retiring from the 13th Judicial District, and

WHEREAS, Judge Stuart was appointed in January of 1965 and served the state of Nebraska for more than 21 years, and

WHEREAS, Judge Stuart is the state's senior District Judge, and

WHEREAS, Judge Stuart has heard, determined and settled thousands of complex, lengthy issues, and

WHEREAS, Judge Stuart has upheld the integrity and independence of the Judiciary, avoided impropriety, and

WHEREAS, Judge Stuart has performed his duties, impartially and diligently, improved the law, the legal system and the administration of Justice, and

WHEREAS, Judge Stuart has upheld the Code of Judicial Conduct in all other respects.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognize the Honorable Judge Hugh Stuart for his outstanding service to the state of Nebraska and for his efforts in upholding the high standards of conduct of Nebraska's judiciary.

Laid over.

LEGISLATIVE RESOLUTION 335. Read. Considered.

Mr. Landis offered the following amendment:

Strike the contents of LR 335 and insert the following:

WHEREAS, there is public interest in the impact of Initiative 300, now Article XII, section 8, of the Constitution of the State of Nebraska, and discussion of this topic has caused much Legislative debate and turmoil; and

WHEREAS, the public would be well served to know the impact of Initiative 300 on the economy of the state and whether or not it was accomplished what it was intended to do.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Governor shall appoint up to twelve members to serve on an impartial task force to study the effect of Initiative 300.

2. That the members of the task force shall represent the spectrum of agricultural and economic interests of the state. The Governor shall seek to secure a balance in the representation of divergent perspectives on this issue.

3. That the task force shall have the support and assistance of the agricultural and economic research capabilities of the University of Nebraska.

4. That the task force shall hold public hearings around the state for fact-finding and informational purposes.

5. That the task force shall prepare and document a report for the Governor and the Legislature, after sufficient time to gather the necessary facts, which shall include well-considered findings and recommendations of the task force.

6. That the task force shall report its progress together with any findings or recommendations to date by March 25, 1986, in time for the Legislature to consider any such recommendations this session. They may indicate what information remains ungathered or unanalyzed. They may make majority and minority findings.

Mr. Pappas offered the following amendment to the Landis amendment:

1) In the first "Resolved" paragraph, strike "Governor" and insert "Executive Board"

2) In the last paragraph, strike "March 25" and insert "March 15"

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Pappas moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Pappas requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Baack	Chronister	Harris	Morehead	Rupp
Beutler	Conway	Johnson, L.	Nichol	Schmit
Beyer	Haberman	Labeledz	Pappas	Scofield
Chambers	Hall	Lynch	Peterson	Smith
Chizek	Hannibal	Marsh	Pirsch	Warner

Voting in the negative, 18:

Barrett	Hefner	Lamb	Nelson	Sieck
Carsten	Hoagland	Landis	Remmers	Vickers
Eret	Johnson, R.	Lundy	Rogers	Wesely
Goll	Johnson, V.	Miller		

Present and not voting, 4:

Abbound	Goodrich	Hartnett	Higgins
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Excused and not voting, 2:

DeCamp	Withem
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The Pappas amendment was adopted with 25 ayes, 18 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Ms. Scofield offered the following amendment to the Landis amendment:

To amend the Landis amendment by amending paragraph 1 to read as follows:

That the Governor shall appoint 6 citizens and the Executive Board shall appoint 6 legislators to serve on an impartial task force to study the effect of Initiative 300.

Mr. Sieck asked unanimous consent to be excused. No objections. So ordered.

Ms. Scofield withdrew her pending amendment.

Ms. Scofield substituted the following amendment to the Landis amendment:

To amend the Landis amendment by amending paragraph 1 to read as follows:

That the Governor shall appoint 6 persons and the Executive Board shall appoint 6 persons to serve on an impartial task force to study the effect of Initiative 300.

Pending.

ANNOUNCEMENT

Mr. Hall designates LB 1012 as his priority bill.

RESOLUTION

LEGISLATIVE RESOLUTION 340.

Introduced by Wesely, 26th District; Marsh, 29th District.

WHEREAS, knowledge of world events and international affairs promotes peace and prosperity for the people of Nebraska, the United States, and the world; and

WHEREAS, the collegiate and high school students of Nebraska and the Midwestern States seek to increase their understanding of international affairs today so that they may make better citizens and leaders; and

WHEREAS, the University of Nebraska-Lincoln University Program Council is conducting its nineteenth annual Nebraska Model United Nations Conference during the week of February 10-16, 1986, to educate participating students on world problems, the cultures and policies of other nations, and the role and function of the United States.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the week of February 10-16, 1986, shall be and is hereby designated as Nebraska Model United Nations Week.

2. That the Legislature urges the citizens of Nebraska to become aware of the efforts of these youths in understanding and addressing world problems.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 153 in the Journal. No objections. So ordered.

AM1967

- 1 1. On page 2, line 17, after "issued" insert
- 2 "on or after July 1, 1986."; and in line 20 after the
- 3 period insert "The court having jurisdiction over the
- 4 offense for which the citation has been issued shall
- 5 notify the director of a violation of a promise to
- 6 comply with the terms of the citation only after twenty
- 7 working days have elapsed from the date of the failure
- 8 to comply.".

Messrs. Hoagland and V. Johnson asked unanimous consent to print the following amendment to LB 548 in the Journal. No objections. So ordered.

Add a new Section

Sec. ____ That section 49-14,101 Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

(4) Subsections (3) and (4) shall not be construed to prohibit a member of the Legislature from voting unless the vote results in immediate personal and private gain to himself or herself, a member of his or her immediate family, or a business with which the individual is associated.

Renumber the remaining subsections.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 572A. By Marsh, 29th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 572, Eighty-ninth Legislature, Second Session, 1986.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 942. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2021.)

LEGISLATIVE BILL 1062. Placed on General File as amended.
Standing Committee amendments to LB 1062:
AM2011

- 1 1. On page 2, line 1, strike "Class III";
- 2 strike beginning with "which" in line 2 through "twelve"
- 3 in line 3; strike beginning with "and" in line 6 through
- 4 "unit" in line 7; and strike beginning with "A" in line
- 5 12 through the period in line 15.
- 6 2. Insert the following new sections:
- 7 "Sec. 2. There is hereby established the
- 8 educational service unit planning committee. The
- 9 educational service unit planning committee, also known
- 10 as the planning committee, shall be composed of at least
- 11 seven members and no more than fourteen members who
- 12 shall be appointed by the State Board of Education upon
- 13 the recommendation of the Commissioner of Education.
- 14 The members appointed shall be representative of all
- 15 geographic areas of the state on a substantially equal
- 16 basis and of (1) parents of public school students, (2)
- 17 boards of education and school boards of the school
- 18 districts, (3) teachers, (4) public school
- 19 administration, (5) educational service unit boards, (6)
- 20 educational service unit administration, and (7)
- 21 educational service unit employees. In addition, staff
- 1 designated by the research division of the Legislative
- 2 Council and the Commissioner of Education shall serve as
- 3 staff and nonvoting members of the planning committee.
- 4 Members of the planning committee shall receive no
- 5 salary but shall be reimbursed for expenses pursuant to
- 6 sections 84-306.01 to 84-306.05 for state employees.
- 7 Sec. 3. (1) The planning committee shall
- 8 address the following issues:
- 9 (a) The need for changes in boundaries in
- 10 order to provide services to schools and students in an

11 effective and efficient manner;

12 (b) The types of services which should be
13 provided by educational service units and whether
14 certain types of services should be provided on a
15 uniform basis by all educational service units across
16 the state;

17 (c) The most equitable means of financing the
18 services including a consideration of state and local
19 tax sources and methods to equalize the financial
20 resources and service capability of educational service
21 units;

22 (d) The need for procedures to evaluate
23 educational service unit programs to ensure quality,
24 efficiency, and effectiveness;

1 (e) The effectiveness and accountability of
2 elected lay boards as compared to boards appointed by or
3 from school board members; and

4 (f) The future role and mission of educational
5 service units in the state educational service delivery
6 system.

7 (2) The planning committee shall establish a
8 plan for the future role and structure of educational
9 service units in the state and shall present such plan
10 to the State Board of Education by August 1, 1987. The
11 board shall proceed to hold informational hearings on
12 the proposed plan and shall by December 1, 1987, adopt,
13 reject, or adopt with modification the proposed plan and
14 recommend to the Legislature any legislative changes in
15 boundaries, service, delivery, financing, evaluation,
16 governance, and role necessary to implement such plan.

17 Sec. 4. Section 1 of this act shall become
18 operative on June 30, 1988, and the remaining sections
19 shall become operative on their effective date.”.

(Signed) Tom Vickers, Chairperson

VISITORS

Visitors to the Chamber were 9 students and teachers from Sidney High School; Steve and Sandy Welsh and children, Scott, Shad, and Shannon from Imperial; 42 eighth grade students and teacher from Cathedral of the Risen Christ; and Jim Voigt from Davenport.

ADJOURNMENT

At 12:07 p.m., on a motion by Mr. Remmers, the Legislature adjourned until 9:00 a.m., Friday, February 7, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIRST DAY - FEBRUARY 7, 1986

LEGISLATIVE JOURNAL

TWENTY-FIRST DAY - FEBRUARY 7, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 7, 1986

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Rev. Robert E. Stevenson, Second Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp, Goodrich, Hoagland, and Withem who were excused; and Messrs. Hall, Hartnett, V. Johnson, Landis, Lynch, Schmit, Warner, and Mrs. Labeledz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twentieth Day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Miller asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 796 in the Journal. No objections. So ordered.

1. Line 7, page 2, change "seven" to "eight".

2. Line 13, page 2, change "1988" to "1990".
3. Line 24, page 2, change "1988" to "1990".
4. Strike all changes in subsection 4.
5. Line 14, page 3, change "four" to "three".

ATTORNEY GENERAL'S OPINION

Opinion No. 86014
February 5, 1986

To: Senator Emil E. Beyer, Jr.

Subject: Constitutionality of LB 761 -- Double Taxation

This is in response to your request for an opinion on the constitutionality of LB 761. Your concern is whether this bill would require double taxation for citizens affected by its provisions.

LB 761 provides for continued jurisdiction by a fire protection district over territory annexed by a city or village, either by agreement with the municipality, or as a result of a district court ruling. In regard to the issue of taxation, the bill provides specifically as follows:

Nothing contained in this section shall authorize any district to levy any taxes or special assessments within the annexed area after the effective date of a annexation, except that if a city or village and a fire protection district agree or a court orders that the boundaries of the fire protection district shall continue to include all or a portion of the territory annexed by the city or village, the fire protection district shall have authority to continue to levy taxes in such territory, and the city or village shall exclude from its tax levy on real property in such territory any assessment for fire, rescue, or similar services provided by the fire protection district.

Assuming that the municipalities can determine that portion of their tax levy which is allocated for fire, rescue, or similar services provided by the fire protection district, the bill would specifically preclude double taxation on real estate. The provision as written, however, applies only to real property, and thus any personal property in the district would be subject to the burden of double taxation. Taxes would not be levied "uniformly and proportionately" on all property and the bill would nevertheless be unconstitutional from this standpoint.

Sincerely,
ROBERT M. SPIRE
Attorney General

(Signed) John Boehm
Assistant Attorney General

JB/bae

cc: Patrick J. O'Donnell
Clerk of the Legislature

REPORTS

Received report from the Office of Risk Management/State Claims Board of all claims processed and paid under the State Tort Claims Act pursuant to Section 81-8,226, and pursuant to Section 48-1,104, a report for all claims paid under Workmen's Compensation Laws.

Received from the Public Employees Retirement Board the Actuarial Valuation of the following retirement systems: Nebraska School Retirement System; Nebraska State Patrolmen's Retirement System; Nebraska Judges' Retirement System; Nebraska State Employees Retirement System; and Nebraska County Employees Retirement System.

RESOLUTIONS

LEGISLATIVE RESOLUTION 338. Read. Considered.

LR 338 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 339. Read. Considered.

LR 339 was adopted with 26 ayes, 0 nays, and 23 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 746.

A BILL FOR AN ACT relating to the state building administrator; to delete provisions governing a transfer made on July 1, 1974; and to repeal section 81-1108.39, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 34:

Abboud	Chronister	Higgins	Nelson	Rupp
Baack	Conway	Johnson, L.	Nichol	Scofield
Barrett	Eret	Johnson, R.	Pappas	Sieck
Beutler	Goll	Lamb	Peterson	Smith
Beyer	Haberman	Lundy	Pirsch	Vickers
Carsten	Hannibal	Marsh	Remmers	Wesely
Chizek	Hefner	Morehead	Rogers	

Voting in the negative, 0.

Present and not voting, 2:

Chambers Harris

Excused and not voting, 13:

DeCamp	Hartnett	Labeledz	Miller	Warner
Goodrich	Hoagland	Landis	Schmit	Withem
Hall	Johnson, V.	Lynch		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 747.

A BILL FOR AN ACT relating to the Tax Commissioner; to delete provisions governing accounts and vouchers; and to repeal section 84-305, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud	Conway	Higgins	Morehead	Rogers
Baack	Eret	Johnson, L.	Nelson	Rupp
Barrett	Goll	Johnson, R.	Nichol	Scofield
Beutler	Haberman	Lamb	Pappas	Sieck
Beyer	Hannibal	Lundy	Peterson	Smith
Carsten	Harris	Lynch	Pirsch	Vickers
Chizek	Hefner	Marsh	Remmers	Wesely
Chronister				

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 12:

DeCamp	Hartnett	Labeledz	Miller	Warner
Goodrich	Hoagland	Landis	Schmit	Withem
Hall	Johnson, V.			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 748.

A BILL FOR AN ACT relating to tax accounts; to delete obsolete provisions; and to repeal sections 84-316 to 84-320, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud	Chronister	Higgins	Morehead	Rogers
Baack	Conway	Johnson, L.	Nelson	Rupp
Barrett	Eret	Johnson, R.	Nichol	Scofield
Beutler	Goll	Lamb	Pappas	Sieck
Beyer	Haberman	Landis	Peterson	Smith
Carsten	Hannibal	Lundy	Pirsch	Vickers
Chambers	Harris	Lynch	Remmers	Wesely
Chizek	Hefner	Marsh		

Voting in the negative, 0.

Excused and not voting, 11:

DeCamp	Hartnett	Johnson, V.	Miller	Warner
Goodrich	Hoagland	Labeledz	Schmit	Withem
Hall				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 749.

A BILL FOR AN ACT relating to county court; to amend section 24-540, Reissue Revised Statutes of Nebraska, 1943; to change a reference to county court jurisdiction to correspond to former legislative changes; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud	Chronister	Johnson, L.	Marsh	Rogers
Baack	Conway	Johnson, R.	Morehead	Rupp
Barrett	Eret	Labeledz	Nichol	Scofield
Beutler	Goll	Lamb	Pappas	Sieck
Beyer	Haberman	Landis	Peterson	Smith
Carsten	Hannibal	Lundy	Pirsch	Vickers
Chambers	Harris	Lynch	Remmers	Wesely
Chizek	Hefner			

Voting in the negative, 0.

Present and not voting, 2:

Higgins Nelson

Excused and not voting, 10:

DeCamp	Hall	Hoagland	Miller	Warner
Goodrich	Hartnett	Johnson, V.	Schmit	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 750.

A BILL FOR AN ACT relating to courts; to amend sections 24-209, 24-302.01, and 25-2301, Reissue Revised Statutes of Nebraska, 1943, and section 76-1456, Revised Statutes Supplement, 1984; to delete references to municipal courts; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Abboud	Chronister	Hefner	Lynch	Remmers
Baack	Conway	Higgins	Marsh	Rogers
Barrett	Eret	Johnson, L.	Morehead	Rupp
Beutler	Goll	Johnson, R.	Nelson	Scofield
Beyer	Haberman	Labedz	Nichol	Sieck
Carsten	Hall	Lamb	Pappas	Smith
Chambers	Hannibal	Landis	Peterson	Vickers
Chizek	Harris	Lundy	Pirsch	Wesely

Voting in the negative, 0.

Excused and not voting, 9:

DeCamp	Hartnett	Johnson, V.	Schmit	Withem
Goodrich	Hoagland	Miller	Warner	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 212.

A BILL FOR AN ACT relating to the Uniform Disposition of Unclaimed Property Act; to amend sections 69-1305 and 69-1317, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to property to be abandoned; to provide a date for the transfer of excess funds; to harmonize provisions; to provide for the investment of funds; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Abboud	Goll	Johnson, L.	Marsh	Rogers
Baack	Haberman	Johnson, R.	Morehead	Rupp
Barrett	Hall	Johnson, V.	Nelson	Scofield
Beyer	Hannibal	Labeledz	Nichol	Sieck
Carsten	Harris	Lamb	Pappas	Smith
Chizek	Hartnett	Landis	Peterson	Vickers
Chronister	Hefner	Lundy	Pirsch	Wesely
Eret	Higgins	Lynch	Remmers	

Voting in the negative, 0.

Present and not voting, 3:

Beutler Chambers Conway

Excused and not voting, 7:

DeCamp	Hoagland	Schmit	Warner	Withem
Goodrich	Miller			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 546. With Emergency.

A BILL FOR AN ACT relating to school employees' retirement; to amend section 79-1516, Reissue Revised Statutes of Nebraska, 1943, and section 79-1522.01, Revised Statutes Supplement, 1984; to specify the method for crediting part-time service; to change provisions relating to calculation of the monthly formula annuity; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Abboud	Chizek	Hannibal	Johnson, V.	Morehead
Baack	Chronister	Harris	Labeledz	Nelson
Barrett	Conway	Hartnett	Lamb	Nichol
Beutler	Eret	Hefner	Landis	Pappas
Beyer	Goll	Higgins	Lundy	Peterson
Carsten	Haberman	Johnson, L.	Lynch	Pirsch
Chambers	Hall	Johnson, R.	Marsh	Remmers

Rogers	Scofield	Smith	Vickers	Wesely
Rupp	Sieck			

Voting in the negative, 0.

Excused and not voting, 7:

DeCamp	Hoagland	Schmit	Warner	Withem
Goodrich	Miller			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 548 to Select File

Messrs. V. Johnson and Hoagland withdrew their pending amendment found in the Journal on page 684 to LB 548.

Mr. V. Johnson moved to return LB 548 to Select File for the following specific amendment:

AM2036

(Amendments to Final Reading copy)

1 1. Insert the following new sections:

2 "Sec. 14. That section 49-14,101, Reissue

3 Revised Statutes of Nebraska, 1943, be amended to read

4 as follows:

5 49-14,101. (1) No person shall offer or give

6 to the following persons anything of value, including a

7 gift, loan, contribution, reward, or promise of future

8 employment, based on an agreement that the vote,

9 official action, or judgment of any public official,

10 public employee, or candidate would be influenced

11 thereby:

12 (a) A public official, public employee, or

13 candidate;

14 (b) A member of the immediate family of an

15 individual listed in subdivision (a) of this subsection;

16 or

17 (c) A business with which an individual listed

18 under subdivision (a) or (b) of this subsection is

19 associated.

20 (2) No person listed in subsection (1) of this

1 section shall solicit or accept anything of value,

2 including a gift, loan, contribution, reward, or promise

3 of future employment, based on an agreement that the
4 vote, official action, or judgment of the public
5 official, public employee, or candidate would be
6 influenced thereby.

7 (3) No public official or public employee
8 shall use that person's public office or any
9 confidential information received through the holding of
10 a public office to obtain financial gain, other than
11 compensation provided by law, for himself or herself, a
12 member of his or her immediate family, or a business
13 with which the individual is associated.

14 (4) No public official or public employee
15 shall use personnel, resources, property, or funds under
16 that individual's official care and control, other than
17 in accordance with prescribed constitutional, statutory,
18 and regulatory procedures, or use such items, other than
19 compensation provided by law, for personal financial
20 gain.

21 (5) Subsections (3) and (4) of this section
22 shall not be construed to prohibit a member of the
23 Legislature from voting unless the vote results in
24 immediate financial gain to the member, his or her
1 immediate family, or a business with which the member is
2 associated.

3 ~~(6)~~ (5) Except as provided in section
4 23-324.07, any person violating the provisions of this
5 section shall be guilty of a Class III misdemeanor.

6 Sec. 16. Since an emergency exists, this act
7 shall be in full force and take effect, from and after
8 its passage and approval, according to law.”.

9 2. On page 1, line 3, strike “and 49-1474”
10 and insert “49-1474, and 49-14,101”.

11 3. On page 2, line 2, after the semicolon
12 insert “to change provisions relating to prohibited acts
13 of certain individuals as prescribed;”; in line 7 strike
14 “and”; and in line 14 after “1984” insert “; and to
15 declare an emergency”.

16 4. On page 14, line 13, strike “and 49-1474”
17 and insert “49-1474, and 49-14,101”.

18 5. Renumber original section 14 as section
19 15.

Mr. Conway moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

Mr. V. Johnson withdrew his pending motion to return LB 548 to Select File.

Mr. Chambers moved to return LB 548 to Select File for the following specific amendment:

Insert new section:

Amend 49-14,101 (5): "Except as provided in section 23-324.07, any person violating the provisions of this section shall be guilty of a Class III misdemeanor- except that no vote by any member of the Legislature shall subject such member to any criminal sanction under this section.

Mr. Carsten moved to bracket LB 548 for one week.

Mr. Carsten withdrew his motion to bracket.

The Chambers motion to return LB 548 to Select File prevailed with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 548. The Chambers specific amendment found in this day's Journal was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 172 to Select File

Mr. Vickers moved to return LB 172 to Select File for the following specific amendment:

1. Page 1, line 9, following the period, insert:

"When the final actual valuation, as certified by the State Board of Equalization and Assessment pursuant to Section 77-509, of a political subdivision decreases over the immediately preceding year pursuant to provisions for the re-valuation and reassessment of taxable property, required by the provisions of these statutes, the property tax levy of the political subdivision may be increased proportionately to the decrease in actual valuation, subject to any constitutional limitation on total property tax levies of any political subdivision, but irrespective of any statutory limitation on total property levies of any political subdivision."

Line 12, following "increase" insert "or decrease"

Line 13, following "increase" insert "or decrease"

Line 15, following "increase" insert "or decrease"

Mr. Beutler asked unanimous consent to be excused until he returns.
No objections. So ordered.

Mr. Vickers requested a roll call vote on his motion.

Voting in the affirmative, 22:

Baack	Hannibal	Landis	Nichol	Sieck
Carsten	Higgins	Lundy	Pappas	Smith
Chambers	Johnson, R.	Morehead	Rogers	Vickers
Conway	Johnson, V.	Nelson	Scofield	Warner
Eret	Labeledz			

Voting in the negative, 16:

Abboud	Hartnett	Lamb	Peterson	Rupp
Chizek	Hefner	Lynch	Pirsch	Schmit
Goll	Johnson, L.	Marsh	Remmers	Wesely
Hall				

Present and not voting, 5:

Barrett	Beyer	Chronister	Haberman	Harris
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Excused and not voting, 6:

Beutler	Goodrich	Hoagland	Miller	Withem
DeCamp				

The Vickers motion lost with 22 ayes, 16 nays, 5 present and not voting, and 6 excused and not voting.

Mr. Vickers moved to return LB 172 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Vickers withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 172. With Emergency.

A BILL FOR AN ACT relating to property tax; to require a reduction in the property tax levy in certain situations; to provide an operative date; and to declare an emergency.

Mr. Abboud requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 25:

Abboud	Chronister	Harris	Labedz	Pirsch
Barrett	Conway	Hartnett	Lamb	Rogers
Beyer	Haberman	Hefner	Morehead	Rupp
Chambers	Hall	Johnson, L.	Pappas	Scofield
Chizek	Hannibal	Johnson, V.	Peterson	Wesely

Voting in the negative, 17:

Baack	Johnson, R.	Marsh	Remmers	Smith
Carsten	Landis	Nelson	Schmit	Vickers
Goll	Lundy	Nichol	Sieck	Warner
Higgins	Lynch			

Present and not voting, 1:

Eret

Excused and not voting, 6:

Beutler	Goodrich	Hoagland	Miller	Withem
DeCamp				

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 25:

Abboud	Beutler	Chambers	Chronister	Haberman
Barrett	Beyer	Chizek	Conway	Hall

Hannibal	Hefner	Labeledz	Pappas	Rogers
Harris	Johnson, L.	Lamb	Peterson	Rupp
Hartnett	Johnson, V.	Morehead	Pirsch	Wesely

Voting in the negative, 18:

Baack	Higgins	Lynch	Remmers	Smith
Carsten	Johnson, R.	Marsh	Schmit	Vickers
Eret	Landis	Nelson	Sieck	Warner
Goll	Lundy	Nichol		

Present and not voting, 1:

Scofield

Excused and not voting, 5:

DeCamp	Goodrich	Hoagland	Miller	Withem
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A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 301.

A BILL FOR AN ACT relating to motor carriers; to adopt certain federal regulations concerning motor carrier safety; to provide for inspection of a motor carrier's materials; to provide a penalty; to require a signed declaration as prescribed; to provide an operative date; and to provide for severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Conway	Higgins	Morehead	Rupp
Baack	Eret	Johnson, L.	Nelson	Schmit
Barrett	Goll	Johnson, R.	Nichol	Scofield
Beutler	Haberman	Johnson, V.	Pappas	Sieck
Beyer	Hall	Labeledz	Peterson	Smith
Carsten	Hannibal	Lamb	Pirsch	Vickers
Chambers	Harris	Landis	Remmers	Warner
Chizek	Hartnett	Lundy	Rogers	Wesely
Chronister	Hefner	Marsh		

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 5:

DeCamp Goodrich Hoagland Miller Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Withdraw Amendments to LB 593

Mr. DeCamp withdrew his pending amendments, AM0696, found in the Journal on page 1112, First Session, and AM1023, found in the Journal on page 1574, First Session, to LB 593.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 593. With Emergency.

A BILL FOR AN ACT relating to insurance; to amend sections 44-127.01, 44-127.03, 44-2701 to 44-2704, 44-2707 to 44-2711, 44-2713, 44-2717, and 44-2720, Reissue Revised Statutes of Nebraska, 1943; to restate purposes; to define and redefine terms; to change provisions relating to the kinds of insurance covered; to change provisions relating to the powers and duties of the association and the director; to change provisions relating to liability on covered policies; to prohibit inducements; to provide reciprocity as prescribed; to change assessment provisions; to provide for examination expenses as prescribed; to provide for the applicability of certain provisions; to change internal references; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Abboud	Barrett	Beyer	Chizek	Conway
Baack	Beutler	Carsten	Chronister	Eret

Goll	Higgins	Lundy	Pappas	Scofield
Haberman	Johnson, L.	Lynch	Peterson	Sieck
Hall	Johnson, R.	Marsh	Pirsch	Smith
Hannibal	Johnson, V.	Morehead	Remmers	Vickers
Harris	Labedz	Nelson	Rupp	Warner
Hartnett	Lamb	Nichol	Schmit	Wesely
Hefner	Landis			

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Rogers

Excused and not voting, 5:

DeCamp	Goodrich	Hoagland	Miller	Withem
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 644.

A BILL FOR AN ACT relating to elections; to amend section 32-216, Reissue Revised Statutes of Nebraska, 1943; to provide for the appointment of deputy registrars to register voters as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Chronister	Hartnett	Landis	Peterson
Baack	Conway	Hefner	Lundy	Pirsch
Barrett	Eret	Higgins	Lynch	Remmers
Beutler	Goll	Johnson, L.	Marsh	Rogers
Beyer	Haberman	Johnson, R.	Morehead	Rupp
Carsten	Hall	Johnson, V.	Nelson	Schmit
Chambers	Hannibal	Labedz	Nichol	Scofield
Chizek	Harris	Lamb	Pappas	Sieck

Smith Vickers Warner Wesely

Voting in the negative, 0.

Excused and not voting, 5:

DeCamp Goodrich Hoagland Miller Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 302.

A BILL FOR AN ACT relating to natural resources districts; to amend sections 2-3213, 2-3214, and 32-535, Reissue Revised Statutes of Nebraska, 1943; to allow changes in the number of directors; to delete obsolete language; to change provisions relating to the election of directors; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud	Conway	Johnson, L.	Morehead	Rupp
Baack	Eret	Johnson, R.	Nelson	Schmit
Barrett	Goll	Johnson, V.	Nichol	Scofield
Beutler	Hall	Labeledz	Pappas	Sieck
Beyer	Hannibal	Lamb	Peterson	Smith
Carsten	Harris	Landis	Pirsch	Vickers
Chambers	Hartnett	Lundy	Remmers	Warner
Chizek	Hefner	Lynch	Rogers	Wesely
Chronister	Higgins	Marsh		

Voting in the negative, 0.

Present and not voting, 1:

Haberman

Excused and not voting, 5:

DeCamp Goodrich Hoagland Miller Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 643.

A BILL FOR AN ACT relating to burial; to amend section 68-129, Revised Statutes Supplement, 1984; to adopt the Burial Pre-Need Sale Act; to provide penalties; to harmonize provisions; to provide an operative date; to provide for severability; to eliminate provisions relating to prearranged funeral agreements and a penalty; and to repeal the original section, and also section 71-1343, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1342 and 71-1344, Revised Statutes Supplement, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 36:

Abboud	Goll	Johnson, R.	Marsh	Rupp
Baack	Haberman	Johnson, V.	Morehead	Schmit
Barrett	Hall	Labeledz	Nelson	Scofield
Beutler	Hannibal	Lamb	Nichol	Smith
Chambers	Harris	Landis	Pappas	Vickers
Chizek	Higgins	Lundy	Remmers	Warner
Chronister	Johnson, L.	Lynch	Rogers	Wesely
Eret				

Voting in the negative, 8:

Beyer	Conway	Hefner	Pirsch	Sieck
Carsten	Hartnett	Peterson		

Excused and not voting, 5:

DeCamp Goodrich Hoagland Miller Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 643A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 643, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Abboud	Goll	Johnson, R.	Morehead	Schmit
Baack	Haberman	Johnson, V.	Nelson	Scofield
Barrett	Hall	Labeledz	Nichol	Smith
Beutler	Hannibal	Lamb	Pappas	Vickers
Chizek	Harris	Landis	Remmers	Warner
Chronister	Higgins	Lundy	Rogers	Wesely
Eret	Johnson, L.	Marsh	Rupp	

Voting in the negative, 8:

Beyer	Conway	Hefner	Pirsch	Sieck
Carsten	Hartnett	Peterson		

Present and not voting, 2:

Chambers Lynch

Excused and not voting, 5:

DeCamp	Goodrich	Hoagland	Miller	Withem
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Suspend Rules

Mr. Nichol moved to suspend the rules, Rule 6, Section 7(b) to permit consideration of LB 988 on final reading today.

The motion prevailed with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 988. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the district courts as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 39:

Abboud	Conway	Hefner	Morehead	Schmit
Baack	Eret	Higgins	Nelson	Scofield
Barrett	Goll	Johnson, L.	Nichol	Sieck
Beutler	Haberman	Johnson, V.	Pappas	Smith
Carsten	Hall	Labeledz	Pirsch	Vickers
Chambers	Hannibal	Lamb	Remmers	Warner
Chizek	Harris	Lynch	Rogers	Wesely
Chronister	Hartnett	Marsh	Rupp	

Voting in the negative, 0.

Present and not voting, 5:

Beyer	Johnson, R.	Landis	Lundy	Peterson
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Excused and not voting, 5:

DeCamp	Goodrich	Hoagland	Miller	Withem
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 172.

(Signed) Timothy Hall, Chairperson

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 6, 1986. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Ayres, Joseph Warren - Lincoln, Quality Health Care Professionals
(Withdrawn 86/02/01)

Baird, Holm, McEachen, Pedersen et al.

Bredthauer, Trudy Saunders - Omaha, OMAHA COMMUNITY
HOSPITALS (The Nebraska Methodist Hospital, Childrens
Memorial Hospital, Immanuel Medical Center, Bishop
Clarkson Memorial Hospital, Lutheran Medical Center,
Archbishop Bergan Mercy Hospital) The Nebraska Methodist
Hospital

Bemis, James J. - Omaha (Withdrawn 86/01/31), Commercial Federal
Savings & Loan (Withdrawn 86/01/31)

Cline, Williams, Wright, Johnson & Oldfather

Buntain, David R. - Lincoln, Lincoln Housing Authority

Crosby, Guenzel, Davis, Kessner & Kuester

Crosby, Robert B. - Lincoln, Nebraska Cooperative Council

Dalton, Cynthia G. - Lincoln, Nebraska Auto Body Association

Dillard, Jack K. - Houston, TX, Tenneco Inc.

Hughes, J. Michael - Lincoln, Lincoln Beverage Association

Lattanzio, Theodore A. - Washington, D.C., National Rifle
Association

Licht, Alice L. - Lincoln, Nebraska Auto Body Association

Lostroh, Julia J. - Lincoln, Nebraska Coalition for Life, Inc.

O'Hara & Associates, Inc.

Moody, Randall J. - Lincoln, Nebraska Coalition for Women

O'Hara & Associates, Inc. - Lincoln, Pester Refining Company
(Withdrawn 85/12/31)

Radcliffe, Walter/Tews & Radcliffe

Radcliffe, Walter H. - Lincoln, Nebraska Auto & Truck Salvage,
Inc.

Sullivan-Arthur & Associates - Lincoln, Nebraska Educational
Service Units Board Association

MOTION - Withdraw LB 1236

Mrs. Pirsch moved pursuant to Rule 5, Section 11, to withdraw LB 1236.

Laid over.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 474A. By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 474, Eighty-ninth Legislature, Second Session, 1986.

LEGISLATIVE BILL 894A. By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 894, Eighty-ninth Legislature, Second Session, 1986.

STANDING COMMITTEE REPORT Health and Human Services

LEGISLATIVE BILL 925. Placed on General File as amended.
Standing Committee amendment to LB 925:
AM1999

- 1 1. On page 2, line 22, after the period
- 2 insert "Not more than ten per cent of one cent of the
- 3 cigarette tax imposed by Chapter 77, article 26, shall
- 4 be used for funding the cancer registry and associated
- 5 expenses.".

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 909 in the Journal. No objections. So ordered.

(Amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2019.)

Mr. DeCamp asked unanimous consent to print the following amendment to LB 880 in the Journal. No objections. So ordered.

AM2006

(Amendments to Standing Committee amendments)

1 1. On page 1, line 2, strike "section" and
2 insert "sections"; and strike beginning with "The" in
3 line 3 through the first period in line 12 and insert:
4 "As used in this act, unless the context
5 otherwise requires:
6 (1) Economic damages shall mean all damages
7 other than noneconomic damages which are allowed or
8 awarded in any court of this state and a federal court
9 applying Nebraska law. Economic damages include, but
10 are not limited to, all medical expenses, rehabilitative
11 services; lost wages, lost income, impairment of earning
12 capacity and loss of economic opportunity; present net
13 cash value of work life expectancy, and funeral and
14 related expenses; loss of use of personal and real
15 property, diminishment of property value, expenses for
16 repair or replacement, depreciation of personal and real
17 properties, and replacement value; professional fees;
18 and lost interest; and

19 (2) Noneconomic damages shall mean all damages
20 allowed or awarded in a civil action in a court of this
1 state and in a federal court applying Nebraska law,
2 which do not directly represent economic or financial
3 losses which have been incurred or will be incurred by
4 the plaintiff in the future. Noneconomic damages
5 include, but are not limited to, damages for past,
6 present, and future pain and suffering; mental anxiety,
7 worry and stress; inconvenience; loss of consortium;
8 embarrassment and humiliation; loss of love, society,
9 and companionship; loss of enjoyment of use; and
10 punitive or exemplary damages.

11 Sec. 2. (1) In any civil action, the maximum
12 amount of the total or aggregate of noneconomic damages
13 which may be allowed to a plaintiff shall not exceed the
14 lesser of the following amounts:

15 (a) Three times the economic damages which the
16 court or jury awards to such plaintiff; or

17 (b) One hundred fifty thousand dollars.

18 The court shall not restrict a jury in the
19 amount of its award nor shall the jury be advised that
20 noneconomic damages are limited to one hundred fifty

- 21 thousand dollars, but the court shall reduce any verdict
22 for noneconomic damages to three times the economic
23 damages or one hundred fifty thousand dollars, whichever
24 is applicable.
1 (2) The trier of fact shall, as a part of the
2 verdict, be required to itemize the amounts awarded into
3 economic and noneconomic damages.”.

STANDING COMMITTEE REPORT
Agriculture and Environment

LEGISLATIVE BILL 986. Indefinitely postponed.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Miller asked unanimous consent to be excused Monday, February 10, 1986. No objections. So ordered.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 806. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2031.)

(Signed) David Landis, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 860. Indefinitely postponed.

(Signed) Bill Harris, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills and resolutions: 746, 747, 748, 749, 750, 212, 546, 301, 593, 644, 302, 643, 643A, 988, 172; and LR 336, LR 338, and LR 339.

VISITORS

Visitors to the Chamber were 20 eighth grade students and teacher from Wagner School, Boys Town; 45 friends of the Nebraska Commission on the Status of Women; 60 fifth and sixth grade students and teachers from Hill Elementary School, Lincoln; Quinn and Chris Sabatka from Ceresco; Jack Warrick from Meadow Grove; Senator Lamb's son and daughter-in-law, Dave and Donalee Lamb and sons, Jason and Rodney.

ADJOURNMENT

At 11:57 a.m., on a motion by Mr. Lundy, the Legislature adjourned until 9:00 a.m., Monday, February 10, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SECOND DAY - FEBRUARY 10, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

TWENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 10, 1986

Pursuant to adjournment, the Legislature met at 9:03 a.m., Mr. Goll presiding.

PRAYER

The prayer was offered by Pastor Frank Tochtermann, Seventh-Day Adventist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Miller who was excused; and Messrs. Abboud, Chambers, Chizek, V. Johnson, Lamb, Landis, Lynch, Nichol, Rupp, Schmit, Warner, Wesely, Mesdames Marsh, Pirsch, and Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-First Day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 7, 1986, at 2:08 p.m., were the following bills: 746, 747, 748, 749, 750, 212, 546, 301, 593, 644, 302, 643, 643A, 172, and 988.

(Signed) Pam Moravec, Enrolling Clerk

MOTION - Return LB 74 to Select File

Mr. Pappas moved to return LB 74 to Select File for the following specific amendment:

1. On page 2, line 17 after the word "who" insert the words "on or after the effective date of this act"

The motion to return prevailed with 29 ayes, 0 nays, 4 present and not voting, and 16 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 74. The Pappas specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 471.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend section 81-505.01, Revised Statutes Supplement, 1984; to change provisions relating to the assessment and collection of certain fees; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 38:

Baack	DeCamp	Hartnett	Lundy	Remmers
Barrett	Eret	Hefner	Lynch	Rogers
Beutler	Goll	Higgins	Marsh	Rupp
Beyer	Goodrich	Hoagland	Morehead	Scofield
Carsten	Haberman	Johnson, L.	Nelson	Sieck
Chizek	Hall	Johnson, R.	Pappas	Vickers
Chronister	Hannibal	Labedz	Peterson	Withem
Conway	Harris	Lamb		

Voting in the negative, 0.

Excused and not voting, 11:

Abboud	Landis	Nichol	Schmit	Warner
Chambers	Miller	Pirsch	Smith	Wesely
Johnson, V.				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 531 to Select File

Mr. Lynch moved to return LB 531 to Select File for the following specific amendment:

1) On page 2, line 6 strike the new language and insert "March"; on line 14 strike the new language and insert "March"; on line 21 strike the new language and insert "March".

2) On page 3 in line 7 strike the new language and insert "February".

The motion to return prevailed with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 531. The Lynch specific amendment found in this day's Journal was adopted with 34 ayes, 0 nays, 5 present and not voting, and 10 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 595. With Emergency.

A BILL FOR AN ACT relating to the civil service system; to amend section 23-2515, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to an appeal; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

Abboud	DeCamp	Hefner	Lynch	Rupp
Baack	Eret	Higgins	Marsh	Schmit
Barrett	Goll	Hoagland	Morehead	Scofield
Beutler	Goodrich	Johnson, L.	Nelson	Sieck
Beyer	Haberman	Johnson, R.	Pappas	Smith
Carsten	Hall	Labedz	Peterson	Vickers
Chizek	Hannibal	Lamb	Remmers	Wesely
Chronister	Harris	Landis	Rogers	Withem
Conway	Hartnett	Lundy		

Voting in the negative, 0.

Excused and not voting, 6:

Chambers	Miller	Nichol	Pirsch	Warner
Johnson, V.				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 599. With Emergency.

A BILL FOR AN ACT relating to funds; to amend sections 19-3909.01, 39-847.01, 39-1323.01, 39-1326, 39-1340, 39-1341, 39-1356, 39-1804, 39-2215, 39-2401, 60-326.01, 66-421, 66-424, 66-473, 66-479, 66-480, and 66-605.02, Reissue Revised Statutes of Nebraska, 1943, sections 66-467.01 and 77-27,132, Revised Statutes Supplement, 1984, and sections 60-302 and 66-605, Revised Statutes Supplement, 1985; to authorize a petty cash fund as prescribed; to create the Nebraska Legislative Shared Information System Cash Fund; to change provisions relating to deposits and allocations to and transfers from the Highway Trust Fund, Highway Allocation Fund, and Highway Cash Fund; to create the Highway Cash Fund; to eliminate the City and County Road Fund; to harmonize provisions; to provide operative dates; to repeal the original sections, and also sections 39-2402 and 39-2403, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

Abboud	DeCamp	Higgins	Marsh	Schmit
Baack	Eret	Hoagland	Morehead	Scofield
Barrett	Goll	Johnson, L.	Nelson	Sieck
Beutler	Goodrich	Johnson, R.	Pappas	Smith
Beyer	Haberman	Labeledz	Peterson	Vickers
Carsten	Hannibal	Lamb	Remmers	Warner
Chizek	Harris	Landis	Rogers	Wesely
Chronister	Hartnett	Lundy	Rupp	Withem
Conway	Hefner	Lynch		

Voting in the negative, 0.

Present and not voting, 1:

Hall

Excused and not voting, 5:

Chambers	Johnson, V.	Miller	Nichol	Pirsch
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 621.

A BILL FOR AN ACT relating to land surveyors; to amend sections 81-8,118 and 81-8,119.01, Revised Statutes Supplement, 1985; to provide for biennial registration; to change requirements for renewal of registration; to authorize inactive status; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Abboud	Chizek	Goodrich	Hefner	Lamb
Baack	Chronister	Haberman	Higgins	Landis
Barrett	Conway	Hall	Hoagland	Lundy
Beutler	DeCamp	Hannibal	Johnson, L.	Lynch
Beyer	Eret	Harris	Johnson, R.	Marsh
Carsten	Goll	Hartnett	Labeledz	Morehead

Nelson	Remmers	Schmit	Smith	Wesely
Pappas	Rogers	Scofield	Vickers	Withem
Peterson	Rupp	Sieck	Warner	

Voting in the negative, 0.

Excused and not voting, 5:

Chambers	Johnson, V.	Miller	Nichol	Pirsch
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 578 to Select File

Mr. Lynch moved to return LB 578 to Select File for his specific amendment, AM1264, found in the Journal on page 2028, First Session.

The motion to return prevailed with 35 ayes, 1 nay, 8 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 578. The Lynch specific amendment, AM1264, found in the Journal on page 2028, First Session, was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Withdraw LB 818

Mr. R. Johnson moved to withdraw LB 818.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 779 in the Journal. No objections. So ordered.

AM2047

- 1 1. On page 2, line 4, strike "permits", show
- 2 as stricken, and insert "license or privilege"; and in

- 3 line 5 strike "are", show as stricken, and insert "is".
4 2. On page 3, line 13, strike "permit" and
5 insert "privilege to operate a motor vehicle".

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 414. Indefinitely postponed.
LEGISLATIVE BILL 906. Indefinitely postponed.
LEGISLATIVE BILL 939. Indefinitely postponed.
LEGISLATIVE BILL 940. Indefinitely postponed.
LEGISLATIVE BILL 941. Indefinitely postponed.
LEGISLATIVE BILL 943. Indefinitely postponed.
LEGISLATIVE BILL 1039. Indefinitely postponed.

(Signed) Tom Vickers, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 340. Read. Considered.

Messrs. Warner and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

LR 340 was adopted with 33 ayes, 0 nays, and 16 not voting.

GENERAL FILE

LEGISLATIVE BILL 1012. Title read. Considered.

Standing Committee amendments, AM1931, found in the Journal on page 607 for the Seventeenth Day were adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 31 ayes, 1 nay, 11 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Carsten asked unanimous consent to print the following amendment to LB 1093 in the Journal. No objections. So ordered.

AM2024

- 1 1. On page 2, line 17, after the comma insert
- 2 "except as provided in section 43-647.01".
- 3 2. On page 3, line 1, strike "Whenever", show
- 4 as stricken, and insert "Except as provided in section
- 5 43-647.01, whenever".

STANDING COMMITTEE REPORTS

Miscellaneous Subjects

The Committee on Miscellaneous Subjects desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Susan K. Renken - Nebraska Arts Council

Willie L. Sapp - Nebraska Arts Council

Voting aye: Senators Conway, Haberman, Hartnett, Hefner, Higgins, V. Johnson, Morehead and Pappas. Voting nay: None. Absent or not voting: None.

LEGISLATIVE BILL 756. Placed on General File.

LEGISLATIVE BILL 762. Placed on General File.

LEGISLATIVE BILL 766. Placed on General File.

LEGISLATIVE BILL 872. Placed on General File as amended.

Standing Committee amendments to LB 872:

AM2037

- 1 1. Strike original sections 4, 6, and 8 and
- 2 insert the following new sections:
- 3 "Sec. 5. That section 53-130, Reissue Revised
- 4 Statutes of Nebraska, 1943, be amended to read as
- 5 follows:
- 6 53-130. New licenses to manufacturers,
- 7 distributors, railroads, airlines, boats, and
- 8 nonbeverage users of alcoholic liquors may be issued by
- 9 the commission upon (1) written application in
- 10 duplicate, to be filed in the manner and on such forms
- 11 as the commission shall from time to time prescribe, and
- 12 in which the applicant for a beer or alcoholic liquor
- 13 distributor's license shall set forth the sales
- 14 territory in Nebraska in which it is authorized by a
- 15 manufacturer or manufacturers to sell their brand or
- 16 brands and the name of such brand or brands, (2) receipt

17 of bond as provided in section 53-138.02, (3) payment in
 18 advance of the state registration fee of two hundred
 19 dollars and the license fee, and (4) such notice and
 20 hearing as the commission by its own order shall fix,
 21 and a notice of such application shall be served upon
 1 the manufacturer or manufacturers listed in any
 2 application for a beer or alcoholic liquor distributor's
 3 license and upon any existing distributor licensed to
 4 sell the brand or brands in the described sales
 5 territory. A license so issued may be renewed without
 6 formal application upon payment of the license fee and a
 7 registration fees; PROVIDED, that the fee of thirty-five
 8 dollars. The payment thereof of renewal fees shall be
 9 an affirmative representation and certification by the
 10 licensee that all answers contained in an application,
 11 if submitted, would be the same in all material respects
 12 as the answers contained in the last previous
 13 application. ~~The ; AND PROVIDED FURTHER, that the~~
 14 commission may at any time require a licensee to submit
 15 an application.

16 Sec. 7. That section 53-135, Reissue Revised
 17 Statutes of Nebraska, 1943, be amended to read as
 18 follows:

19 53-135. A retail or bottle club license
 20 issued by the commission and outstanding may be
 21 automatically renewed by the commission without formal
 22 application if the commission has on file a bond as
 23 required by section 53-138.02, upon payment of the state
 24 registration fee ; of thirty-five dollars and the
 1 license fee if payable to the commission. The
 2 registration fee for license renewals may be paid by a
 3 personal or business check. The payment ~~thereof~~ of
 4 renewal fees shall be an affirmative representation and
 5 certification by the licensee that all answers contained
 6 in an application, if submitted, would be the same in
 7 all material respects as the answers contained in the
 8 last previous application. The commission may at any
 9 time require a licensee to submit an application, and
 10 the commission shall at any time require a licensee to
 11 submit an application if requested in writing to do so
 12 by the local governing body.

13 If a licensee files an application form in
 14 triplicate original upon seeking renewal of his or her
 15 license, the application shall be processed as set forth

16 in section 53-131, and the security for costs as
17 required by that section shall be submitted to the
18 commission.

19 Any licensed retail or bottle club
20 establishment located in an area which is annexed to any
21 governmental subdivision shall file a formal application
22 for a license, and while such application is pending,
23 the licensee shall be authorized to continue all license
24 privileges pursuant to section 53-124 until the original
1 license expires or is canceled or revoked. If such
2 license expires within sixty days following the
3 annexation date of such area, the license may be renewed
4 by order of the commission for not more than one year.

5 2. On page 15, line 2, after "dollars" insert
6 "for any new application and thirty-five dollars for any
7 renewal of a license".

8 3. On page 28, line 3, strike "53-123.05" and
9 insert "53-130"; in line 4 strike "53-135.01" and
10 insert "53-135"; in line 5 strike the third comma and
11 insert "and"; and in lines 5 and 6 strike "and 53-124,".

12 4. Renumber the remaining sections
13 accordingly.

LEGISLATIVE BILL 935. Indefinitely postponed.

LEGISLATIVE BILL 1185. Indefinitely postponed.

(Signed) Elroy M. Hefner, Chairperson

Constitutional Revision and Recreation

LEGISLATIVE RESOLUTION 306CA. Placed on General File.

(Signed) Lee Rupp, Chairperson

Health and Human Services

LEGISLATIVE BILL 921. Placed on General File as amended.

Standing Committee amendment to LB 921:

AM1998

- 1 1. Strike original sections and insert the
- 2 following new sections:
- 3 "Section 1. The supervisor of health services
- 4 in an intermediate health care facility may provide
- 5 nursing care and when providing the nursing care, such
- 6 care may be counted toward meeting the patient care

7 requirements.

8 Sec. 2. That section 71-2024, Revised
9 Statutes Supplement, 1984, be amended to read as
10 follows:

11 71-2024. The Department of Health shall
12 adopt, promulgate, and enforce rules, regulations, and
13 standards with respect to the different types of
14 hospitals and related institutions except nursing homes
15 to be licensed hereunder as may be designed to further
16 the accomplishment of the purposes of sections 71-2017
17 to 71-2029. Such rules, regulations, and standards
18 shall be modified, amended, or rescinded from time to
19 time in the public interest by the department. The
20 Department of Health, with the advice of the Nursing
21 Home Advisory Council, shall adopt, promulgate, and
1 enforce rules, regulations, and standards with respect
2 to nursing homes. Such rules, regulations, and
3 standards shall be in compliance with sections 71-6008
4 to 71-6037 and section 1 of this act. Such rules,
5 regulations, and standards shall be modified, amended,
6 or rescinded from time to time in the public interest by
7 the department with the advice of the Nursing Home
8 Advisory Council.

9 Sec. 3. That original section 71-2024,
10 Revised Statutes Supplement, 1984, is repealed.”.

LEGISLATIVE BILL 926. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal
and on file in the Clerk’s Office - Room 1102 - AM2000.)

(Signed) Don Wesely, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 335. Considered.

Ms. Scofield withdrew her pending amendment found in the Journal
on page 683.

Ms. Scofield offered the following amendment to the Landis pending
amendment found in the Journal on page 681:

Amend Section 1 to read as follows:

1. That the Governor shall appoint 6 persons and the Executive
Board shall appoint 6 persons to serve on an impartial task force to
study the effect of Initiative 300.

SPEAKER NICHOL PRESIDING

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

The Scofield amendment was adopted with 27 ayes, 7 nays, 10 present and not voting, and 5 excused and not voting.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

Ms. Scofield offered the following amendment to the Landis pending amendment found in the Journal on page 681:

Amend Section 2 to read as follows:

2. That the members of the task force shall represent the spectrum of agricultural and economic interests of the state.

Amend Section 4 as follows: Strike in its entirety.

Amend Section 5 as follows: Renumber as Section 4.

Amend Section 6 to read as follows: Renumber as Section 5.

5. That the task force shall report findings or recommendations to date by March 15, 1986, in time for the Legislature to consider any such recommendations this session. They may indicate what information remains ungathered or unanalyzed. They may make majority and minority findings.

Mr. Pappas moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Scofield amendment was adopted with 25 ayes, 14 nays, 5 present and not voting, and 5 excused and not voting.

Mr. DeCamp offered the following amendment to the Landis pending amendment found in the Journal on page 681:

Add new Section -

Provided, however, that if the Governor fails to appoint the members within 3 working days, the Legislature's Executive Board shall appoint the members the Governor was to appoint.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 471, 595, 599, and 621.

RESOLUTION

LEGISLATIVE RESOLUTION 335. The DeCamp pending amendment found in this day's Journal was renewed.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The DeCamp amendment was adopted with 26 ayes, 10 nays, 10 present and not voting, and 3 excused and not voting.

Mr. Beutler offered the following amendment to the Landis pending amendment:

To amend LR 335 by adding the following new section:

"The legislature hereby expresses its intent to support a deficit appropriation in an amount not to exceed \$20,000 in the event the executive board makes the determination that outside research assistance is necessary in order to meet the reporting deadline."

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 10, 1986, at 11:50 a.m., were the following bills: 471, 595, 599, and 621.

(Signed) Pam Moravec, Enrolling Clerk

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 779. Placed on Select File as amended.

E & R amendments to LB 779:

AM5237

- 1 1. In lieu of the V. Johnson amendment
- 2 adopted January 30, 1986, found on page 602 of the
- 3 Journal:
- 4 a. Strike original section 2 and renumber the
- 5 remaining section accordingly; and
- 6 b. On page 10, line 17, strike "sections" and

- 7 insert "section" and strike "and"; and in line 18 strike
- 8 "60-407" and strike "are" and insert "is".
- 9 2. On page 1, line 1, strike "traffic rules
- 10 and regulations" and insert "rules of the road"; in line
- 11 2 strike "sections 39-669.34 and 60-407" and insert
- 12 "section 39-669.34"; strike beginning with "to" in line
- 13 5 through the semicolon in line 6; and in line 7 strike
- 14 "sections" and insert "section".
- 15 3. On page 2, line 20, strike both commas and
- 16 show as stricken.

LEGISLATIVE BILL 780. Placed on Select File.

LEGISLATIVE BILL 864. Placed on Select File.

LEGISLATIVE BILL 904. Placed on Select File as amended.

E & R amendment to LB 904:

AM5240

- 1 1. For purposes of correlation with section 1
- 2 Legislative Bill 742:
- 3 a. On page 1, strike beginning with "amend" in
- 4 line 1 through "to" in line 3; in lines 4 and 5 strike
- 5 "to harmonize provisions;" and insert "and"; and strike
- 6 beginning with "the" in line 5 through "also" in line 6;
- 7 b. On page 2, strike beginning with "original"
- 8 in line 13 through line 14;
- 9 c. Strike original section 1; and
- 10 d. Renumber the remaining section accordingly.

LEGISLATIVE BILL 922. Placed on Select File as amended.

E & R amendment to LB 922:

AM5239

- 1 1. On page 1, line 2, after "funds" insert
- 2 "for mental health treatment programs".

LEGISLATIVE BILL 871. Placed on Select File as amended.

E & R amendments to LB 871:

AM5241

- 1 1. On page 1, line 9, after "53-124.07"
- 2 insert a comma.
- 3 2. On page 14, line 1, strike the comma and
- 4 show as stricken; in line 9 strike ". This", show as
- 5 stricken, and insert "the provisions of this"; and in
- 6 line 14 strike the comma and show as stricken.
- 7 3. On page 15, line 11, strike the comma and
- 8 show as stricken.

9 4. On page 16, line 1, strike "Where", show
10 as stricken, and insert "When"; and in line 7 strike the
11 third comma.

(Signed) Timothy Hall, Chairperson

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 885. Placed on General File as amended.
Standing Committee amendment to LB 885:
AM1992

1 1. Strike the original section and insert the
2 following new sections:
3 "Section 1. (1) In a county having a
4 population of less than thirty-five thousand inhabitants
5 which does not have an elected public defender, the
6 county board of such county may appoint a qualified
7 attorney to serve as public defender for such county.
8 In making the appointment and negotiating the contract,
9 the county board shall comply with sections 2 to 4 of
10 this act.

11 (2) Nothing in sections 29-1804 to 29-1804.14
12 shall be construed to apply to this act.

13 Sec. 2. (1) Prior to making the appointment
14 and negotiating the contract provided for in section 1
15 of this act, the county board of such county shall
16 appoint a policy board which shall ensure the
17 independence of the contracting attorney and provide the
18 county board with expertise and support in such matters
19 as criminal defense functions, determination of salary
20 levels, determination of reasonable caseload standards,
21 response to community and client concerns, and
1 implementation of the contract. The policy board shall
2 consist of three members. Two of the members shall be
3 practicing attorneys, and one member shall be a lay
4 person. The policy board shall not include judges,
5 prosecutors, or law enforcement officials.

6 (2) The policy board shall: (a) Receive
7 applications from all attorneys who wish to be a public
8 defender; (b) screen the applications to insure
9 compliance with this act; (c) forward the names of any
10 qualified applicants to the county board which shall
11 make the appointments from the list of qualified
12 candidates; (d) recommend to the county board the level

13 of compensation that the public defender should receive
14 and further recommend any contract provisions consistent
15 with this act; and (e) monitor compliance with this act,
16 including any continuing legal education requirements.

17 Sec. 3. (1) The contract negotiated between
18 the county board and the contracting attorney shall
19 specify the categories of cases in which the contracting
20 attorney is to provide services.

21 (2) The contract negotiated between the county
22 board and the contracting attorney shall be awarded for
23 at least a two-year term. Removal of the contracting
24 attorney short of the agreed term may be for good cause
1 only.

2 (3) The contract between the county board and
3 the contracting attorney may specify a maximum allowable
4 caseload for each full-time or part-time attorney who
5 handles cases under the contract. Caseloads shall allow
6 each lawyer to give every client the time and effort
7 necessary to provide effective representation.

8 (4) The contract between the county board and
9 the contracting attorney shall provide that the
10 contracting attorney be compensated at a minimum rate
11 which reflects the following factors:

12 (a) The customary compensation in the
13 community for similar services rendered by a privately
14 retained counsel to a paying client or by government or
15 other publicly paid attorneys to a public client;

16 (b) The time and labor required to be spent by
17 the attorney; and

18 (c) The degree of professional ability, skill,
19 and experience called for and exercised in the
20 performance of the services.

21 (5) The contract between the county board and
22 the contracting attorney shall provide that the
23 contracting attorney may decline to represent clients at
24 no reduced compensation if the contracting attorney is
1 assigned more cases which require an extraordinary
2 amount of time and preparation than the contracting
3 attorney can competently handle.

4 (6) The contract between the contracting
5 attorney and the county board shall provide that the
6 contracting attorney shall receive at least ten hours of
7 continuing legal education annually in the area of
8 criminal law. The contract between the county board and
9 the contracting attorney shall provide funds for the

10 continuing legal education of the contracting attorney
11 in the area of criminal law.

12 (7) The contract between the county board and
13 the contracting attorney shall require that the
14 contracting attorney provide legal counsel to all
15 clients in a professional, skilled manner consistent
16 with minimum standards set forth by the American Bar
17 Association and the Canons of Ethics for Attorneys in
18 the State of Nebraska. The contract between the county
19 board and the contracting attorney shall provide that
20 the contracting attorney shall be available to eligible
21 defendants upon their request, or the request of someone
22 acting on their behalf, at any time the Constitution of
23 the United States or the Constitution of Nebraska
24 requires the appointment of counsel.

1 (8) The contract between the county board and
2 the contracting attorney shall provide for reasonable
3 compensation over and above the normal contract price
4 for cases which require an extraordinary amount of time
5 and preparation, including capital cases.

6 Sec. 4. (1) The contracting attorney shall
7 have been a practicing attorney for at least two years
8 prior to entering into the contract with the county
9 board, shall be a member in good standing of the
10 Nebraska State Bar Association at the time the contract
11 is executed, and shall have past training or experience
12 in criminal law.

13 (2) The contracting attorney shall apply to
14 the court which is hearing the case for fees to employ
15 social workers, mental health professionals, forensic
16 experts, investigators, and other support staff to
17 perform tasks for which such support staff and experts
18 possess special skills and which does not require legal
19 credentials or experience. The court which is hearing
20 the case shall allow reasonable fees for such experts
21 and support staff, and the fees shall be paid by the
22 county board. The contract between the county board and
23 the contracting attorney shall not specify any sums of
24 money for such experts or support staff.

1 Sec. 5. In the event that the contracting
2 attorney is appointed to represent an individual charged
3 with a Class I or IA felony, the contracting attorney
4 shall immediately apply to the district court for
5 appointment of a second attorney to assist in the case.
6 Upon application from the contracting attorney, the

7 district court shall appoint another attorney with
8 substantial felony trial experience to assist the
9 contracting attorney in the case. Application for fees
10 for the attorney appointed by the district court shall
11 be made to the district court judge who shall allow
12 reasonable fees. Once approved by the court, these fees
13 shall be paid by the county board.”.

(Signed) David Landis, Chairperson

MOTION - Place LB 524 on General File

Mr. Hoagland moved to place LB 524 on General File pursuant to Rule 3, Section 19.

Laid over.

ANNOUNCEMENTS

Mr. L. Johnson designates LB 105 as his priority bill.

Mr. R. Johnson announced the Standing Committee on Agriculture and Environment will hold an Executive Session on Tuesday, February 11, 1986, at 8:00 a.m., in Room 1520.

UNANIMOUS CONSENT - Print in Journal

Mr. Pappas asked unanimous consent to print the following amendment to LB 890 in the Journal. No objections. So ordered.

1. Insert a new Section 2.

Sec. 2. A city of the first class is hereby authorized to increase any city sales and use tax existing on January 1, 1986, imposed pursuant to this section by an amount not to exceed one and one half percent. The question of such tax increase shall be submitted pursuant to this act.

2. Insert a new section 3.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

3. Renumber the old section 2 accordingly.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 340.

VISITORS

Visitors to the Chamber were 30 Leadership Education Action Development (LEAD) Fellows from across the state; Senator Sieck's son and daughter-in-law, Tom and Joann Sieck and children, Jeff and Peggy from Pleasant Dale; Dr. Aaron Walter from Norfolk; 18 members and leader of the Nebraska 4-H Awareness Team and Lancaster County 4-H Ambassadors; 6 high school students and teacher from Nemaha Valley; and Mr. and Mrs. Ernest Griffiths from Harrisburg.

ADJOURNMENT

At 12:04 p.m., on a motion by Mr. Beutler, the Legislature adjourned until 9:00 a.m., Tuesday, February 11, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-THIRD DAY - FEBRUARY 11, 1986

LEGISLATIVE JOURNAL

TWENTY-THIRD DAY - FEBRUARY 11, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 11, 1986

Pursuant to adjournment, the Legislature met at 9:02 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. Morris Goldhammer, Calvary Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Pappas who was excused; and Messrs. Barrett, Beutler, Chambers, Eret, Hall, Hannibal, Hartnett, R. Johnson, V. Johnson, Lynch, Peterson, Remmers, Schmit, Vickers, Warner, Withem, and Mrs. Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Second Day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 548.

Correctly Engrossed

The following bills were correctly engrossed: 275 and 351.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 275

ER0132

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Pappas amendment adopted on February 3, 1986, found on page 604 of the Journal, on page 1, line 1, strike "Any" and insert "any"; and in line 2 strike "Indian Style" and insert "Indian-style".
2. In the E & R amendments, AM5214, adopted February 3, 1986, on page 1, line 1, the second "1" has been struck and "4" inserted.

**Enrollment and Review Change to LB 548
(FINAL READING COPY)**

ER0121

The following changes, required to be reported for publication in the Journal, have been made:

1. In lieu of the Chambers amendment adopted February 7, 1986, found on page 698 of the Journal:

- a. On page 1, line 3; and page 14, line 13, "and" has been struck and after the last comma "and 49-14,101," has been inserted;

- b. On page 2, line 2, "to provide an exception to a penalty;" has been inserted after the semicolon;

- c. The following new section has been inserted:

"Sec. 14. That section 49-14,101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-14,101. (1) No person shall offer or give to the following persons anything of value, including a gift, loan, contribution, reward, or promise of future employment, based on an agreement that the vote, official action, or judgment of any public official, public employee, or candidate would be influenced thereby:

- (a) A public official, public employee, or candidate;

- (b) A member of the immediate family of an individual listed in subdivision (a) of this subsection; or

- (c) A business with which an individual listed under subdivision (a) or (b) of this subsection is associated.

(2) No person listed in subsection (1) of this section shall solicit or accept anything of value, including a gift, loan, contribution, reward, or promise of future employment based on an agreement that the vote, official action, or judgment of the public official, public employee, or candidate would be influenced thereby.

(3) No public official or public employee shall use that person's public office or any confidential information received through the holding of a public office to obtain financial gain, other than compensation provided by law, for himself or herself, a member of his or her immediate family, or a business with which the individual is associated.

(4) No public official or public employee shall use personnel, resources, property, or funds under that individual's official care and control, other than in accordance with prescribed constitutional, statutory, and regulatory procedures, or use such items, other than compensation provided by law, for personal financial gain.

(5) Except as provided in section 23-3113, any person violating the provisions of this section shall be guilty of a Class III misdemeanor, except that no vote by any member of the Legislature shall subject such member to any criminal sanction under this section."; and

d. The remaining section has been renumbered accordingly.

(Signed) Mary E. Sommermeyer
E & R Attorney

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 1068. Placed on General File as amended.
Standing Committee amendment to LB 1068:

AM2029

- 1 1. On page 2, in lines 8 through 11,
- 2 reinstatement the stricken matter; and in line 9 after the
- 3 reinstated "deeds" insert "executed and".

LEGISLATIVE BILL 1069. Placed on General File as amended.
Standing Committee amendment to LB 1069:

AM2002

- 1 1. Strike the original sections and insert
- 2 the following new sections:
- 3 "Section 1. For purposes of this act,
- 4 tangible personal property shall mean all business
- 5 equipment and machinery required to be reported to the
- 6 county assessor including, but not limited to, office
- 7 equipment, machinery, tools, supplies, electronic data
- 8 processing and related equipment, property held for
- 9 rental or lease, and household goods and personal
- 10 effects owned or used for financial gain or profit, but
- 11 shall not include motor vehicles, trailers, boats,
- 12 airplanes, mobile homes, or improvements on leased land.

13 Sec. 2. In order to establish a uniform and
14 consistent method for determining actual value of
15 tangible personal property in all counties, tangible
16 personal property shall be valued at actual value using
17 the method of original cost less depreciation.

18 Sec. 3. This act shall become operative on
19 January 1, 1986.

20 Sec. 4. Since an emergency exists, this act
21 shall be in full force and take effect, from and after
1 its passage and approval, according to law.”.

LEGISLATIVE BILL 1143. Placed on General File as amended.
Standing Committee amendment to LB 1143:

AM2028

- 1 1. On page 4, line 4, strike “and”; in line 9
- 2 after “order” insert “; and
- 3 (e) The samples were obtained in such a manner
- 4 to minimize distortion and contamination”; and in line
- 5 19 after the period insert “If the alcohol content
- 6 equals or exceeds nine per cent, the sample shall be
- 7 deemed to comply with the requirements of such act.”.

(Signed) Vard R. Johnson, Chairperson

REPORT

Received from the Nebraska State Patrol a cash fund report of the Nebraska State Patrol Drug Control pursuant to Nebraska Statute §28-429(3).

MESSAGE FROM THE SECRETARY OF STATE

February 10, 1986

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment requiring legislative confirmation:

Robert W. Sim, Lincoln, Nebraska, 68501, Member of the Nebraska Accountability and Disclosure Commission, for the unexpired portion of a six year term ending June 30, 1987.

This appointment was made by me, pursuant to the provisions of sections 49-14,105, 49-14,112 and 49-14,113.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ALLEN J. BEERMANN
Secretary of State

cc: Robert W. Sim
Accountability and Disclosure Commission
Senator Elroy M. Hefner

MOTION - Approve Appointments

Mr. Hefner moved the adoption of the report of the Miscellaneous Subjects Committee for the following Governor appointments found in the Journal on page 720: Susan K. Renken - Nebraska Arts Council; Willie L. Sapp - Nebraska Arts Council.

Voting in the affirmative, 29:

Abboud	Eret	Higgins	Miller	Rupp
Baack	Goll	Hoagland	Morehead	Scofield
Beyer	Goodrich	Johnson, L.	Nelson	Sieck
Carsten	Haberman	Lamb	Nichol	Smith
Chizek	Hannibal	Lundy	Peterson	Wesely
Chronister	Harris	Marsh	Rogers	

Voting in the negative, 0.

Present and not voting, 4:

Conway	Hefner	Labeledz	Landis
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Excused and not voting, 16:

Barrett	Hall	Johnson, V.	Pirsch	Vickers
Beutler	Hartnett	Lynch	Remmers	Warner
Chambers	Johnson, R.	Pappas	Schmit	Withem
DeCamp				

These appointments were confirmed with 29 ayes, 0 nays, 4 present and not voting, and 16 excused and not voting.

MOTION - Place LB 524 on General File

Mr. Hoagland renewed his pending motion found in the Journal on page 730 to place LB 524 on General File notwithstanding the committee action.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Hoagland moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Hoagland requested a roll call vote on his motion.

Voting in the affirmative, 23:

Baack	Goll	Lynch	Pirsch	Sieck
Barrett	Hefner	Marsh	Remmers	Warner
Beyer	Hoagland	Morehead	Rogers	Wesely
Carsten	Landis	Nelson	Rupp	Withem
Chizek	Lundy	Nichol		

Voting in the negative, 14:

Conway	Hannibal	Labeledz	Peterson	Smith
Haberman	Harris	Lamb	Schmit	Vickers
Hall	Johnson, R.	Miller	Scofield	

Present and not voting, 6:

Abboud	Eret	Hartnett	Higgins	Johnson, L.
Chronister				

Absent and not voting, 1:

Goodrich

Excused and not voting, 5:

Beutler Chambers DeCamp Johnson, V. Pappas

The Hoagland motion to place LB 524 on General File lost with 23 ayes, 14 nays, 6 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS **Health and Human Services**

The Committee on Health and Human Services desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Julie Brown-Arfmann - State Board of Health
Jeanette Masek - State Board of Health
Edward Adickes - State Board of Health
Jerald Schenken - State Board of Health
John J. Clark - State Board of Health
Judith Quinn - State Board of Health

Senators Chronister, Hall, Lynch, Peterson, Smith, Wesely and Withem voted aye for these confirmations.

(Signed) Don Wesely, Chairperson

Business and Labor

LEGISLATIVE BILL 1036. Placed on General File.
LEGISLATIVE BILL 1037. Placed on General File.
LEGISLATIVE BILL 1204. Placed on General File.

LEGISLATIVE BILL 1203. Placed on General File as amended.
Standing Committee amendments to LB 1203:
AM2010

- 1 1. On page 3, line 15, reinstate the stricken
- 2 matter.
- 3 2. On page 6, line 22, reinstate "and" and
- 4 after "buildings" insert an underscored comma; and in
- 5 line 23 strike the underscored comma and after
- 6 "assembly" insert an underscored comma.

- 7 3. On page 14, line 13, after "school" insert
8 "and of each place of public assembly".

(Signed) Bill Barrett, Chairperson

MOTION - Withdraw LB 1236

Mrs. Pirsch renewed her pending motion found in the Journal on page 708 to withdraw LB 1236.

The motion prevailed with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

MOTION - Withdraw LB 818

Mr. R. Johnson renewed his pending motion found in the Journal on page 718 to withdraw LB 818.

The motion prevailed with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 772. Title read. Considered.

Mr. Chambers offered the following amendment:

Page 3 - Strike paragraph (1) lines 1-8.

Messrs. R. Johnson and Warner asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER NICHOL PRESIDING

Mrs. Labeledz and Mr. Lundy asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chizek moved the previous question. The question is, "Shall the debate now close?"

Mr. Chizek moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 14:

Barrett	Eret	Hannibal	Morehead	Smith
Chambers	Haberman	Higgins	Scofield	Vickers
DeCamp	Hall	Johnson, V.	Sieck	

Voting in the negative, 22:

Abboud	Chizek	Hoagland	Nelson	Rogers
Baack	Chronister	Lamb	Peterson	Rupp
Beutler	Conway	Landis	Pirsch	Wesely
Beyer	Hartnett	Marsh	Remmers	Withem
Carsten	Hefner			

Present and not voting, 8:

Goll	Harris	Lynch	Nichol	Schmit
Goodrich	Johnson, L.	Miller		

Excused and not voting, 5:

Johnson, R.	Labeledz	Lundy	Pappas	Warner
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The Chambers amendment lost with 14 ayes, 22 nays, 8 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment:

Page 3, line 5, strike "knows or"

PRESIDENT MCGINLEY PRESIDING

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 7:

Carsten	DeCamp	Miller	Sieck	Vickers
Chambers	Haberman			

Voting in the negative, 13:

Abboud	Chizek	Johnson, L.	Marsh	Pirsch
Beutler	Conway	Landis	Nichol	Remmers
Beyer	Hoagland	Lundy		

Present and not voting, 25:

Baack	Goodrich	Hefner	Morehead	Schmit
Barrett	Hall	Higgins	Nelson	Scofield
Chronister	Hannibal	Johnson, V.	Peterson	Smith
Eret	Harris	Lamb	Rogers	Wesely
Goll	Hartnett	Lynch	Rupp	Withem

Excused and not voting, 4:

Johnson, R.	Labedz	Pappas	Warner
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The Chambers amendment lost with 7 ayes, 13 nays, 25 present and not voting, and 4 excused and not voting.

Pending.

MOTION - Reconsider Action on LB 524

Messrs. V. Johnson and DeCamp moved to reconsider the motion to place LB 524 on General File.

Laid over.

MOTION - Withdraw LR 19CA

Mr. Withem moved to withdraw LR 19CA.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 1033 in the Journal. No objections. So ordered.

AM2081

- 1 1. Insert the following new section:
- 2 "Sec. 2. That section 14-217.01, Reissue

3 Revised Statutes of Nebraska, 1943, be amended to read
4 as follows:

5 14-217.01. A city of the metropolitan class
6 shall elect a mayor for such term as may be provided by
7 the laws and ordinances of such city. He or she shall
8 take office on the fourth Monday following the election
9 and on such date shall take an oath of office at such
10 time and place as deemed appropriate by the elected
11 mayor. The place where such oath shall be administered
12 shall be a public place sufficient in size to
13 accommodate anticipated public interest."

14 2. On page 32, line 20, after the comma
15 insert "14-217.01,".

16 3. Renumber the remaining sections
17 accordingly.

ANNOUNCEMENT

Mr. Peterson designates LB 318 as his priority bill.

MESSAGE FROM THE GOVERNOR

February 11, 1986

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 746, 747, 748, 749, 750, 212, 546, 301, 593, 644, 302, 643, 643A, 172 and 988 were received in my office on February 7, 1986.

These bills were signed by me on February 11, 1986 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

ANNOUNCEMENT

Pursuant to Rule 8, Section 2, the Appropriations Committee has filed its preliminary report summarizing the recommended total General Fund appropriation for each year of the following biennium.

UNANIMOUS CONSENT - Print in Journal

Mr. Pappas asked unanimous consent to print the following amendment to LB 325 in the Journal. No objections. So ordered.

(Amendments to AM 1703)

1. On page 1, line 22, strike the new matter.
2. On page 2, strike the new matter in lines 1 through 7; and strike beginning with the first "the" in line 8 through "member" in line 10 show as stricken, and insert "the annuity at the date it begins shall be reduced by three percent for each year after the member's sixtieth birthday and prior to his or her sixty-fifth birthday.
3. On page 5, line 24 strike "January" and insert "July".
4. On page 6, strike the new matter in lines 12 to 14, 20 and 21; and in line 24 strike "on an actuarially reduced basis", show as stricken, and insert "and shall be reduced by the percentage prescribed in section 79-1522.01".

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 512. Placed on Select File as amended.
E & R amendments to LB 512:
AM5242

- 1 1. In the Standing Committee amendments,
- 2 AM0514, adopted January 30, 1986, on page 1, line 2,
- 3 after "insert" insert "the following new paragraph:";
- 4 and in line 10 strike "5" and insert "4", strike "1" and
- 5 insert "25", and after "after" insert "the first".
- 6 2. On page 2, line 14, after "surveyor"
- 7 insert "as provided in sections 81-8.108 to 81-8.127".
- 8 3. On page 4, line 7, insert paragraphing
- 9 before "In"; in line 11 after "if" insert an underscored
- 10 comma; in line 12 after "surveyor" insert an underscored
- 11 comma; and in line 22 strike "a" and show as stricken.
- 12 4. On page 5, line 1, after "each" insert
- 13 "such"; in lines 13 and 21, strike the semicolon, show
- 14 as stricken, and insert an underscored comma; and in
- 15 line 20 after "inhabitants" insert an underscored comma.

LEGISLATIVE BILL 572. Placed on Select File as amended.

E & R amendments to LB 572:

AM5243

- 1 1. In the Standing Committee Amendment,
2 AM1919, adopted February 6, 1986, on page 2, line 4,
3 after "A" insert "licensed"; in line 14 strike "sections
4 3 to 7" and insert "'3' and insert '2'"; in line 15
5 strike "of"; and in line 17 strike "where" and insert
6 "when".
- 7 2. On page 1, line 1, strike "71-184" and
8 insert "71-193.13"; strike beginning with the second
9 comma in line 2 through "1984" in line 4; in line 5
10 strike "exceptions to"; in line 6 after the semicolon
11 insert "to define terms; to provide for rules and
12 regulations; to eliminate a provision relating to dental
13 hygienists;"; in line 7 strike "sections" and insert
14 "section"; and in line 8 strike "and 71-193.13".
- 15 3. On page 6, line 23, strike "health
16 related" and insert "health-related".
- 17 4. On page 8, line 4, after "act" insert an
18 underscored comma.

LEGISLATIVE BILL 796. Placed on Select File.

LEGISLATIVE BILL 1012. Placed on Select File as amended.

E & R amendments to LB 1012:

AM5244

- 1 1. On page 2, strike beginning with
2 "sections" in line 5 through "14-1826" in line 6, show
3 the old matter as stricken, and insert "the Transit
4 Authority Law".
- 5 2. On page 3, line 17, strike "certificates",
6 show as stricken, and insert "certificate".
- 7 3. On page 4, strike beginning with
8 "sections" in line 8 through the comma in line 10, show
9 the old matter as stricken, and insert "the Transit
10 Authority Law".
- 11 4. On page 5, lines 10, 20, 22, and 23,
12 strike the new matter and reinstate the stricken matter.
- 13 5. On page 8, strike beginning with
14 "sections" in line 2 through "14-1826" in line 3, show
15 the old matter as stricken, and insert "the Transit
16 Authority Law"; and strike beginning with "sections" in
17 line 21 through "14-1826" in line 23, show the old
18 matter as stricken, and insert "the Transit Authority

- 19 Law".
 20 6. On page 9, strike beginning with
 21 "sections" in line 4 through "14-1826" in line 6, show
 1 the old matter as stricken, and insert "the Transit
 2 Authority Law"; and in line 11 strike the comma and show
 3 as stricken.
 4 7. On page 10, line 9, strike "Statues" and
 5 insert "Statutes".

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 74, 531, and 578.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 74 (FINAL READING COPY)

The following changes, required to be reported for publication in the Journal, have been made:

ER0133

1. The Pappas amendment adopted February 10, 1986, found on page 714 of the Journal which was to the bill as introduced has been incorporated into the Final Reading Copy as follows: On page 2, line 18, "on or after the effective date of this act" has been inserted after "who".

Enrollment and Review Changes to LB 531 (Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:

ER0134

1. In lieu of the Lynch amendment adopted February 10, 1986, found on page 715 of the Journal:
 - a. On page 2, lines 6, 14, and 21, "February" has been struck and "March" inserted; and
 - b. On page 3, line 7, "January" has been struck and "February" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

RESOLUTIONS

LEGISLATIVE RESOLUTION 341.

Introduced by Eret, 32nd District.

WHEREAS, Don E. Apley, Sr. of Geneva, Nebraska, a member of the Silver-Haired Legislature representing the thirty-second legislative district passed away on November 23, 1985; and

WHEREAS, in addition to being a valued member of the Silver-Haired Legislature, Mr. Apley was an active member in many civic and local organizations; and

WHEREAS, his many years of service were worthy and are deserving of recognition by the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature extend deepest sympathy to the family of Don E. Apley, Sr.
2. That a copy of this resolution be presented to the family of Don E. Apley, Sr. as an expression of recognition of his accomplishments.

Laid over.

LEGISLATIVE RESOLUTION 342.

Introduced by Vickers, 38th District; Nelson, 35th District; R. Johnson, 34th District; Schmit, 23rd District.

Whereas, Nebraska's agricultural land is a valuable and productive resource which should be protected, and

Whereas, soil conservation programs have historically provided funding for conservation practices which protect the productivity of the land while it remains in active use as cropland, and

Whereas, recent budget decisions of the United States Department of Agriculture will eliminate funds for conservation practices on land in active crop production use and provide funds only for withdrawing land from active crop production use, and

Whereas, totally eliminating funds for conservation practices on land in active crop production use will increase soil and water conservation problems and abandon a program with a long history of success, and

Whereas, due to extreme financial distress, it will be impossible for many Nebraska farmers to withdraw land from production, and

Whereas, providing funds only for land retirement programs will have a negative effect on the local economy in most of Nebraska, and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION,

1. That the Legislature urges the United States Department of Agriculture to recognize the continuing need for soil conservation funding programs, and reallocate funds now committed to land retirement programs to these historically successful soil conservation programs, and

2. Recognizing that the Congress has only Forty five days to act on this matter, the Legislature urges our Congressional delegation to give this issue their immediate attention and concern.

Laid over.

NOTICE OF COMMITTEE HEARINGS

Judiciary

LB 1011	Tuesday, February 18, 1986	1:30 P.M.
LB 1160	Tuesday, February 18, 1986	1:30 P.M.
LB 1064	Tuesday, February 18, 1986	1:30 P.M.
LB 881	Tuesday, February 18, 1986	1:30 P.M.
LB 1086	Tuesday, February 18, 1986	1:30 P.M.
LB 1213	Wednesday, February 19, 1986	1:30 P.M.
LB 1097	Wednesday, February 19, 1986	1:30 P.M.
LB 1098	Wednesday, February 19, 1986	1:30 P.M.
LB 1099	Wednesday, February 19, 1986	1:30 P.M.
LB 982	Monday, February 24, 1986	1:30 P.M.
LB 1053	Monday, February 24, 1986	1:30 P.M.
LB 974	Monday, February 24, 1986	1:30 P.M.
LB 987	Monday, February 24, 1986	1:30 P.M.
LB 919	Monday, February 24, 1986	1:30 P.M.
LB 1245	Tuesday, February 25, 1986	1:30 P.M.
LB 1148	Tuesday, February 25, 1986	1:30 P.M.
LB 1026	Tuesday, February 25, 1986	1:30 P.M.
LB 1141	Tuesday, February 25, 1986	1:30 P.M.
Executive Session	Wednesday, February 26, 1986	1:30 P.M.

(Signed) Peter Hoagland, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 298 in the Journal. No objections. So ordered.

AM2051

(Amendments to AM1709)

- 1 1. On page 2, line 4, after "be" insert
- 2 "fixed"; in line 8 strike "settled immediately prior to"
- 3 and insert "in effect on"; in line 10 after "rate"
- 4 insert "and any changes to it"; in line 11 strike
- 5 "within" and insert "to be in effect"; in line 12 after
- 6 "Treasury" insert "of the United States"; and in line 17
- 7 after "to" insert "a".

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of the following Governor appointments.

Public Works

P.J. Morgan - Motor Vehicle Industry Licensing Board
Donald Ramer - Motor Vehicle Industry Licensing Board

Constitutional Revision and Recreation

L. Bruce Wright - Game and Parks Commission

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

STANDING COMMITTEE REPORTS

Agriculture and Environment

LEGISLATIVE BILL 1176. Placed on General File.

LEGISLATIVE BILL 1102. Indefinitely postponed.

(Signed) Rod Johnson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 772. Mr. Chambers offered the following amendment:

Pages 3, 4 strike paragraph (2).

Mr. Chizek moved the previous question. The question is, "Shall the debate now close?"

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chizek moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The motion to cease debate prevailed with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 8:

Chambers	Eret	Higgins	Sieck	Smith
DeCamp	Haberman	Scofield		

Voting in the negative, 22:

Abboud	Chronister	Johnson, L.	Marsh	Peterson
Beutler	Conway	Lamb	Miller	Pirsch
Beyer	Hall	Landis	Nelson	Remmers
Carsten	Hefner	Lundy	Nichol	Rupp
Chizek	Hoagland			

Present and not voting, 14:

Baack	Goodrich	Hartnett	Morehead	Vickers
Barrett	Hannibal	Johnson, V.	Rogers	Withem
Goll	Harris	Lynch	Schmit	

Excused and not voting, 5:

Johnson, R.	Labedz	Pappas	Warner	Wesely
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The Chambers amendment lost with 8 ayes, 22 nays, 14 present and not voting, and 5 excused and not voting.

Mr. Goll asked unanimous consent to be excused. No objections. So ordered.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 805A. By Hoagland, 6th District; Abboud, 12th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 805, Eighty-ninth Legislature, Second Session, 1986; and to declare an emergency

VISITORS

Visitors to the Chamber were Senator Higgins' husband, Dave Higgins and Bob and Pat Caudel from Bismark, North Dakota; former Senator George Syas from Omaha; 30 students and leader from Westside High School, Omaha; 50 members of the Motorcycle Legislative Group; and Senator Joseph Harrison from Indiana.

ADJOURNMENT

At 11:57 a.m., on a motion by Mrs. Higgins, the Legislature adjourned until 9:00 a.m., Wednesday, February 12, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FOURTH DAY - FEBRUARY 12, 1986**LEGISLATIVE JOURNAL****EIGHTY-NINTH LEGISLATURE
SECOND SESSION****TWENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 12, 1986

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. Dillon Hess, United Methodist Church, Shelby, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Hoagland, Lamb, Landis, Lynch, Remmers, Schmit, Sieck, and Mrs. Nelson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Third Day was approved.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 86011
February 6, 1986

To: Senator DeCamp

Subject: Constitutionality of Granting One Vote to the Three Student Members of the Board of Regents.
(LR 306CA)

Question: Would the granting of one vote to three student members of the Board of Regents, as a group, violate the "one man, one vote" principle, the U.S. Constitution or the Nebraska Constitution?

Conclusion: Such action as proposed in LR 306 CA would not violate the "one man, one vote" principle. Yet it would defy both the U.S. Constitution Fourteenth Amendment Equal Protection Clause and Nebraska Constitution Article VII Section 10.

The U.S. Supreme Court has held that the "one man, one vote" principle is irrelevant where an election is not involved nor required. Sailors v. Kent Board of Education, 387 U.S. 105 (1967). Student members are not elected to the Board of Regents. Article VII Section 10 of the Nebraska Constitution in effect appoints the Student Body Presidents to the Board by operation of law. The eight regents are elected to the Board. A combination of elected and appointed members is permissible for nonlegislative state agencies. Id. at 111. The Board of Regents is essentially administrative. Board of Regents v. County of Lancaster, 48 N.W.2d 221, 154 Neb. 398 (1951). Therefore the "one man, one vote" principle does not apply.

"The Equal Protection Clause does not of course require that the State never distinguish between citizens, but only that the distinctions that are made not be arbitrary or invidious." Avery v. Midland County, 390 U.S. 474, 484 (1968).

The Board is currently comprised of two classes of members. Student Members, who are nonvoting and Regents who are voting members. LR 306 CA proposes that each student member be given a one third (1/3) say in how one vote is to be cast. Once student members join the voting class they must be treated equally with other members of the class unless some reason that is not arbitrary or invidious exists for distinguishing them. A distinction based on student status or on appointed status is arbitrary and invidious. If the student members are to be granted the franchise they must be given one full vote each.

Article VII Section 10 of the Nebraska Constitution provides

The general government of the University of Nebraska shall, under the direction of the Legislature, be vested in a board of not less than six nor more than eight regents to be designated the Board of Regents of the University of Nebraska, who shall be elected from and by districts as herein provided and three students of the University of Nebraska who shall serve as nonvoting members. . . . Their duties and powers shall be prescribed by law; (Emphasis added).

The Board of Regents consist of eight regents and three student members. The student members are not regents. They have no duties or powers prescribed by law. The regents exercise their duties and powers by majority vote. Therefore giving the student members one

vote in effect makes them a regent--the ninth regent. Giving them one vote each expands the Board to eleven regents. The constitution and the proposed amendment specifically state that there shall be no less than six and no more than eight regents. The resolution would have to be reworded to expand the Board to more than eight regents.

We call to your attention that Neb.Rev.Stat. §85-103 does not acknowledge student membership on the Board. Consequently it is uncertain whether §85-106 prescribes any duties or powers for student members.

Sincerely yours,
ROBERT M. SPIRE
Attorney General
(Signed) Yvonne E. Gates
Assistant Attorney General

YEG/bae
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 86012
February 5, 1986

To: Senator Rupp

Subject: "One person, One Vote": Its Application to the Board of Regents Student Members.

You questioned whether granting voting rights to student members of the University of Nebraska Board of Regents would violate Article 1, Section 22 of the Nebraska Constitution and the Fourteenth Amendment of the United States Constitution. The Free Elections Clause, Neb. Const. art. I, §22, demands that each qualified voter be free to exercise the right to vote without any impediment. The general election of the Board of Regents by district is free and open to all electors of the district. Likewise, the process of electing a Student Body President for each of the university campuses does not impede the right of any student voter. Therefore we see no violation of the Nebraska Constitution in this respect.

The Equal Protection Clause of the United States Constitution presents a more complex situation. The 1974 Amendment to Article VII, Section 10 of the Nebraska Constitution in effect appoints the Student Body President of each campus to the Board of Regents. That the Board of Regents is comprised of both elected and appointed members does not contravene the Equal Protection Clause. In Sailors v. Board of Education, the United States Supreme Court

ruled "At least as respects nonlegislative officers, a State can appoint local officials or elect them or combine the elective and appointive systems as was done here." 387 U.S. 105, 111 (1967). The question then must focus on whether the Board of Regents is a legislative or administrative body.

The board appears to be legislative based on a cursory reading of its bylaws and empowering statute. Neb.Rev.Stat. §85-106 specifically grants: "The Board of Regents shall have power (1) to enact laws for the government of the university; . . .". The board's authority also includes the election of university presidents, deans, chancellors and others. It prepares and controls the annual budget, generally determines policy and sets guidelines for the university. However, the Nebraska Supreme Court stated that the Board of Regents is an administrative agency of the state with power to make rules and regulations germane to its legislated purpose. Board of Regents v. County of Lancaster, 48 N.W.2d 221, 154 Neb. 398 (1951). Because the Board of Regents is basically an administrative unit of the state exercising limited governmental powers, an election of regents is not required. The principle of "one person, one vote" only applies to elections of officials with essentially legislative responsibility. It does not apply to the Board of Regents.

Additionally, we call to your attention that Neb.Rev.Stat. §85-103 was not revised subsequent to the 1974 amendment to Article VII, Section 10. It does not provide for student membership on the Board of Regents and, consequently, is in conflict with the constitution.

Sincerely yours,
ROBERT M. SPIRE
Attorney General

(Signed) Yvonne E. Gates
Assistant Attorney General

YEG/bae

cc: Patrick J. O'Donnell
Clerk of the Legislature

RESOLUTIONS

LEGISLATIVE RESOLUTION 341. Read. Considered.

LR 341 was adopted with 28 ayes, 0 nays, and 21 not voting.

LEGISLATIVE RESOLUTION 342. Read. Considered.

LR 342 was adopted with 28 ayes, 0 nays, and 21 not voting.

MOTION - Withdraw LR 19CA

Mr. Withem renewed his pending motion found in the Journal on page 741 to withdraw LR 19CA.

The motion prevailed with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

MOTION - Place LB 792 on General File

Mr. Wesely renewed his pending motion found in the Journal on page 658 to place LB 792 on General File notwithstanding the committee action.

The motion lost with 14 ayes, 19 nays, 12 present and not voting, and 4 excused and not voting.

MOTION - Approve Appointments

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following Governor appointments found in the Journal on page 738: Julie Brown-Arfmann - State Board of Health; Jeanette Masek - State Board of Health; Edward Adickes - State Board of Health; Jerald Schenken - State Board of Health; John J. Clark - State Board of Health; Judith Quinn - State Board of Health.

Voting in the affirmative, 26:

Abboud	Chizek	Haberman	Marsh	Rogers
Baack	Chronister	Hefner	Morehead	Rupp
Barrett	Conway	Hoagland	Nelson	Scofield
Beutler	DeCamp	Johnson, L.	Pappas	Smith
Beyer	Goll	Johnson, V.	Peterson	Wesely
Carsten				

Voting in the negative, 0.

Present and not voting, 19:

Chambers	Hannibal	Johnson, R.	Miller	Vickers
Eret	Harris	Labedz	Nichol	Warner
Goodrich	Hartnett	Landis	Pirsch	Withem
Hall	Higgins	Lundy	Remmers	

Excused and not voting, 4:

Lamb Lynch Schmit Sieck

These appointments were confirmed with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 335. The Beutler pending amendment to the Landis pending amendment was considered.

Mr. Beutler withdrew his pending amendment.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Landis pending amendment, as amended, was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

LR 335 was adopted with 32 ayes, 3 nays, and 14 present and not voting.

SELECT COMMITTEE REPORT Enrollment and Review

LEGISLATIVE BILL 811. Placed on Select File as amended.

E & R amendments to LB 811:

AM5238

- 1 1. On page 1, line 3, strike "24-209,
- 2 24-701,;" in line 6 after the second "to" insert
- 3 "48-118,;" in line 7 after the first "to" insert
- 4 "48-126, 48-127 to"; in line 10 after "48-1,102" insert
- 5 ", 48-1,103, 48-1,105"; and in line 14 strike "and" and
- 6 after the third comma insert "and 24-701,".
- 7 2. On page 2, line 2, after the second comma
- 8 insert "24-209,;" and in line 4 after the semicolon
- 9 insert "to rename funds; to provide for the transfer of
- 10 funds;".
- 11 3. On page 5, lines 18 and 20, strike the
- 12 comma, show as stricken, and insert an underscored
- 13 semicolon.
- 14 4. On page 8, lines 9 and 16; page 11, lines
- 15 3, 13, and 20; and page 14, line 21, strike the comma
- 16 and show as stricken.

- 17 5. On page 15, line 13, strike "the".
- 18 6. On page 19, line 9, strike "Reissue"; in
- 19 line 10 strike "of Nebraska, 1943" and insert
- 20 "Supplement, 1985"; in line 14 after "Supreme" insert
- 21 "Court" and after the first comma insert "Nebraska
- 1 Workers' Compensation Court, and"; and in line 15 strike
- 2 "workers' compensation," and show the old matter as
- 3 stricken.
- 4 7. On page 20, line 3, after "Supreme" insert
- 5 "Court", after the first comma insert "Nebraska Workers'
- 6 Compensation Court, and", and after the last comma
- 7 insert "and"; in line 4 strike the first comma and show
- 8 as stricken and strike "workers' compensation, and
- 9 municipal" and show the old matter as stricken; and in
- 10 line 25 strike "Reissue".
- 11 8. On page 21, line 1, strike "of Nebraska,
- 12 1943" and insert "Supplement, 1984".
- 13 9. On page 25, line 18, strike "(8)", show as
- 14 stricken, and insert "(9)".
- 15 10. On page 27, line 23, reinstate the
- 16 stricken "clerk", before the reinstated "clerk" insert
- 17 "the", and strike "he or she"; and in line 25 strike the
- 18 third comma and show as stricken and reinstate "that"
- 19 and "clerk" and before the reinstated "clerk" insert
- 20 "the".
- 21 11. On page 28, line 2, strike the comma,
- 22 show as stricken, and insert "The", strike "such",
- 23 and strike "to", show as stricken, and insert "shall".
- 24 12. On page 30, line 11, after "subtracting"
- 1 insert an underscored comma; and in line 12 reinstate
- 2 the stricken comma.
- 3 13. On page 31, line 6, after "policy" insert
- 4 an underscored comma.
- 5 14. On page 34, lines 9, 17, and 19, strike
- 6 the comma and show as stricken.
- 7 15. On page 36, line 18, strike the
- 8 underscored comma.
- 9 16. On page 41, line 6, strike "by the
- 10 provisions of", show as stricken, and insert "pursuant
- 11 to"; in line 7 strike the comma and show as stricken;
- 12 and in line 14 strike "apply", show as stricken, and
- 13 insert "applies".
- 14 17. On page 41, line 14; page 42, line 22;
- 15 page 44, lines 8 and 25; page 45, line 8; and page 45,
- 16 line 25, through page 46, line 1, strike "sections

17 44-2401 to 44-2418", show as stricken, and insert "the
18 Nebraska Property and Liability Insurance Guaranty
19 Association Act".

20 18. On page 43, line 2, strike the comma and
21 show as stricken.

22 19. On page 44, line 7, strike "to" and show
23 as stricken.

24 20. On page 45, lines 11 and 13, strike
1 "sections 44-2401 to 44-2418", show as stricken, and
2 insert "such act"; and in lines 12 and 13 reinstate the
3 stricken matter.

4 21. On page 46, line 9, after "self-insurer"
5 insert an underscored comma.

6 22. On page 48, line 19, strike the first
7 comma and show as stricken.

8 23. On page 51, line 16, after "48-106"
9 insert an underscored comma.

10 24. On page 52, line 18, after "it" insert an
11 underscored comma.

12 25. On page 53, lines 12 and 22; page 54,
13 lines 2, 10, and 21; page 55, lines 2 and 20; and page
14 56, line 5, strike the semicolon, show as stricken, and
15 insert an underscored comma.

16 26. On page 56, line 15; page 60, line 3;
17 page 72, line 13; and page 76, line 22, strike the comma
18 and show as stricken.

19 27. On page 78, line 10, strike "said", show
20 as stricken, and insert "such".

21 28. On page 79, line 21; page 83, line 10;
22 and page 88, line 21, strike the comma and show as
23 stricken.

24 29. On page 93, line 14, after "all" insert
1 an underscored comma.

2 30. On page 95, line 14, strike the comma and
3 show as stricken.

4 31. On page 98, line 11, after "unless"
5 insert an underscored comma.

6 32. On page 99, line 2; and page 100, line 9,
7 strike the comma and show as stricken.

8 33. On page 101, line 12, strike "it", show
9 as stricken, and insert "the district court"; and in
10 line 13 after "approved" insert an underscored comma.

11 34. On page 102, line 23, strike "(a)", show
12 as stricken, and insert "(1)"; and in line 25 strike
13 "(b)", show as stricken, and insert "(2)".

- 14 35. On page 107, line 1, strike "first aid",
15 show as stricken, and insert "first-aid".
- 16 36. On page 108, line 25, strike the first
17 comma and show as stricken.
- 18 37. On page 111, line 4, strike the period,
19 show as stricken, and insert an underscored semicolon;
20 in line 7 strike "subsection", show as stricken, and
21 insert "subdivision"; in line 8 strike the comma and
22 show as stricken; in line 15 strike the period, show as
23 stricken, and insert "; and"; in line 18 strike
24 "subsection" and insert "subdivision"; and in line 23
1 strike "subsections", show as stricken, and insert
2 "subdivisions".
- 3 38. On page 112, line 1, strike
4 "subsections", show as stricken, and insert
5 "subdivisions".
- 6 39. On page 113, line 3, strike "subsection",
7 show as stricken, and insert "subdivision".
- 8 40. On page 119, line 9, strike "court", show
9 as stricken, and insert "Nebraska Workers' Compensation
10 Court".
- 11 41. On page 127, line 24, after "shall"
12 insert an underscored comma.
- 13 42. On page 129, line 8, strike the first
14 comma and show as stricken.
- 15 43. On page 131, line 6, strike the comma,
16 show as stricken, and insert "and"; and in line 12 after
17 "the" insert "presiding".
- 18 44. On page 132, line 21, strike "or their"
19 and show as stricken; and in line 24 strike "his" and
20 show as stricken, strike "or her", strike "or" and show
21 as stricken, and strike "office", show as stricken, and
22 insert "offices".
- 23 45. On page 136, line 2, after "and" insert
24 "to".
- 1 46. On page 146, line 20, after "rules"
2 insert "and regulations"; and in line 22 strike the
3 comma and show as stricken.
- 4 47. On page 147, line 20, strike the comma
5 and show as stricken.
- 6 48. On page 148, line 11, strike the last
7 comma and show as stricken; and in line 17 after "rules"
8 insert "and regulations".
- 9 49. On page 149, line 18, strike "House",
10 show as stricken, and insert "Capitol".

- 11 50. On page 153, line 2, after "injury"
12 insert an underscored comma.
- 13 51. On page 157, line 22, after "awards"
14 insert an underscored comma.
- 15 52. On page 166, line 2, strike "such" and
16 insert "the compensation".
- 17 53. On page 167, line 1, strike "compensation
18 law", show as stricken, and insert "act".
- 19 54. On page 169, line 21, strike the second
20 comma and show as stricken.
- 21 55. On page 171, line 25, strike the comma
22 and show as stricken.
- 23 56. On page 175, line 11, after "Court"
24 insert an underscored comma.
- 1 57. On page 179, line 6, strike the comma and
2 show as stricken.
- 3 58. On page 181, line 16, strike "This act",
4 show "act" as stricken, and insert "Sections 81-8,209 to
5 81-8,239".
- 6 59. On page 182, line 19, strike "USCA", show
7 as stricken, and insert "U.S.C.A.".
- 8 60. On page 184, line 6; and page 185, line
9 14, strike the comma and show as stricken.
- 10 61. On page 186, lines 13 and 23, strike the
11 first comma, show as stricken, and insert "or"; and in
12 line 24 strike the comma and show as stricken.
- 13 62. On page 187, lines 2 and 22, strike the
14 comma and show as stricken.
- 15 63. On page 188, line 1, strike "72-1259",
16 show as stricken, and insert "72-1269"; and in lines 12
17 and 13 strike "the" and show as stricken.
- 18 64. On page 189, line 7, strike "24-209,
19 24-701,"; in line 10 after the second "to" insert
20 "48-118,"; in line 11 after "48-123" insert "to 48-126,
21 48-127"; in line 13 after "48-1,102" insert ", 48-1,103,
22 48-1,105"; in line 16 strike "and" and after the last
23 comma insert "and 24-701,"; and in line 18 after the
24 first comma insert "24-209,".

(Signed) Timothy Hall, Chairperson

NOTICE OF COMMITTEE HEARINGS
Appropriations

Monday, February 24, 1986 1:30 P.M.
Agency 14-Public Service Commission
(Continuation of February 5th)

Tuesday, February 25, 1986 (cancelled) 1:30 P.M.
Thursday, February 20, 1986 (reset) 1:30 P.M.
Agency 28-Veterans Affairs

(Signed) Jerome Warner, Chairperson

STANDING COMMITTEE REPORT
Agriculture and Environment

LEGISLATIVE BILL 312. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal
and on file in the Clerk's Office - Room 1102 - AM2022.)

(Signed) Rod Johnson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 772. Mr. Chambers offered the following
amendment:
Page 4 strike Section 3.

Mr. Lynch asked unanimous consent to be excused. No objections.
So ordered.

Mr. Hoagland moved the previous question. The question is, "Shall
the debate now close?" The motion prevailed with 25 ayes, 0 nays,
and 24 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 5:

Chambers	DeCamp	Haberman	Higgins	Schmit
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Voting in the negative, 24:

Abboud	Chizek	Johnson, L.	Lundy	Remmers
Baack	Conway	Johnson, R.	Marsh	Smith
Barrett	Hall	Johnson, V.	Nelson	Wesely
Beyer	Hefner	Lamb	Peterson	Withem
Carsten	Hoagland	Landis	Pirsch	

Present and not voting, 19:

Beutler	Goodrich	Labeledz	Pappas	Sieck
Chronister	Hannibal	Miller	Rogers	Vickers
Eret	Harris	Morehead	Rupp	Warner
Goll	Hartnett	Nichol	Scofield	

Excused and not voting, 1:

Lynch

The Chambers amendment lost with 5 ayes, 24 nays, 19 present and not voting, and 1 excused and not voting.

Mr. Chambers offered the following amendment:
Pages 4 and 5 - strike Section 4.

Mr. V. Johnson moved to bracket LB 772 to March 1, 1986.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The V. Johnson motion to bracket lost with 12 ayes, 23 nays, 13 present and not voting, and 1 excused and not voting.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Chambers amendment lost with 4 ayes, 17 nays, 27 present and not voting, and 1 excused and not voting.

Pending.

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Higgins asked unanimous consent to have her name added as co-introducer to LB 1230. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

February 12, 1986

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 471, 595, 599 and 621 were received in my office on February 10, 1986.

These bills were signed by me on February 12, 1986 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

MOTION - Suspend Rules

Messrs. V. Johnson and DeCamp moved to suspend the rules, Rule 6, Section 19(c), and reconsider the motion to place LB 524 on General File.

Laid over.

NOTICE OF COMMITTEE HEARING
Public Works

LB 902 Thursday, February 20, 1986 (rehearing) 1:30 P.M.

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 1033 in the Journal. No objections. So ordered.

AM2046

- 1 1. Insert the following new sections:
- 2 "Sec. 2. That section 19-405, Reissue Revised
- 3 Statutes of Nebraska, 1943, be amended to read as
- 4 follows:
- 5 19-405. Candidates for the office of council
- 6 members provided for in section 19-404 shall be

7 nominated at large at a primary election, and no other
 8 names shall be placed upon the official ballot to be
 9 used at the regular or general city election except
 10 those selected at such primary in the manner hereinafter
 11 prescribed. Notwithstanding any more general law
 12 respecting the time or manner of holding primary
 13 elections, the primary election for such nominations
 14 shall be held in all cities containing over twenty-five
 15 thousand population, on the fourth Tuesday, and in all
 16 cities containing two thousand and not more than
 17 twenty-five thousand population, on the third Tuesday
 18 preceding the date of the general or regular city
 19 election provided by law in any such city. The ;
 20 ~~Provided, the~~ council, by ordinance, may waive the
 21 requirement for a primary election in any year after
 1 1970. Any person desiring to become a candidate for
 2 council member shall, at least ~~ten~~ sixty days prior to
 3 the date of holding such primary, file with the city
 4 clerk a statement of such candidacy in substantially the
 5 following form:

6 State of Nebraska County, ss.
 7 I, ... being first duly sworn, say that I
 8 reside at No. street in the city of
 9, county of and State of
 10 Nebraska; that I am a qualified voter of ~~said~~ such city;
 11 that I am a candidate for nomination for the office of
 12 (specifying one of the
 13 positions named in section 19-415) to be voted upon at
 14 the primary election to be held on the day
 15 of, 19...., and I hereby request that my
 16 name be printed upon the official primary ballot for
 17 nomination by such primary election for ~~said~~ such
 18 office.

19 (Signed)
 20 Subscribed and sworn to before me by ~~the said~~
 21 this day of, 19....

22 (Signed)

23 Sec. 3. That section 19-406, Reissue Revised
 24 Statutes of Nebraska, 1943, be amended to read as
 1 follows:

2 19-406. Such person shall at the same time
 3 file with such statement a petition requesting such
 4 candidacy, signed by at least twenty-five qualified
 5 voters in all cities containing two thousand and not
 6 more than twenty-five thousand population, and in all

7 cities containing over twenty-five thousand population,
8 signed by at least one hundred qualified voters; and
9 shall pay to the city treasurer a filing fee, to aid in
10 the expense of holding such primary, ~~of ten dollars~~ in
11 an amount equal to one per cent of the annual salary of
12 a council member, and obtain a receipt from the
13 treasurer therefor which shall be produced to and filed
14 with ~~said~~ the city clerk before filing such petition.
15 The petition shall be substantially in the following
16 form:

17 The undersigned, duly qualified electors of
18 the city of and residing at the places set
19 opposite our respective names hereto attached, do hereby
20 request that the name of be placed on the
21 official ballot as a candidate for nomination for the
22 office of (specifying one of the positions
23 named in section 19-415) at the primary election to be
24 held in the ~~said~~ city on the day of

1, 19.... . We further state that we know
2 such person to be a qualified elector of ~~said~~ the city
3 and a person of good moral character and well qualified,
4 in our judgment, for the duties of such office.”.

5 2. On page 4, line 3, after “two” insert “to
6 four”; strike beginning with “by” in line 10 through
7 “election” in line 12 and show as stricken; in line 13
8 strike “as set out in section 32-848” and show as
9 stricken; in line 17 strike “upon request certify”, show
10 as stricken, and insert “furnish the”; in line 18 strike
11 “its” and show as stricken; and strike beginning with
12 “Not” in line 23 through line 25 and show as stricken.

13 3. On page 5, strike beginning with
14 “conducting” in line 1 through the period in line 3 and
15 show as stricken; and in line 10 after “two” insert “to
16 four”.

17 4. On page 10, line 13, strike “When”, show
18 as stricken, and insert “Except as provided in
19 subsection (5) of this section, when”.

20 5. On page 12, in lines 9, 10, 21, 22, and
21 23, strike the new matter; after line 23 insert the
22 following new subsection:

23 “(7) The county clerk or election commissioner
24 shall, upon request, provide for a nominal fee the most
1 current available listing of all registered voters to
2 any person or organization. The information on such
3 listing shall include, but not be limited to, the name,

- 4 address, party affiliation, and precinct of each
 5 registered voter. Any person or organization requesting
 6 such listing shall be given the same information. The
 7 person or organization requesting the listing shall use
 8 it for political purposes only."; and in line 24 strike
 9 "(7)" and insert "(8)".
- 10 6. On page 16, line 11, after "ADDRESS"
 11 insert "if different from RESIDENCE -- ADDRESS"; and in
 12 line 20 strike "city and".
- 13 7. On page 17, line 12, after "signature"
 14 insert "or initials"; and in line 15 strike two, show as
 15 stricken, and insert "one".
- 16 8. On page 23, line 25, strike "an" and
 17 insert "a".
- 18 9. On page 24, line 1, strike "office" and
 19 insert "candidate"; and in line 2 strike "such" and
 20 insert "an".
- 21 10. On page 32, line 20, after "sections"
 22 insert "19-405, 19-406,".
- 23 11. Renumber the remaining sections
 24 accordingly.

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 964. Placed on General File.
LEGISLATIVE BILL 1035. Placed on General File.
LEGISLATIVE BILL 1123. Placed on General File.
LEGISLATIVE BILL 1171. Placed on General File.
LEGISLATIVE BILL 1232. Placed on General File.
LEGISLATIVE BILL 1246. Placed on General File.

(Signed) John W. DeCamp, Chairperson

Health and Human Services

LEGISLATIVE BILL 675. Placed on General File.
LEGISLATIVE BILL 829. Placed on General File.
LEGISLATIVE BILL 1051. Placed on General File.
LEGISLATIVE BILL 1228. Placed on General File.

LEGISLATIVE BILL 848. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

GENERAL FILE

LEGISLATIVE BILL 772. Mr. Chambers moved to indefinitely postpone.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes; 0 nays, and 24 not voting.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

SPEAKER NICHOL PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Chizek requested a roll call vote on the Chambers motion to indefinitely postpone.

Voting in the affirmative, 6:

Chambers	Schmit	Scofield	Vickers	Warner
DeCamp				

Voting in the negative, 39:

Abboud	Conway	Hefner	Marsh	Remmers
Baack	Goll	Hoagland	Miller	Rogers
Barrett	Goodrich	Johnson, L.	Morehead	Rupp
Beutler	Haberman	Johnson, V.	Nelson	Sieck
Beyer	Hall	Labeledz	Nichol	Smith
Carsten	Hannibal	Lamb	Pappas	Wesely
Chizek	Harris	Landis	Peterson	Withem
Chronister	Hartnett	Lundy	Pirsch	

Present and not voting, 2:

Eret	Higgins
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Excused and not voting, 2:

Johnson, R. Lynch

The Chambers motion to indefinitely postpone lost with 6 ayes, 39 nays, 2 present and not voting, and 2 excused and not voting.

Mr. Hoagland moved to suspend the rules, Rule 6, Section 3 and Rule 7, Section 3 and vote on the advancement of LB 772 without further amendment or debate.

Mr. Chambers offered the following amendment to the Hoagland motion:

Strike the period and add: "but only after consideration of the following amendment: In section 2, insert a new paragraph: For any person to distribute, post or lend any written material consisting of information regarding the use, application, or making of any firearm, explosive or incendiary device, or any technique capable of causing injury or death to persons when such person knows or has reason to know or intends that such information will be unlawfully employed for use in or in furtherance of a civil disorder."

The Chair declared the call raised.

Mr. Beutler raised a point of order on whether the Chambers amendment to the motion to suspend the rules is in order.

Messrs. Barrett, Schmit, and Beyer asked unanimous consent to be excused. No objections. So ordered.

Mr. Goll asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chair ruled that a motion to suspend the rules could appropriately be amended.

Mr. Beutler challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mrs. Higgins moved to adjourn until 9:00 a.m., Thursday, February 13, 1986. The motion lost.

Mr. Eret and Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Chambers requested a record vote on the Beutler motion to overrule the Chair.

Voting in the affirmative, 34:

Abboud	Goodrich	Johnson, L.	Morehead	Sieck
Baack	Haberman	Johnson, V.	Nelson	Smith
Beutler	Hall	Labedz	Pirsch	Vickers
Chizek	Harris	Lamb	Remmers	Warner
Chronister	Hefner	Landis	Rogers	Wesely
Conway	Higgins	Lundy	Rupp	Withem
DeCamp	Hoagland	Miller	Scofield	

Voting in the negative, 1:

Chambers

Present and not voting, 6:

Carsten	Hartnett	Nichol	Pappas	Peterson
Hannibal				

Excused and not voting, 8:

Barrett	Eret	Johnson, R.	Marsh	Schmit
Beyer	Goll	Lynch		

The Beutler motion to overrule the Chair prevailed with 34 ayes, 1 nay, 6 present and not voting, and 8 excused and not voting.

The Chair was overruled.

The Hoagland pending motion to suspend the rules was renewed.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers requested a record vote on the Hoagland motion to suspend the rules.

Voting in the affirmative, 34:

Abboud	Beutler	Chizek	Conway	Goodrich
Baack	Carsten	Chronister	DeCamp	Haberman

Hall	Johnson, V.	Miller	Peterson	Sieck
Harris	Labeledz	Morehead	Pirsch	Vickers
Hefner	Lamb	Nelson	Remmers	Wesely
Hoagland	Landis	Nichol	Rogers	Withem
Johnson, L.	Lundy	Pappas	Rupp	

Voting in the negative, 4:

Chambers	Higgins	Scofield	Warner
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Present and not voting, 4:

Goll	Hannibal	Hartnett	Smith
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Excused and not voting, 7:

Barrett	Eret	Lynch	Marsh	Schmit
Beyer	Johnson, R.			

The Hoagland motion to suspend the rules prevailed with 34 ayes, 4 nays, 4 present and not voting, and 7 excused and not voting.

Messrs. Rupp and Harris asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler requested a ruling of the Chair on whether the closing is considered part of the debate.

The Chair ruled a closing is not considered part of the debate.

Mr. Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Vickers and Mrs. Morehead asked unanimous consent to be excused. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Chambers motion to overrule the Chair lost with 7 ayes, 22 nays, 10 present and not voting, and 10 excused and not voting.

The Chair was sustained.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 32:

Abboud	Conway	Hoagland	Lundy	Pirsch
Baack	Goll	Johnson, L.	Miller	Remmers
Barrett	Goodrich	Johnson, V.	Nelson	Rogers
Beutler	Haberman	Labedz	Nichol	Sieck
Carsten	Hall	Lamb	Pappas	Wesely
Chizek	Hartnett	Landis	Peterson	Withem
Chronister	Hefner			

Voting in the negative, 5:

Chambers	DeCamp	Hannibal	Scofield	Warner
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Present and not voting, 2:

Higgins	Smith
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Excused and not voting, 10:

Beyer	Harris	Lynch	Morehead	Schmit
Eret	Johnson, R.	Marsh	Rupp	Vickers

Advanced to E & R for Review with 32 ayes, 5 nays, 2 present and not voting, and 10 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 459 in the Journal. No objections. So ordered.

AM1743

(Amendments to Standing Committee amendments)

- 1 1. Insert the following new amendment:
- 2 "3. On page 12, line 25, after 'owner' insert
- 3 'except that an owner shall not be liable for costs
- 4 incurred in controlling weeds when the weeds are sprayed
- 5 so late that in the judgment of a prudent man the
- 6 production of viable seeds is inevitable'."

Messrs. Warner and Landis asked unanimous consent to print the following amendment to LB 43 in the Journal. No objections. So ordered.

AM2026

- 1 1. On page 3, in lines 2 and 3 strike "1987"
- 2 and insert "1988".
- 3 2. On page 4, in lines 1, 5, 12, and 21
- 4 strike "1987" and insert "1988".
- 5 3. In the Standing Committee Amendments on
- 6 page 617 of the 1985 Journal:
- 7 (a) On page 1, line 4, strike "1988" and
- 8 insert "1989"; in line 6 strike "1989" and insert
- 9 "1990"; and strike beginning with "Commencing" in line 8
- 10 through the underscored period in line 11;
- 11 (b) On page 2, line 1, strike "1988" and
- 12 insert "1989"; in line 4 strike "1989" and insert
- 13 "1990"; strike beginning with "Commencing" in line 7
- 14 through the underscored period in line 10; and in line
- 15 18 strike "1988" and insert "1989"; and
- 16 (c) On page 3, line 3, strike "1989" and
- 17 insert "1990"; and strike beginning with "From" in line
- 18 11 through the underscored period in line 20.
- 19 4. In the Landis amendment on page 816 of the
- 20 1985 Journal on page 1, line 5, strike "1987" and insert
- 21 "1988"; in line 8 strike "1988" and insert "1989"; and
- 1 strike beginning with "Commencing" in line 10 through
- 2 the underscored period in line 12.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1028A. By V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1028, Eighty-ninth Legislature, Second Session, 1986.

ANNOUNCEMENTS

Mr. Lynch designates LB 895 as his priority bill.

Mr. Rogers designates LB 775 as his priority bill.

The Education Committee designates LB 998 and LB 1062 as its priority bill.

Mr. Abboud designates LB 788 as his priority bill.

STANDING COMMITTEE REPORTS **Agriculture and Environment**

LEGISLATIVE BILL 1008. Placed on General File as amended.
Standing Committee amendments to LB 1008:
AM2096

- 1 1. On page 24, line 14, strike "standards"
- 2 and insert "joint rules and regulations with the
- 3 Department of Health"; and strike beginning with the
- 4 second comma in line 17 through the comma in line 18.
- 5 2. On page 31, line 14, strike "and milling".

(Signed) Rod Johnson, Chairperson

Judiciary

LEGISLATIVE BILL 1054. Placed on General File as amended.
Standing Committee amendments to LB 1054:
AM2073

- 1 1. Strike original section 1 and insert the
- 2 following new section:
- 3 "Section 1. That section 29-2258, Reissue
- 4 Revised Statutes of Nebraska, 1943, be amended to read
- 5 as follows:
- 6 29-2258. A district probation officer shall:
- 7 (1) Make presentence and other investigations,
- 8 as may be required by law or directed by a court in
- 9 which he or she is serving;
- 10 (2) Supervise probationers in accordance with
- 11 the rules and regulations of the office and the
- 12 directions of the sentencing court;
- 13 (3) Advise the sentencing court, in accordance
- 14 with the ~~provisions of sections 29-2246 to 29-2268~~
- 15 Nebraska Probation Administration Act and such rules and
- 16 regulations of the office, of violations of the
- 17 conditions of probation by individual probationers;
- 18 (4) Advise the sentencing court, in accordance
- 19 with the rules and regulations of the office and the
- 20 direction of the court, when the situation of a
- 21 probationer may require a modification of the conditions

1 of probation; or when a probationer's adjustment is such
2 as to warrant termination of probation;

3 (5) Provide each probationer with a statement
4 of the period and conditions of his or her probation;

5 (6) Whenever necessary, exercise the power of
6 arrest as provided in section 29-2266;

7 (7) Establish procedures for the direction and
8 guidance of deputy probation officers under his or her
9 jurisdiction and advise such officers in regard to the
10 most effective performance of their duties;

11 (8) Supervise and evaluate deputy probation
12 officers under his or her jurisdiction;

13 (9) Delegate such duties and responsibilities
14 to a deputy probation officer as he or she deems
15 appropriate;

16 (10) Make such reports as required by the
17 administrator, the judges of the probation district in
18 which he or she serves, or the Nebraska Probation System
19 Committee;

20 (11) Keep accurate and complete accounts of
21 all money or property collected or received from
22 probationers and give receipts therefor;

23 (12) Cooperate fully with and render all
24 reasonable assistance to other probation officers;

1 (13) In counties with a population of less
2 than forty-five thousand people, participate in pretrial
3 diversion programs established pursuant to section
4 29-3602 as requested by the judges of the probation
5 district in which he or she serves;

6 (14) (13) Perform such other duties not
7 inconsistent with the Nebraska Probation Administration
8 Act provisions of sections 29-2246 to 29-2268 or the
9 rules and regulations of the office as a court may from
10 time to time direct; and

11 (15) (14) Exercise all powers and perform all
12 duties necessary and proper to carry out his or her
13 responsibilities."

14 2. On page 4, line 10, strike "29-2252" and
15 insert "29-2258".

LEGISLATIVE BILL 1242. Placed on General File as amended.
Standing Committee amendment to LB 1242:
AM2076

1 1. On page 2, line 10, strike "A member" and
2 insert "Two or more members".

LEGISLATIVE BILL 1247. Placed on General File as amended.

Standing Committee amendments to LB 1247:

AM2075

- 1 1. On page 11, line 1, strike "after
- 2 conferring with" and insert "with the concurrence of the
- 3 majority of".
- 4 2. On page 15, strike original section 10.
- 5 3. On page 16, line 12, strike "29-2275,".
- 6 4. Renumber remaining sections accordingly.

LEGISLATIVE BILL 1224. Indefinitely postponed.

(Signed) Peter Hoagland, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Nelson asked unanimous consent to have her name added as co-introducer to LB 1230. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendments to LB 772 in the Journal. No objections. So ordered.

(1)

In section 2, insert a new paragraph: For any person to distribute, post or lend any written material consisting of information regarding the use, application, or making of any firearm, explosive or incendiary device, or any technique capable of causing injury or death to persons when such person knows or has reason to know or intends that such information will be unlawfully employed for use in or in furtherance of a civil disorder."

(2)

In section 2, insert a new paragraph: For any person to assemble with one or more persons for the purpose of writing any material consisting of information dealing with training with, practicing with, or instruction in the use of any firearm, explosive or incendiary device, or technique capable of causing injury or death to persons when such persons intend to unlawfully employ such information for use in or furtherance of a civil disorder."

(3)

To strike Section 2

(4)

To strike Section 3

(5)

To strike Section 4

(6)

P. 3, line 5, strike "knows or"

Mr. Hoagland asked unanimous consent to print the following amendment to LB 144 in the Journal. No objections. So ordered.

AM2063

(Amendments to AM2043)

- 1 1. On page 80, line 2, strike "115 and 116"
- 2 and insert "118 and 119".
- 3 2. On page 87, line 14, strike the first
- 4 comma, show as stricken, and insert "and" and strike",
- 5 and 28-1116" and show as stricken.
- 6 3. On page 100, strike lines 13 through 15
- 7 and show as stricken; and in line 16 strike "(6)", show
- 8 as stricken, and insert "(5)".
- 9 4. On page 101, line 1, strike "(7)", show as
- 10 stricken, and insert "(6)".
- 11 5. On page 109, line 23, strike "to
- 12 28-1116.01", show as stricken, and insert "and 28-1115".
- 13 6. On page 110, strike beginning with "(1)"
- 14 in line 3 through line 9 and show the old matter as
- 15 stricken; and in line 10 strike "(2)" and show as
- 16 stricken.
- 17 7. On page 111, line 10, strike "section
- 18 28-1116 or to" and show the old matter as stricken.
- 19 8. On page 134, strike beginning with
- 20 "sections" in line 16 through the underscored comma in
- 1 line 17, show the old matter as stricken, and insert
- 2 "law".
- 3 9. On page 135, strike beginning with
- 4 "sections" in line 8 through "Act" in line 10, show the
- 5 old matter as stricken, and insert "law".
- 6 10. On page 136, strike beginning with "in"
- 7 in line 11 through "Act" in line 13, show the old matter
- 8 as stricken, and insert "by law".
- 9 11. On page 139, strike line 24 and show the
- 10 old matter as stricken.
- 11 12. On page 140, strike beginning with
- 12 "State" in line 1 through "Act" in line 2, show the old
- 13 matter as stricken, and insert "law"; and strike
- 14 beginning with "sections" in line 5 through "Act" in

15 line 7, show the old matter as stricken, and insert
16 "law".

17 13. On page 142, in lines 23 and 24, strike
18 "136 to 146" and insert "139 to 149".

19 14. On page 147, line 5, strike "138" and
20 insert "141"; and in line 18 strike "140 to 142" and
21 insert "143 to 145".

22 15. On page 149, line 7, strike "137" and
23 insert "140".

24 16. On page 155, in lines 7 and 8, strike
1 "125, 136 to 146, and 152" and insert "128, 139 to 149,
2 and 155"; in line 15 after the second comma insert
3 "9-140.03,"; in line 16 after "9-149," insert "9-150,"
4 and after "9-169," insert "9-172,"; in line 22 strike
5 the second "and" and insert a comma; and in line 23
6 after "9-194," insert "and 28-1116 to 28-1116.02,".

7 17. Insert the following new sections:

8 Sec. 83. That section 9-140.03, Revised
9 Statutes Supplement, 1984, be amended to read as
10 follows:

11 9-140.03. (1) The gross proceeds of a pickle
12 card unit shall mean the total possible receipts
13 received from the sale of all pickle cards in any pickle
14 card unit.

15 (2) The gross proceeds of a lottery or raffle
16 conducted pursuant to sections 9-199; and 28-1115, ~~and~~
17 ~~28-1116~~ shall mean the total receipts received from the
18 conduct of the lottery or raffle without any reduction
19 for commissions, discounts, or other expenses. Gross
20 proceeds shall include the value of any free tickets or
21 free plays used.

22 Sec. 95. That section 9-150, Revised Statutes
23 Supplement, 1984, be amended to read as follows:

24 9-150. No person under eighteen years of age
1 shall play any bingo game or participate in any way in
2 any lottery or raffle conducted pursuant to sections
3 9-199; and 28-1115, ~~and 28-1116~~ or lottery by the sale
4 of pickle cards. No such person shall be present at a
5 bingo occasion unless such person's parent or legal
6 guardian is present and approves such person's presence
7 during the bingo occasion, except that any licensed
8 organization may prohibit the presence of any person at
9 its bingo occasion.

10 Sec. 103. That section 9-172, Revised
11 Statutes Supplement, 1984, be amended to read as

12 follows:

13 9-172. Any person in this state, including
 14 any law enforcement official, who has cause to believe
 15 that (1) any licensed organization, (2) any lessor of
 16 facilities or bingo equipment and supplies used for a
 17 bingo occasion, (3) any person conducting any game of
 18 bingo, (4) any employee or agent of such licensed
 19 organization, lessor, or person, (5) any person acting
 20 in concert with such licensed organization, lessor, or
 21 person, or (6) any person in connection with a lottery
 22 or raffle conducted pursuant to sections 9-199; and
 23 ~~28-1115, and 28-1116~~ or lottery by the sale of pickle
 24 cards has engaged in or is engaging in any conduct in
 1 violation of the Nebraska Bingo and Lottery Control Act
 2 or has aided or is aiding another in any conduct in
 3 violation of the Nebraska Bingo and Lottery Control Act
 4 may commence a civil action in any district court of
 5 this state.”.

6 18. Renumber the remaining sections
 7 accordingly.

Mr. Hoagland asked unanimous consent to print the following amendment to LB 144 in the Journal. No objections. So ordered.

AM2066

(Amendments to AM2043)

- 1 1. Insert the following new section
- 2 “Sec. 150. This act shall terminate on
- 3 December 31, 1991, unless reenacted or reestablished by
- 4 the Legislature.”.
- 5 2. On page 155, line 8, strike “152” and
- 6 insert “153”.
- 7 3. Renumber the remaining sections
- 8 accordingly.

VISITORS

Visitors to the Chamber were 41 fourth grade students and teacher from Grant Elementary, Fremont; and 15 seniors and teacher from Waterloo High School.

ADJOURNMENT

At 12:41 p.m., on a motion by Mr. Landis, the Legislature adjourned until 9:00 a.m., Thursday, February 13, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIFTH DAY - FEBRUARY 13, 1986

LEGISLATIVE JOURNAL

TWENTY-FIFTH DAY - FEBRUARY 13, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 13, 1986

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Marsh presiding.

PRAYER

The prayer was offered by Senator Goll.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Schmit, and Wesely who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 763, line 17, strike "6" and insert "3".
The Journal for the Twenty-Fourth Day was approved as corrected.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 1241. Placed on General File as amended.
Standing Committee amendment to LB 1241:

AM2074

- 1 1. On page 5, after line 16, insert the
- 2 following new paragraph:
- 3 "The provisions of this section shall not
- 4 prohibit an offender from requesting that the Board of
- 5 Parole review his or her record, except that the board
- 6 shall not review an offender's record more than once a
- 7 year."

(Signed) Peter Hoagland, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 571. Indefinitely postponed.
LEGISLATIVE BILL 574. Indefinitely postponed.
LEGISLATIVE BILL 581. Indefinitely postponed.
LEGISLATIVE BILL 676. Indefinitely postponed.

The Committee on Banking, Commerce and Insurance desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Martha Beaman - Director, Nebraska Energy Office

Voting Aye: Senators Beyer, Harris, Haberman, Higgins, Schmit, Labeledz, Pappas and DeCamp. Voting Nay: None.

(Signed) John W. DeCamp, Chairperson

UNANIMOUS CONSENT - Announcement

Mr. Warner asked unanimous consent for the Appropriations Committee to hold its public hearing in Room 1520 at 7:00 P.M. on Wednesday, February 26, 1986. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 438A. By Withem, 14th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 438, Eighty-ninth Legislature, Second Session, 1986.

GENERAL FILE

LEGISLATIVE BILL 144. Considered.

Messrs. Hoagland, Landis, Miller, Lundy, Beyer, Barrett, Abboud, Rogers, Goll, Remmers, Hefner, L. Johnson, Lamb, Sieck, Warner, Peterson, Carsten, Eret, Chronister, R. Johnson, Mesdames Morehead, Smith, Pirsch, Marsh, and Nelson moved to indefinitely postpone LB 144.

SPEAKER NICHOL PRESIDING

Mr. Beyer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

Mr. Hoagland moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. DeCamp requested a roll call vote on the motion to indefinitely postpone.

Voting in the affirmative, 26:

Abboud	Eret	Johnson, R.	Miller	Remmers
Barrett	Goll	Lamb	Morehead	Sieck
Beyer	Hefner	Landis	Nelson	Smith
Carsten	Hoagland	Lundy	Peterson	Warner
Chambers	Johnson, L.	Marsh	Pirsch	Wesely
Chronister				

Voting in the negative, 23:

Baack	Goodrich	Hartnett	Nichol	Schmit
Beutler	Haberman	Higgins	Pappas	Scofield
Chizek	Hall	Johnson, V.	Rogers	Vickers
Conway	Hannibal	Labeledz	Rupp	Withem
DeCamp	Harris	Lynch		

Not voting, 0.

The Hoagland et al. motion to indefinitely postpone prevailed with 26 ayes, 23 nays, and 0 not voting.

The Chair declared the call raised.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have

registered as of February 12, 1986. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Arthur, Shirley A. - Lincoln, Nebraska New Car & Truck Dealers Association (Withdrawn 86/01/15)
Gaches, Ronald - Topeka, KS (Withdrawn 86/02/10) United Telephone of the West (Withdrawn 86/02/10)
Knudsen, Berkheimer, Richardson & Endacott
Mueller, William J. - Lincoln, IDS Financial Services, Inc.
Ruth, Larry L. - Lincoln, IDS Financial Services, Inc.
Odgaard, John E. - Lincoln, Nebraska Outdoor Recreation Association
O'Hara & Associates, Inc. - Lincoln, Derby Refining Company (Withdrawn 85/12/31)
Parker, David R. - Lincoln, First Savings Company of Norfolk (Withdrawn 86/01/01); LRC, Inc. (Withdrawn 86/01/01)
Radcliffe, Walter/Tews & Radcliffe
Radcliffe, Walter H. - Lincoln, Papillion Manor
Rasmussen, Dennis - Lincoln, Association of Physical Fitness Centers
Schultz, Kathy - Omaha, Parents Without Partners
Sullivan, John L. - Lincoln, Nebraska New Car & Truck Dealers Association (Withdrawn 86/01/15)

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 1114. Placed on General File as amended.
Standing Committee amendments to LB 1114:
AM1989

- 1 1. On page 8, line 9, strike "Whenever" and
- 2 insert "Commencing with any fee or charge imposed for
- 3 1985 or any subsequent year, whenever".
- 4 2. On page 15, line 10, strike "17" and
- 5 insert "18".
- 6 3. On page 16, line 22, strike "12 to 14" and
- 7 insert "15 to 18".
- 8 4. On page 18, line 6, strike "employee
- 9 benefit plans", show as stricken, and insert "pension
- 10 plan contracts"; in line 7 strike "805 (d)", show as
- 11 stricken, and insert "818 (a)"; in line 17 strike
- 12 "domestic, foreign, or alien" and show the old matter as

13 stricken; in line 19 after “plan” insert “and every
14 nonprofit hospital service corporation” and strike
15 “foreign and”; in line 20 strike “domestic” and strike
16 “is”, show as stricken, and insert “are”; in lines 22
17 and 23 strike the new matter; and strike beginning with
18 “March” in line 23 through “year” in line 24, show the
19 old matter as stricken, and insert “April 1, 1986, and
20 March 1 of each year thereafter”.

21 5. On page 19, line 5, strike “life
1 insurance” and show as stricken; in line 7 after “state”
2 insert “and premiums paid for risks located in this
3 state”; in line 8 after “not” insert “, including that
4 portion of a group premium paid which represents the
5 premium for insurance on Nebraska residents or risks
6 located in Nebraska included within the group”; and in
7 line 25 strike “domestic, foreign, and alien” and show
8 the old matter as stricken.

9 6. On page 20, line 8, after “regional,”
10 insert “service, claims, agency,”; and in line 16 strike
11 “nationwide” and insert “everywhere”.

12 7. On page 21, line 21, after “taxes” insert
13 “and credits”; and in line 22 strike “section 77-908”,
14 show the old matter as stricken, and insert “Chapter 77,
15 article 9,”.

16 8. On page 22, strike beginning with “prior”
17 in line 3 and “payable” in line 4 and show as stricken;
18 in line 10 strike “12 to 14” and insert “15 to 18”; and
19 in line 11 strike “Whenever” and insert “Commencing with
20 taxes imposed for 1985 or any subsequent year,
21 whenever”.

22 9. On page 23, in lines 8 and 23, strike “17”
23 and insert “18”; in line 21 after “the” insert “payment
24 accompanying the annual filing of”; and in line 25
1 strike “1 of the”, show as stricken, and insert “15,
2 1986, and May 1 of each year thereafter.”.

3 10. On page 24, strike line 1 and show the
4 old matter as stricken; strike beginning with “the” in
5 line 2 through the period in line 5 and show as
6 stricken; in line 11 after “days” insert “after payment
7 or within thirty days after the operative date of this
8 section, whichever is later,”; in line 13 after
9 “district” insert “court de novo”; and strike beginning
10 with “fund” in line 20 through “deposited” in line 21
11 and insert “Insurnace Tax Fund”.

12 11. On page 25, line 11, strike beginning

13 with "liable" through "taxes" and insert "required to
14 return any funds received pursuant to section 77-913";
15 in line 19 strike "17" and insert "18"; and in line 23
16 strike "1 last past", show as stricken, and insert "15,
17 1986, and May 1 of each year thereafter".

18 12. Insert the following new section:

19 "Sec. 18. For all taxable years commencing on
20 or after January 1, 1986, insurers transacting insurance
21 in this state whose annual tax for the preceding taxable
22 year was four thousand dollars or more shall make
23 quarterly prepayments of the annual taxes imposed
24 pursuant to Chapter 77, article 9, and related
1 retaliatory taxes imposed pursuant to Chapter 44,
2 article 1.

3 Each insurer required to make quarterly
4 prepayments shall remit such prepayments on or before
5 April 15, June 15, September 15, and December 15 of the
6 current taxable year. Remittance for such prepayments
7 shall be accompanied by a prepayment form prescribed by
8 the director.

9 The amount of each such prepayment shall be at
10 least one-fourth of either: (1) The total tax paid for
11 the immediately preceding taxable year; or (2) eighty
12 per cent of the actual tax due for the current taxable
13 year.

14 The director, for good cause shown, may extend
15 for not more than ten days the time for making a
16 prepayment. The extension may be granted at any time if
17 a request for such extension is filed with the director
18 within or prior to the period for which the extension
19 may be granted. Insurers who fail to pay any premium or
20 retaliatory tax, including prepayments, when due shall
21 pay interest at the rate prescribed by section 45-104.01
22 as such rate may be amended from time to time by the
23 Legislature until such tax is paid. Any insurer who
24 fails to make the quarterly prepayments within the
1 prescribed time period or to obtain an extension shall
2 be subject to the penalties prescribed in section
3 77-911.

4 The director shall immediately deposit the
5 quarterly prepayments received in the Premium and
6 Retaliatory Tax Suspense Fund, which fund is hereby
7 created. On May 1 of each year the director shall
8 transfer all of the interest earned on the immediately
9 preceding year's prepayments to the General Fund and

10 transfer the balance of the preceding year's prepayments
 11 deposited in the Premium and Retaliatory Tax Suspense
 12 Fund to the Insurance Tax Fund. Any money in the
 13 Premium and Retaliatory Tax Suspense Fund available for
 14 investment shall be invested by the state investment
 15 officer pursuant to sections 72-1237 to 72-1269."

16 13. On page 27, line 3, strike "section" and
 17 show as stricken and strike "77-908", show as stricken,
 18 and insert "Chapter 77, article 9."

19 14. On page 28, line 1, strike "and 17" and
 20 insert "17, and 18" and strike "the" and insert "this";
 21 and in line 6 strike "1986" and insert "1985".

22 15. Insert the following new section:

23 Sec. 25. Since an emergency exists, this act
 24 shall be in full force and take effect, from and after
 1 its passage and approval, according to law."

2 16. Renumber the remaining sections
 3 accordingly.

LEGISLATIVE BILL 798. Indefinitely postponed.

LEGISLATIVE BILL 846. Indefinitely postponed.

LEGISLATIVE BILL 1029. Indefinitely postponed.

LEGISLATIVE BILL 1154. Indefinitely postponed.

LEGISLATIVE BILL 1157. Indefinitely postponed.

(Signed) Vard R. Johnson, Chairperson

NOTICE OF COMMITTEE HEARINGS Public Works

Governor Appointments Friday, February 21, 1986 1:30 P.M.

Donald Ramer - Motor Vehicle Industry Licensing Board

P.J. Morgan - Motor Vehicle Industry Licensing Board

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 772 in the Journal. No objections. So ordered.

LB 772, page 3 -

Strike the words in Line 3 "or any technique" and page 3, Line 12

Strike words, "or technique"

Strike Section 3 on page 4

Mr. Lundy asked unanimous consent to print the following amendment to LB 890 in the Journal. No objections. So ordered.

AM2087

1 1. Insert the following new section:

2 "Section 1. That section 77-27,142, Revised
3 Statutes Supplement, 1985, be amended to read as
4 follows:

5 77-27,142. (1) Any incorporated municipality
6 by ordinance of its governing body is hereby authorized
7 to impose a sales and use tax of one half per cent. ~~or~~
8 one per cent, or one and one half per cent upon the same
9 transactions within such incorporated municipality on
10 which the State of Nebraska is authorized to impose a
11 tax pursuant to the Nebraska Revenue Act of 1967, as
12 amended from time to time. ~~After April 6, 1978, no~~ No
13 sales and use tax shall be imposed pursuant to this
14 section until an election has been held and a majority
15 of the qualified electors have approved such tax
16 pursuant to sections 77-27,142.01 and 77-27,142.02.

17 (2) A city of the metropolitan class is hereby
18 authorized to increase any city sales and use tax
19 existing on January 1, 1978, imposed pursuant to this
20 section by an amount not to exceed one half of one per
21 cent if the question of such tax increase is submitted
1 to the voters of such city and the voters by a majority
2 vote approve such increase. The question of such
3 increase shall be submitted to the voters at the primary
4 or general election in 1980 if the city council shall
5 submit a certified copy of a resolution to that effect
6 to the election commissioner not later than forty-one
7 days prior to the primary or general election.
8 Notwithstanding the provisions of section 77-27,143, if
9 the increase is approved by the voters at the primary or
10 general election in 1980, the election commissioner
11 shall file a certified copy of the election results with
12 the Tax Commissioner on or before the last day of the
13 month in which the election is held. If the increase is
14 not approved by the voters at the primary or general
15 election in 1980, no tax increased pursuant to this
16 section shall remain in effect after December 31, 1980.

17 (3) A city of the primary class is hereby
18 authorized to increase any city sales and use tax
19 existing on January 1, 1985, imposed pursuant to this

20 section by an amount not to exceed one half of one per
21 cent if the question of such tax increase is submitted
22 to the voters of such city and the voters by a majority
23 vote approve such increase. The question of such
24 increase shall be submitted to the voters at the next
1 primary or general election or at a special election if
2 the city council shall submit a certified copy of a
3 resolution proposing the tax increase to the election
4 commissioner within a reasonable time prior to the
5 primary, general, or special election. If the increase
6 is approved by the voters at the primary, general, or
7 special election, the election commissioner shall file a
8 certified copy of the election results with the Tax
9 Commissioner on or before the last day of the month in
10 which the election is held. If the voters of a city of
11 the primary class have not approved such an increase by
12 December 31, 1987, the question of such an increase
13 shall not be submitted thereafter to the voters and
14 there shall be no increase in the city sales and use
15 tax.

16 (4) A city of the first or second class or
17 village is hereby authorized to increase any city sales
18 and use tax existing on January 1, 1986, imposed
19 pursuant to this section by an amount not to exceed one
20 half of one per cent if the question of such tax
21 increase is submitted to the voters of such city or
22 village and the voters by a majority vote approve such
23 increase. The question of such increase shall be
24 submitted to the voters at any primary or general
1 election or at a special election if the city council or
2 village board shall submit a certified copy of a
3 resolution proposing the tax increase to the election
4 commissioner or county clerk within a reasonable time
5 prior to the primary, general, or special election. If
6 the increase is approved by the voters at the primary,
7 general, or special election, the election commissioner
8 shall file a certified copy of the election results with
9 the Tax Commissioner on or before the last day of the
10 month in which the election is held."

11 2. On page 3, line 10, strike "section" and
12 insert "sections 77-27,142 and"; and in line 11 strike
13 "is" and insert "are".

14 3. Renumber remaining sections accordingly.

Mr. Pappas asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

1. Insert a new

“Section 3. The legislature finds that the high number of unintended or unwanted pregnancies and the resultant high number of abortions is a tragic and undesirable consequence of complex societal problems. The legislature believes that adolescents should be encouraged to take responsibility for the consequences of their action. It is clear that among adolescents the burden of unwanted pregnancies presently is borne by the adolescent mothers and that ways must be found for adolescent fathers, as well as the parents of adolescents, to share in this responsibility.

Section 4. Except as provided for in other sections the parent of a dependent person under the age of 18 shall maintain a child of the dependent person so far as the parent is able and to the extent that the dependent person is unable to do so, but no parent shall be required to support a child 18 years of age or older. Each parent of a dependent person under the age of 18 has an equal obligation to support the child of the dependent person. The court shall look first to the father and the mother and then the grandparents in child support instances of dependent persons under the age of 18.”

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 341 and LR 342.

SELECT FILE

LEGISLATIVE BILL 379. Mr. Vickers renewed his pending amendment, AM0846, found in the Journal on page 1269, First Session.

Messrs. Chambers and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

The Vickers amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Lamb moved to indefinitely postpone LB 379.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lamb moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Lamb requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 18:

Abboud	Haberman	Lamb	Remmers	Schmit
Barrett	Hefner	Miller	Rogers	Smith
Chronister	Johnson, L.	Nelson	Rupp	Warner
DeCamp	Johnson, R.	Nichol		

Voting in the negative, 22:

Baack	Goodrich	Labedz	Morehead	Sieck
Chizek	Harris	Landis	Pappas	Vickers
Conway	Hartnett	Lynch	Peterson	Wesely
Eret	Hoagland	Marsh	Scofield	Withem
Goll	Johnson, V.			

Present and not voting, 7:

Beyer	Hall	Higgins	Lundy	Pirsch
Carsten	Hannibal			

Excused and not voting, 2:

Beutler	Chambers
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The Lamb motion to indefinitely postpone lost with 18 ayes, 22 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Pappas renewed his pending amendment, AM1865, found in the Journal on page 626.

The Pappas amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Lamb offered the following amendment:

Pg 3 reinstate lines 19, 20 & 21

Line 20 & 21 strike 5 thousand and insert 3 thousand 5 hundred

Reinstate lines 24, 25, 26

Line 26 strike five thousand and insert three thousand five hundred
Strike Sec. 2.

Mr. Lamb moved for a call of the house. The motion prevailed with
17 ayes, 1 nay, and 31 not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Abboud	DeCamp	Johnson, R.	Nelson	Rupp
Barrett	Haberman	Johnson, V.	Nichol	Schmit
Beyer	Hall	Lamb	Remmers	Smith
Carsten	Hefner	Miller	Rogers	Warner
Chronister	Johnson, L.	Morehead		

Voting in the negative, 22:

Baack	Goodrich	Labeledz	Marsh	Sieck
Chizek	Harris	Landis	Pappas	Vickers
Conway	Hartnett	Lundy	Peterson	Wesely
Eret	Higgins	Lynch	Pirsch	Withem
Goll	Hoagland			

Present and not voting, 2:

Hannibal Scofield

Excused and not voting, 2:

Beutler Chambers

The Lamb amendment lost with 23 ayes, 22 nays, 2 present and not
voting, and 2 excused and not voting.

Mr. Lamb offered the following amendment:

Pg 3 reinstate lines 19, 20 & 21

Line 20 & 21 strike 5 thousand and insert 3 thousand

Reinstate lines 24, 25, 26

Line 26 strike five thousand and insert three thousand.

Strike Sec. 2.

Mr. Lamb moved for a call of the house. The motion prevailed with
18 ayes, 1 nay, and 30 not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Barrett	Eret	Johnson, R.	Nelson	Schmit
Beyer	Haberman	Johnson, V.	Nichol	Scofield
Carsten	Hall	Lamb	Remmers	Smith
Chronister	Hefner	Miller	Rogers	Warner
DeCamp	Johnson, L.	Morehead	Rupp	

Voting in the negative, 23:

Abboud	Goodrich	Hoagland	Marsh	Sieck
Baack	Hannibal	Labeledz	Pappas	Vickers
Chizek	Harris	Landis	Peterson	Wesely
Conway	Hartnett	Lundy	Pirsch	Withem
Goll	Higgins	Lynch		

Excused and not voting, 2:

Beutler Chambers

The Lamb amendment lost with 24 ayes, 23 nays, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Lamb requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Abboud	Goll	Hoagland	Marsh	Scofield
Baack	Goodrich	Labeledz	Morehead	Sieck
Beutler	Hall	Landis	Pappas	Vickers
Chizek	Hannibal	Lundy	Peterson	Wesely
Conway	Harris	Lynch	Pirsch	Withem
Eret	Hartnett			

Voting in the negative, 16:

Barrett	Hefner	Lamb	Remmers	Schmit
Beyer	Johnson, L.	Miller	Rogers	Smith
DeCamp	Johnson, R.	Nichol	Rupp	Warner
Haberman				

Present and not voting, 5:

Carsten Chronister Higgins Johnson, V. Nelson

Excused and not voting, 1:

Chambers

Advanced to E & R for Engrossment with 27 ayes, 16 nays, 5 present and not voting, and 1 excused and not voting.

POINT OF PERSONAL PRIVILEGE

Mrs. Labeledz spoke to a point of personal privilege.

UNANIMOUS CONSENT - Member Excused

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 374. E & R amendments, AM5217, found in the Journal on page 535 for the Thirteenth Day were adopted.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 125. E & R amendments, AM5219, found in the Journal on page 535 for the Thirteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 483. E & R amendments, AM5218, found in the Journal on page 536 for the Thirteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 575. E & R amendments, AM5221, found in the Journal on page 549 for the Fourteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 436. E & R amendments, AM5222, found in the Journal on page 550 for the Fourteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 494. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 558. E & R amendments, AM5225, found in the Journal on page 550 for the Fourteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 640. E & R amendments, AM5223, found in the Journal on page 553 for the Fourteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 645. Mr. Haberman requested a machine vote on the advancement of the bill.

Mr. L. Johnson moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. L. Johnson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Barrett	Goodrich	Johnson, L.	Lynch	Rupp
Beutler	Hall	Johnson, V.	Morehead	Scofield
Chronister	Hannibal	Labeledz	Nelson	Vickers
Eret	Harris	Landis	Pappas	Warner
Goll	Hoagland	Lundy	Pirsch	Withem

Voting in the negative, 17:

Abboud	Chizek	Higgins	Peterson	Schmit
Baack	Conway	Lamb	Remmers	Sieck
Beyer	Haberman	Miller	Rogers	Wesely
Carsten	Hefner			

Present and not voting, 4:

Hartnett Marsh Nichol Smith

Excused and not voting, 3:

Chambers DeCamp Johnson, R.

Advanced to E & R for Engrossment with 25 ayes, 17 nays, 4 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 645A. E & R amendments, AM5226, found in the Journal on page 556 for the Fifteenth Day were adopted.

Mr. Haberman requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 26 ayes, 13 nays, 7 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 572. E & R amendments, AM5243, found in the Journal on page 743 for the Twenty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1012. E & R amendments, AM5244, found in the Journal on page 744 for the Twenty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 540. E & R amendments, AM5207, found in the Journal on page 518 for the Twelfth Day were adopted.

Advanced to E & R for Engrossment.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS **Banking, Commerce and Insurance**

LEGISLATIVE BILL 859. Indefinitely postponed.

LEGISLATIVE BILL 892. Indefinitely postponed.

LEGISLATIVE BILL 915. Indefinitely postponed.

LEGISLATIVE BILL 981. Indefinitely postponed.

LEGISLATIVE BILL 1015. Indefinitely postponed.
LEGISLATIVE BILL 1032. Indefinitely postponed.
LEGISLATIVE BILL 1040. Indefinitely postponed.
LEGISLATIVE BILL 1112. Indefinitely postponed.
LEGISLATIVE BILL 1125. Indefinitely postponed.
LEGISLATIVE BILL 1150. Indefinitely postponed.
LEGISLATIVE BILL 1182. Indefinitely postponed.
LEGISLATIVE BILL 1192. Indefinitely postponed.
LEGISLATIVE BILL 1202. Indefinitely postponed.
LEGISLATIVE BILL 1215. Indefinitely postponed.
LEGISLATIVE BILL 1235. Indefinitely postponed.
LEGISLATIVE BILL 1243. Indefinitely postponed.

(Signed) John W. DeCamp, Chairperson

Urban Affairs

LEGISLATIVE BILL 971. Placed on General File.

LEGISLATIVE BILL 830. Placed on General File as amended.
Standing Committee amendment to LB 830:
AM2062

- 1 1. On page 2, line 6, strike "(a)"; and
- 2 strike beginning with the comma in line 7 through the
- 3 second "year" in line 11.

LEGISLATIVE BILL 544. Indefinitely postponed.
LEGISLATIVE BILL 1002. Indefinitely postponed.

(Signed) Ron Withem, Chairperson

Executive Board

LEGISLATIVE BILL 992. Placed on General File.
LEGISLATIVE BILL 995. Placed on General File.

(Signed) Chris Beutler, Chairperson

Business and Labor

LEGISLATIVE BILL 1108. Placed on General File.

LEGISLATIVE BILL 1019. Indefinitely postponed.

(Signed) Bill Barrett, Chairperson

Education

LEGISLATIVE BILL 757. Placed on General File.
LEGISLATIVE BILL 912. Placed on General File.
LEGISLATIVE BILL 997. Placed on General File.
LEGISLATIVE BILL 1049. Placed on General File.
LEGISLATIVE BILL 1059. Placed on General File.
LEGISLATIVE BILL 1206. Placed on General File.

LEGISLATIVE BILL 998. Placed on General File as amended.
 Standing Committee amendment to LB 998:
 AM2105

- 1 1. On page 2, line 5, after "establish"
- 2 insert "alternating".

LEGISLATIVE BILL 1057. Placed on General File as amended.
 Standing Committee amendment to LB 1057:
 AM2038

- 1 1. On page 2, line 8, strike "during the
- 2 school year and".

LEGISLATIVE BILL 1070. Placed on General File as amended.
 Standing Committee amendment to LB 1070:
 AM2106

- 1 1. On page 3, line 7, after "attorney" insert
- 2 "of the county in which such person resides"; and in
- 3 line 9 after "county" insert "in which such person
- 4 resides".

LEGISLATIVE BILL 1172. Placed on General File as amended.
 Standing Committee amendments to LB 1172:
 AM2108

- 1 1. On page 5, line 1, strike "32" and insert
- 2 "33".
- 3 2. On page 7, line 1, strike "Citizens" and
- 4 insert "Citizen"; in line 2 strike "Council" and insert
- 5 "Committee"; in line 3 strike "17" and insert "18"; in
- 6 line 7 strike "24" and insert "25"; and in line 22 after
- 7 the period insert "The recommendations of the citizen
- 8 advisory committee relating to the program review
- 9 function of the agency as prescribed in sections
- 10 85-9.103 to 85-9.109 shall be binding upon the
- 11 director.".
- 12 3. On page 9, line 10, after the semicolon

13 insert “and”; in line 15 strike “; and” and insert an
14 underscored period; and strike lines 16 through 18.

15 4. On page 10, line 13, after “committee”
16 insert “and convene joint meetings of the planning
17 council and the citizen advisory committee on a regular
18 basis, but not less than twice each year”.

19 5. On page 12, line 3, after the period
20 insert “The Board of Regents of the University of
21 Nebraska, the Board of Trustees of the Nebraska State
1 Colleges, and the area boards of the technical community
2 colleges may also enter into agreements for cooperative
3 programs with entities other than institutions of higher
4 education including, but not limited to, political
5 subdivisions and agencies of any state or the federal
6 government and private businesses, industries, and
7 corporations. All such agreements shall be in
8 accordance with the role and mission assignments
9 prescribed in sections 85-917 to 85-967.”.

10 6. On page 19, line 2, strike “and”; in line
11 5 strike the period and insert “; and”; and after line 5
12 insert the following new subdivision:

13 “(5) To perform all program review duties
14 delegated to the agency as prescribed in sections
15 85-9,103 to 85-9,109.”.

16 7. On page 22, line 17, strike “and”; in line
17 21 strike the period and insert “; and”; and after line
18 21 insert the following new subdivision:

19 “(7) To provide comments to the director
20 relating to subdivision (2) of section 85-981.”.

21 8. On page 25, strike beginning with “not” in
22 line 22 through line 25, show as stricken, and insert
23 “at times and places agreed to by the Board of Regents
24 of the University of Nebraska and the Board of Trustees
1 of the Nebraska State Colleges.”.

2 9. On page 26, strike lines 1 through 25 and
3 show the old matter as stricken.

4 10. On page 27, strike lines 1 through 23 and
5 show as stricken.

6 11. On page 41, lines 15 and 23; page 42,
7 lines 3, 8, 11, 19, and 22; and page 43, lines 1 and 17,
8 strike “director” and insert “agency”.

9 12. Insert the following new section:

10 “Sec. 13. (1) The Legislature acknowledges
11 that the University of Nebraska through the Institute of
12 Agriculture and Natural Resources provides educational

13 and research opportunities which greatly benefit
 14 Nebraska agriculture. Due to the importance of the
 15 University of Nebraska to rural Nebraska, it is
 16 incumbent upon the Board of Regents and the Legislature
 17 to develop and implement a long-range plan of goals and
 18 needs for the Institute of Agriculture and Natural
 19 Resources through the year 2000.

20 (2) On or before January 1, 1987, the Board of
 21 Regents shall develop a long-term plan to project the
 22 goals and needs of the Institute of Agriculture and
 23 Natural Resources through the year 2000. The plan shall
 24 include how the institute fits into the overall role and
 1 mission of the University of Nebraska, including the
 2 divisions and administrative units of the institute as
 3 follows: (1) College of Agriculture; (2) School of
 4 Technical Agriculture at Curtis; (3) Agricultural
 5 Experiment Station; (4) Cooperative Extension Service;
 6 (5) Conservation and Survey Division; and (6) Water
 7 Resources Research Institute. The Board of Regents
 8 shall prepare a report on such plan for the Legislature
 9 and submit the report to the Clerk of the Legislature on
 10 or before January 1, 1987.”.

11 13. Renumber the remaining sections
 12 accordingly.

(Signed) Tom Vickers, Chairperson

Constitutional Revision and Recreation

LEGISLATIVE RESOLUTION 305CA. Placed on General File as amended.

Standing Committee amendments to LR 305CA:

AM2092

- 1 1. On page 2, line 8, after “taxation” insert
- 2 “by all political subdivisions levying a tax within the
- 3 county”.
- 4 2. On page 3, line 25, after “property”
- 5 insert “when such property is owned by a new or
- 6 expanding business”.

LEGISLATIVE BILL 1152. Placed on General File as amended.

Standing Committee amendments to LB 1152:

AM2039

- 1 1. On page 2, line 7, strike “two”, show as
- 2 stricken, and insert “one”; in line 9 strike “two”, show

- 3 as stricken, and insert "one"; and in lines 22 through
4 25 strike the new matter.
5 2. On page 3, strike line 1.

LEGISLATIVE RESOLUTION 82. Indefinitely postponed.

LEGISLATIVE RESOLUTION 321CA. Indefinitely postponed.

LEGISLATIVE BILL 517. Indefinitely postponed.

(Signed) Lee Rupp, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 1129. Placed on General File.

(Signed) Bill Harris, Chairperson

Urban Affairs

LEGISLATIVE BILL 1163. Indefinitely postponed.

(Signed) Ron Withem, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 318A. By Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 318, Eighty-ninth Legislature, Second Session, 1986.

RESOLUTION

LEGISLATIVE RESOLUTION 343.

Introduced by Hefner, 19th District; Goll, 16th District.

WHEREAS, 1986 marks the centennial year of the gasoline-powered automobile; and

WHEREAS, auto historians mark 1886 as the first year in which a motor vehicle was powered by a gasoline-driven internal combustion engine; and

WHEREAS, it is estimated that there are one hundred twenty-four million automobiles registered in the United States; and

WHEREAS, one in five jobs in the country are dependent directly or indirectly on the automobile industry.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

That the Legislature urges all Nebraskans to recognize the importance of the gasoline-powered automobile and its contribution to the economy of the state and the nation.

Laid over.

UNANIMOUS CONSENT - Announcement

Mr. Rupp asked unanimous consent for the Constitutional Revision and Recreation Committee to hold the public hearing on LR 307CA and LR 314CA in the East Chamber rather than in Room 1019 on February 20, 1986. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 144 in the Journal. No objections. So ordered.

AM2119

(Amendments to AM2043)

- 1 1. On page 28, line 13, after "authorized"
- 2 insert ", except that a lottery game shall not include
- 3 any mechanical gaming device, computer gaming device,
- 4 electronic gaming device, or video gaming device"; in
- 5 line 19 after the semicolon insert "and"; and strike
- 6 beginning with "and" in line 21 through line 24.
- 7 2. On page 29, strike line 1.

Mr. Warner asked unanimous consent to print the following amendment to LB 529 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2072)

UNANIMOUS CONSENT - Print in Journal

Messrs. Hall and Schmit asked unanimous consent to print the following motion to LB 1020 in the Journal. No objections. So ordered.

Indefinitely postpone LB 1020.

ANNOUNCEMENTS

Mr. V. Johnson designates LB 925 as his priority bill.

Mr. Conway designates LB 1041 as his priority bill.

Mr. Remmers designates LB 1049 as his priority bill.

Mr. Goll designates LB 759 as his priority bill.

The Revenue Committee designates LB 1027 and LB 1028 as its priority bills.

Mr. Lundy designates LB 890 as his priority bill.

REPORT

Mr. Beutler reported the Executive Board of the Nebraska Legislature, with a unanimous vote of those present, today appointed Mr. Leon McCoy of Neligh, Nebraska to the Nebraska Economic Forecasting Board. The term of appointment will begin today and will be complete on September 26, 1988. Mr. McCoy will replace Mr. Scott Litherland.

STANDING COMMITTEE REPORTS

Agriculture and Environment

LEGISLATIVE BILL 849. Placed on General File as amended.

Standing Committee amendments to LB 849:

AM1988

- 1 1. Strike original sections 6, 9, 12, and 31.
- 2 2. On page 3, strike beginning with "(a)" in
- 3 line 11 through "financing" in line 12 and insert
- 4 "develop and conduct a secondary market in agricultural
- 5 mortgage loans"; and strike beginning with "(b)" in line
- 6 15 through "programs" in line 18.
- 7 3. On page 4, line 14, after "body" insert
- 8 "is"; and strike beginning with "by" in line 15 through
- 9 "unable" in line 17 and insert "to assist farmers".

- 10 4. On page 5, line 13, strike "14" and insert
11 "11".
- 12 5. On page 13, line 16, strike "of" and
13 insert "or".
- 14 6. On page 16, line 16, strike the first
15 comma and insert "and" and strike "and"; and in line 17
16 strike "agricultural-related enterprises,".
- 17 7. On page 17, line 5, after the semicolon
18 insert "and"; strike lines 6 through 15; and in line 16
19 strike "(16)" and insert "(15)".
- 20 8. On page 19, strike beginning with "the" in
21 line 3 through "Act" in line 4 and insert "section 27 of
1 this act"; and strike beginning with "The" in line 12
2 through "(3)" in line 23.
- 3 9. On page 20, line 3, strike "(4)" and
4 insert "(3)"; in line 5 strike "(5)" and insert "(4)";
5 in line 8 strike "(6)" and insert "(5)"; in line 10
6 after the semicolon insert "and"; strike lines 11
7 through 15; in line 16 strike "(8)" and insert "(6)"; in
8 line 22 strike the semicolon; and in line 23 strike "(1)
9 Purchase" and insert "purchase".
- 10 10. On page 21, strike beginning with the
11 semicolon in line 5 through "subdivision" in line 21.
- 12 11. On page 24, line 23, strike "34" and
13 insert "30".
- 14 12. On page 26, line 23, strike "financing
15 agreements,"; and in line 24 strike the first comma.
- 16 13. On page 27, line 3, strike "financing
17 agreements," and strike the second comma.
- 18 14. On page 31, line 16, after the comma
19 insert "including" and after "required" insert "sinking
20 fund"; in line 23 after "principal" insert a comma; and
21 in line 24 after "payments" insert a comma.
- 22 15. On page 32, line 2, after the comma
23 insert " , hereafter referred to in this section as the
24 required minimum capital reserve,".
- 1 16. On page 34, line 14, strike "45" and
2 insert "41".
- 3 17. On page 35, line 25, strike "income from
4 such property," and insert "except".
- 5 18. On page 36, line 1, strike the first
6 comma and insert "and" and strike "and income"; in line
7 2 strike "derived from such bonds,"; strike beginning
8 with "The" in line 4 through the period in line 8; in
9 line 12 strike "a project" and insert "an agricultural

- 10 enterprise" and after "be" insert "temporarily"; in line
 11 13 strike "such projects" and insert "as a result of a
 12 foreclosure, such enterprises"; and in line 16 strike
 13 "projects" and insert "enterprises".
 14 19. On page 38, line 18, strike "of" and
 15 insert "or".
 16 20. Renumber the remaining sections
 17 accordingly.

LEGISLATIVE BILL 937. Placed on General File as amended.
 Standing Committee amendment to LB 937:
 AM2097

- 1 1. On page 2, line 13, after "with" insert "a
 2 but not exceed the amount authorized by.".

(Signed) Rod Johnson, Chairperson

Health and Human Services

LEGISLATIVE BILL 804. Placed on General File as amended.
 Standing Committee amendment to LB 804:
 AM2102

- 1 1. On page 2, line 20, strike "two" and
 2 insert "four".

LEGISLATIVE BILL 1085. Indefinitely postponed.
LEGISLATIVE BILL 1088. Indefinitely postponed.
LEGISLATIVE BILL 1191. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

Judiciary

LEGISLATIVE BILL 1071. Placed on General File.
LEGISLATIVE BILL 1159. Placed on General File.
LEGISLATIVE BILL 1229. Placed on General File.

(Signed) Peter Hoagland, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 335.

VISITORS

Visitors to the Chamber were Bill Schuller from Odell; Tom Olson, Joe Burnham, and Phil Fredrickson; Webb Warren from Gretna; Gaylord Lacy from Grant; Allan Anderson from Ord; Lloyd Dowding from Bellevue; Marlin Winner from Norfolk; Francis Skoupka from Campbell; 14 seniors and teacher from Exeter High School; and Mrs. Karen Harvey, son, Zack, and daughter, Katie from Alliance.

ADJOURNMENT

At 12:02 p.m., on a motion by Mr. Miller, the Legislature adjourned until 9:00 a.m., Tuesday, February 18, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SIXTH DAY - FEBRUARY 18, 1986

LEGISLATIVE JOURNAL

TWENTY-SIXTH DAY - FEBRUARY 18, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 18, 1986

Pursuant to adjournment, the Legislature met at 9:05 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Higgins and Mr. Vickers who were excused; and Messrs. Beutler, Conway, R. Johnson, V. Johnson, Rupp, Withem, Mesdames Marsh, and Morehead who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Fifth Day was approved.

MESSAGE FROM THE GOVERNOR

February 14, 1986

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Personnel Board requiring legislative confirmation:

Appointee:

Marcia Phelps Glynn, 1945 C Street, Lincoln, NE 68502,
473-3722(w), 435-0960(h), Term: 2/14/86 to 8/4/90, Succeeds:
Steve Torrence, resigned.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/mr

cc: Staff Assistant to the Governor
Accountability and Disclosure Commission
Department of Administrative Services
Department of Personnel

ATTORNEY GENERAL'S OPINIONS

Opinion No. 86015
February 13, 1986

To: Senator William E. Nichol

Subject: Constitutionality of LB 626 - Legislative Classification

This is in response to your letter of February 3, 1986. Your concern is the constitutionality of an amendment to LB 626, AM 1789, found on page 622 of the Legislative Journal.

The pertinent provision of this bill provides for the issuance of an "employment driving permit" to individuals whose license has been revoked for a violation of Neb.Rev.Stat. §§39-669.07 or 39-669.08 (Reissue 1984). The court may issue such a permit if

(a) the applicant shows by clear and convincing evidence that he or she (i) requires the use of a motor vehicle in the normal course of his or her employment and (ii) will lose his or her job if such permit is not issued; or (b) the applicant is self-employed and can prove that loss of the ability to drive the motor vehicle will prohibit or seriously impair such applicant's ability to continue such employment.

The provision goes on to provide that a person issued such an employment driving permit "shall operate a motor vehicle only during the normal course of employment."

The amendment to this bill would create the following exception to the above provisions by providing that "Any operator of a local commercial truck as defined in section 60-301, taxicab, or vehicle for which a class CC operator's license is required who is convicted of a violation of section 39-669.07 or 39-669.08 shall not be eligible for an employment driving permit."

Your specific concern is the constitutionality of the classification established by this amendment. In this regard, the Nebraska Supreme Court has stated that

A legislative classification, in order to be valid, must be based upon some reason of public policy, some substantial difference of situation or circumstances, that would naturally suggest the justice or expediency of diverse legislation with respect to the objects to be classified. Classifications for the purpose of legislation must be real and not illusive; they cannot be based on distinctions without a substantial difference. (Omission of citations). Classification is proper if the special class has some reasonable distinction from other subjects of a like general character, which distinction bears some reasonable relation to the legitimate objectives and purposes of the legislation. The question is always whether the things or persons classified by the act form by themselves a proper and legitimate class with reference to the purpose of the act.

State ex rel. Douglas v. Marsh, 207 Neb. 598 at 609, 300 N.W.2d 181 (1980).

The general purpose of the employment driving permit is to allow individuals to continue their employment if the use of a motor vehicle is necessary in the course of that employment. Quite obviously, the operators of local commercial trucks, taxicabs or vehicles for which a class CC operator's license is required, are individuals for whom the use of a motor vehicle is required in the normal course of their employment. There is no readily apparent basis for separating these particular individuals from other individuals who would be eligible for an employment driving permit and treating them in a harsher fashion. Numerous other types of occupations come to mind which require an individual to use a motor vehicle in the course of his or her employment and we can see no substantial rationale for treating the individuals singled out by the amendment any differently. Consequently, we would find it difficult to defend the amendment to LB 626 if it were to be challenged upon these constitutional grounds.

Sincerely,

ROBERT M. SPIRE
Attorney General
(Signed) John Boehm
Assistant Attorney General

JB/bae

cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 86016
February 13, 1986

To: Senator Chris Abboud

Subject: Constitutionality of LB 578 as Amended

You have asked whether LB 578 as amended on February 10, 1986 by the Lynch Amendment is still constitutionally suspect as we concluded in Attorney General Opinion No. 57 (April 9, 1985).

In that opinion we addressed whether LB 578 as then proposed violated the Commerce Clause of the Federal Constitution. We concluded that it probably did. Requiring all out of state pharmacies dispensing prescription drugs into this state to hold a pharmacy permit issued by the Department of Health in this state and to comply with Nebraska law and rules and regulations governing the practice of pharmacy was more than an incidental burden on interstate commerce. Also, the state's interest in regulating the flow of controlled substances was adequately protected by the pertinent federal statutes. We pointed out that Congress had preempted regulation in this area of interstate commerce by enacting the Drug Abuse Prevention and Control Act, 21 U.S.C. §801 et seq. but that Congress did not intend to preempt state regulation of interstate commerce involving controlled substances so long as any state regulation did not directly conflict with the act itself.

The Lynch Amendment retains the general rule that all out of state pharmacies dispensing prescription drugs into this state must have a permit issued by this state and must comply with Nebraska law and rules and regulations governing the practice of pharmacy. The Lynch Amendment then adds an exemption for such out of state pharmacies which hold a pharmacy permit in the state where they are located if the requirement and qualifications for such permit are substantially equivalent to those contained in specific sections of Nebraska statutes. That exemption is probably not in violation of the Commerce Clause so long as the Nebraska statutes used as the standard are consistent with the federal law which is controlling.

However, there are problems with the general rule. It would mean that a pharmacy located in another state which does not come within the exemption would have to get a permit from this state before it could dispense prescription drugs here. Neither the constitution of the federal government nor laws passed in pursuance of it have any force in foreign territory unless in respect to our own citizens. United States v. Curtiss-Wright Export Corp., 299 U.S. 304, 318 (1936). Consistent with that, each state's sovereign power ends at the boundaries which separate it from the other sovereign states of the union. Thus Nebraska could not police another state to assure that an applicant for a permit or a permittee there complied with Nebraska law and the rules and regulations governing the practice of pharmacy.

These problems may be avoided by making the exemption in the Lynch Amendment the general rule, that is, by requiring that all out of state pharmacies dispensing prescription drugs into the State of Nebraska hold a pharmacy permit from the state in which the pharmacy is located and that such state have requirements substantially equivalent to those in this state and consistent with the federal law.

In conclusion, the exemption in the Lynch Amendment is probably valid under the Commerce Clause of the United State Constitution so long as the pharmacy laws of this state are consistent with the controlling federal law. However, the general rule in that amendment intrudes on the sovereignty of other states and cannot be enforced.

Sincerely,

ROBERT M. SPIRE

Attorney General

(Signed)

Marilyn B. Hutchinson

Assistant Attorney General

MBH:jem

cc: Patrick J. O'Donnell

Clerk of the Legislature

1/27

February 13, 1986

To: Senator James E. Pappas

Subject: Legislative Petition

I have received your petition and letter of February 5, 1986, and feel that a prompt and factual reply is appropriate. Like you, I am aware that the source of our respective powers and responsibilities is

the Constitution of this great state. I will endeavor to discharge my obligations and responsibilities in a competent, appropriate, and respectful manner.

This office has not determined that there are "blatant" violations of Initiative 300. This conclusion has been reached by addressing the inquiries from the Secretary of State, the appeal by a Nebraska bank pursuant to our successful defense of the constitutionality of the Initiative 300 amendment, and the current investigation of two complaints by both yourself, and Senator DeCamp.

Your letter indicates that there are insinuations on the floor of the Legislature that there are nonfamily farm corporations engaged in horse racing, Christmas tree farms, popcorn production, feeder pig co-ops, and cattle feeders. This office directly, or through communication and correspondence from the Secretary of State is not currently investigating any alleged violations of the activities mentioned in your letter of February 5, 1986, because not one person, syndicate, or corporation has been identified as a potential violator to this office.

Enclosed please find a copy of our opinion of May 8, 1985, to yourself, and a copy of a letter to Senator John DeCamp addressing similar issues raised by your letter of February 5, 1986.

This office is constantly alert to the responsibilities of enforcing the Constitution and the laws of this state. We have consistently, without question done so. I can only expect that this office will continue in the future to administer its responsibility pursuant to the guidance and directive of the Constitution and state laws.

We have endeavored not to take positions relative to the policies or implementation of the laws but rather seek to enforce the laws that our courts have held to be constitutional, or our Legislature has enacted. To do otherwise would diminish the authority and respect this office holds for the people and legislators of this state.

We appreciate your bringing to our attention your concerns about Western Sugar Company. We are conducting a prompt and thorough investigation in response to your request. We also ask that you bring to our attention any other specific situations where you feel there may be violations.

As always, I welcome your thoughts on improving the efficiency of this office, and look forward to further discussions.

Sincerely,
ROBERT M. SPIRE
Attorney General

RMS/bae
Encl.

cc: John W. DeCamp

Bill Harris
Dan Lynch
Carol M. Pirsch
William E. Nichol
Harry B. Chronister
Bernice Labedz
Lowell C. Johnson
Richard Peterson
Wiley Remmers
Rex Haberman
Ray E. Lundy
Dennis Baack
Pat Morehead
Loran Schmit
Secretary of State
Clerk of the Legislature

February 12, 1986

To: Senator John DeCamp

Following our meeting at which we discussed the questions you have raised concerning feedlots in the state which are owned and operated by corporations, and their legality under the provisions of Initiative 300, I have again examined an opinion of this office dated May 8, 1985, concerning that subject.

In that opinion, the question was whether or not a nonfamily corporation in existence prior to the adoption of Initiative 300 could continue to feed cattle after the adoption of 300.

In answer, the opinion points out that paragraph (D) of Initiative 300 provides that the provisions against corporate ownership of farm and ranch land or farming and ranching does not apply to

{A}gricultural land, which, as of the effective date of this act, is being farmed or ranched, . . . so long as such land . . . shall be held in continuous ownership or under continuous lease by the same such corporation or syndicate.

The opinion then continues that paragraph (D) intends to authorize nonqualified corporation which possess an interest in farm and ranch land to continue to farm or ranch on these lands so long as they possess such interest after the adoption of Initiative 300.

Considering the evidence I have concerning the Granada feedlot and certain "grandfathered" feedlot corporations which you have referred to, I have concluded that the evidence does not support a violation of the provisions of Initiative 300, and that they are exempt from the restrictions of corporate farming and ranching because they

are currently operating pursuant to Art. XII §8 (D) of our Constitution. This does not mean, however, that there may not be other violations by other corporations.

This office has successfully defended the constitutionality of Initiative 300 before the Lancaster County District Court, and we are presently awaiting a decision from our state Supreme Court following a persuasive argument in favor of the constitutionality of Initiative 300 by this office. In addition, this office investigated a northeast Nebraska feedlot that was allegedly violating Initiative 300. During our investigation, the lease of the feedlot in question and the operation of that feedlot was subsequently restructured to operate within the laws of Nebraska. Several other inquiries since Initiative 300 became a part of our Constitution have been forwarded to the Attorney General's office for investigation. Those inquiries did not produce criminal charges being filed, or court cases being commenced since the allegations proved to be unfounded.

To leave the impression that the Attorney General's office and other authorities have ignored violations of the constitutional prohibition because they fear public reaction to its enforcement is not a true or accurate reflection of our involvement in enforcing Initiative 300.

The Constitution requires that the Secretary of State monitor the corporate and syndicate agricultural land purchases and corporate and syndicate farming and ranching operations and notify the Attorney General of any possible violations. It must therefore be presumed that since the enactment of Initiative 300 that all corporate and syndicate agricultural land purchases and corporate and syndicate farming and ranching operations are being done so legally as it would be impossible to register a syndicate or file articles or incorporation for other than lawful purposes. This presumption can be rebutted by receiving allegations of violations of Initiative 300 that are proven to be factual.

To further highlight this I have requested the Secretary of State to advise me of the names of all corporations filed to do business in the State of Nebraska since the effective date of Initiative 300. There are approximately 1,936 filings of foreign corporations, and 7,536 filings of domestic corporations. This office does not have the resources, nor the manpower, nor the directive in law to affirmatively review each and every corporation licensed to do business in Nebraska to see if they are in fact violating Initiative 300. The spirit and intent of the constitutional amendment as provided by the people is to have the Secretary of State monitor the corporate and syndicate agricultural land purchases and the corporate and syndicate farming and ranching operations and notify the Attorney General of any possible violations. That has been done, and is currently being done.

The sheer numbers of the listing of the foreign and domestic corporate filings precludes this office from affirmatively investigating each corporation for a potential violation. This action would serve no useful purpose and would tend to have a chilling effect on the lawful activities of all corporations doing business in Nebraska. Additionally, as a sponsor of LB 587, you know that LB 587 was passed by the 1st Session of the 88th Legislature which eliminated the filing of annual reports of certain corporations holding agricultural land with the Secretary of State. The mechanism in Initiative 300 seems to adequately address the responsibility and power of the Attorney General's office for enforcement of Initiative 300.

In your letter of February 3 you have cited a number of hypothetical situations and have asked my opinion as to their legality. This office has always taken the position that it would be improper for us to address hypothetical situations. When we are presented facts which might indicate a violation of Initiative 300 this office will take immediate steps to determine whether or not there is in fact a violation and proceed accordingly.

I can assure you that, as in the past, if we have any evidence of any violations of Initiative 300, every effort will be made by this office to fulfill its obligations and responsibilities to the letter and spirit of the Constitution.

Very truly yours,
ROBERT M. SPIRE
Attorney General

RMS/bae
cc: Secretary of State

Opinion No. 86018
February 13, 1986

To: Senator Lee Rupp

Subject: Effect of LR 307 on Referendum on LB 662

This is in response to your inquiry which pertains to Legislative Resolution 307 (1986). Section 1 of LR 307 states as follows:

A Resolution to propose an amendment to Article VII, section 1, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE
MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF
NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article VII, section 1, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

CVII-1 "The Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years and shall ensure that all land in this state is within political subdivisions the specific purpose of which is to provide for the operation of the common schools and each of which offers public school instruction for kindergarten through the twelfth grade. The Legislature may provide for the education of other persons in educational institutions owned and controlled by the state or a political subdivision thereof."

I.

Does a Class VI school district, which includes Class I school districts within its boundaries, constitute a political subdivision "which offers public school instruction for kindergarten through the twelfth grade" under the provisions of LR 307?

The Nebraska Constitution does not classify school districts nor does LR 307. School districts are classified by statute. E.g., Neb.Rev.Stat. §79-102 (Reissue 1981). Thus, there is a threshold question of whether the classification in Neb.Rev.Stat. §79-102 (Reissue 1981) is constitutional in the event that LR 307 became operative law. There is also the question of whether or not Neb.Rev.Stat. §79-102 (Reissue 1981) would be amended in the event that LR 307 became operative law and if so, in what manner would school districts be classified. Consequently, we can not answer your question at this time.

II.

May the Legislature properly address the issue that is contained in LR 307 while LB 662 of the Eighty-ninth Legislature, First Session, awaits a vote of the people?

Section 1 of LB 662 of the Eighty-ninth Legislature, First Session (1985) provides "all Class I school districts of the state that were not within a Class VI school district on September 1, 1986, or affiliated with another school district prior to March 1, 1989, shall be merged with an existing Class II, III, IV, or V School district or become part of an existing Class VI school district." That legislative bill is the subject of a referendum which will be presented to the electorate at the next general election in November, 1986. If it were to become operative law, LR 307 would also be submitted to the electorate at the next general election in November, 1986. As noted above, it would amend section 1 of Article VII of the Constitution of Nebraska to provide that "all land in this state is within political

subdivisions the specific purpose of which is to provide for the operation of the common schools and each of which offers public school instruction through the twelfth grade.”

If LB 662 were approved by the electorate it seems clear that it would eliminate certain common schools by a day certain that do not offer instruction through the twelfth grade. If LR 307 were approved by the electorate it also seems clear that it would eliminate certain common schools that do not offer instruction through the twelfth grade but on a date different from that in LB 662. Thus, it appears to us that LR 307 would amend section 1 of LB 662. In a letter to Senator Tom Vickers under date of September 17, 1985, we stated “the Legislature is prohibited from amending or repealing any of the specific provisions of LB 662.” We adhere thereto. We are therefore of the opinion that LR 307 is not a proper subject of legislative action at this time.

Sincerely,

ROBERT M. SPIRE

Attorney General

(Signed)

Harold Mosher

Assistant Attorney General

HM/bae

cc: Patrick J. O'Donnell

Clerk of the Legislature

REPORTS

Received a statement of deposits to the Highway Cash Fund and Roads Operation Cash Fund for the calendar month of January, 1986 from the Nebraska Department of Roads in compliance with Section 66-476, R.S. Supp. 1980.

Received quarterly report from the Nebraska Department of Roads for the Nebraska State Highway Commission for December, 1985.

Received annual report for Fiscal Year 1985 from the Nebraska Department of Roads.

RESOLUTION

LEGISLATIVE RESOLUTION 343. Read. Considered.

LR 343 was adopted with 26 ayes, 0 nays, and 23 not voting.

SELECT COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 772. Placed on Select File as amended.
E & R amendments to LB 772:

AM5245

- 1 1. On page 1, line 5, after the semicolon
- 2 insert "to provide exceptions;"
- 3 2. On page 5, underscore beginning with
- 4 "shall" in line 4 through the period in line 5.

(Signed) Timothy Hall, Chairperson

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 918. Indefinitely postponed.

LEGISLATIVE BILL 944. Indefinitely postponed.

LEGISLATIVE BILL 1013. Indefinitely postponed.

LEGISLATIVE BILL 1091. Indefinitely postponed.

(Signed) Tom Vickers, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following in the Journal. No objections. So ordered.

February 14, 1986

The Honorable Robert Spire
Attorney General
State Capitol
Lincoln, Nebraska 68509

Re: REQUEST FOR OPINION AS TO WHETHER LB 772 MAY
BE CONSTITUTIONALLY SUSPECT

Dear Attorney General Spire,

For the sake of clarity and in order properly to raise issues, this request will consist of narrative, examples and questions.

Great care and precision should have been exercised in drafting LB 772 because it seeks to restrict and criminalize fundamental First Amendment rights of free speech, assembly, association and even thought.

Rather than effectively curtailing undesirable speech and assemblages by so-called "hate groups" as argued by its sponsors, LB 772 may prove to be a trap for the unwary, entangling dissident farmers, striking workers, the unemployed and others who may engage in legitimate political speech and protest and assembly to seek redress of grievances.

QUERY. Is a constitutional problem created by placing total, unguided discretion in law enforcement officers who must guess as to whether the terms of LB 772 are violated, because intent, without anything more, is the crime?

I request that you review the following issues:

- a) Overbreadth, vagueness, ambiguity and speculativeness;
- b) No requirement of any overt act toward unlawful conduct;
- c) None of the targeted speech or conduct is unlawful, of itself;
- d) Overbreadth and imprecision of definitions;
- e) Imputation of the power to forecast with certitude the conduct of others;
- f) Assumption that law enforcement officers can read the minds of suspects;
- g) Provision of "escape hatch" which renders the entire bill nugatory.

QUERY. With or without LB 772, may "hate" and any other groups lawfully conduct instruction and training for self defense, assisting law enforcement during emergencies, Armageddon?

ANALYSIS OF LB 772

QUERY. Does LB 772 meet the requirement that definitions in criminal statutes be narrow, precise and certain and not susceptible of more than one meaning?

At page 2, sec. 1(1), while defining CIVIL DISORDER, LB 772 makes neither incitement nor participation a crime. Further, by specifying "acts of violence" at line 4, LB 772 creates an anomaly: a single act of violence, regardless of the magnitude of disruption, damage or injury caused, would be insufficient to constitute a "public disturbance" essential to the definition of civil disorder. A single explosion which destroyed police headquarters without injuring anyone or damaging other property would not meet the definition of civil disorder. Consequently, any instruction or training "intended" or "known to be intended" for such purpose would not be covered by the express terms of LB 772.

On the other hand, a civil disorder would be created under the terms of LB 772 if a man roughly elbowed and loudly cursed several people on a public street.

QUERY. Isn't it true that none of the acts in sec. 1(1) need be unlawful or intentional, or that any damage to property or injury to person actually occur? But if any damage or injury should occur, isn't it true that any degree, regardless how slight would be sufficient to create a civil disorder if more than one act of violence were involved?

The definition of civil disorder may embrace various law enforcement activities such as forcible public arrests, high speed auto chases and shooting suspects. If lawfully done, LB 772 does not apply.

QUERY. If some officers unlawfully use excessive force in carrying out the above activities, may not their instructors and trainers be deemed to have "known" or to have "had reason to know" that some officers would unlawfully use the instruction and training -- and such instructors and trainers would be subject to a Class IV felony charge under the express terms of LB 772?

If there were noisy and raucus neighborhood football games, boxing, judo and karate contests which violated "disturbing the peace" laws or ordinances and were, therefore, unlawful, may not the terms of LB 772 be applied to place any teachers and trainers of the participants in line to be charged with a felony if they knew or had reason to know that such disturbances of the peace would occur?

QUERY. May not LB 772 be applied to relatively minor disturbances and thereby embrace far more than the activities of so-called "hate groups"?

At page 2, lines 17-19, FIREARM is defined as

"any weapon which...may readily be converted to expel any projectile by the action of an explosive charge...." My emphasis.

Weapon is not defined. Does use determine whether an object is a weapon, and if so, isn't metal tubing which can be a weapon and "may be readily converted" -- whether actually converted or not -- a firearm?

On page 3, that which is criminalized is spelled out, albeit confusedly, inconsistently and contradictorily. In addition to activities related to firearms, explosives and incendiary devices, LB 772 includes a catch-all term, TECHNIQUE in lines 4, 12, 15. It is a felony:

"For any person to teach or demonstrate...to any other person...any technique capable of causing injury or death...when such person knows or has reason to know or intends that such information...will be unlawfully employed for use in or in furtherance of a civil disorder." My emphasis.

("For use in" and "in furtherance of" seem to be vague terms.) Technique, being a broad, undefined, vague term is susceptible of numerous meanings and applicable to numerous activities.

LB 772 distinguishes between "teach" and "demonstrate", hence it is clear that "to teach" deals directly with speech or uttered words. To teach is not itself made unlawful nor is the content of such teaching. The speech becomes felonious if the teacher fits into at least one of three categories based on actual knowledge ("knows"), constructive knowledge ("has reason to know") or intent ("intends") that the information may unlawfully be used in connection with a civil disorder.

QUERY. Regarding actual knowledge, may criminal guilt be constitutionally established based on what a person is deemed to "know" that another person will do with information which in itself is not unlawful to impart? May a person be made criminally liable solely on the basis of what a law enforcement officer divines such person to "know" about what another person will do with information -- especially when such other person may actually do nothing?

It appears that the true aim is to punish mere speech even though no harm results from it, in order to silence certain unpopular groups.

Regarding constructive knowledge, what circumstances create "reason to know"? As mentioned earlier, the definition of incendiary device fits a cigarette lighter. If a parent shows his child how to use a lighter and the child unlawfully uses it to set fire to several houses, doesn't LB 772 by its terms make the parent guilty of a felony because he had reason to know that the child would unlawfully use the lighter to start fires?

It is clear that LB 772 is vague, tenuous and speculative. An unacceptable chilling effect on free speech results because a person is required to guess, at his or her peril, what someone else will do. Unless the person is an accomplished fortuneteller/mind-reader, silence might be the best ticket.

Regarding intent, the teacher's intent has no bearing on what others will do with information. Mere intent is insufficient to create criminal conduct. For example, if a person administered plain tap water to a person thinking it was poison and intending to administer poison, no crime would be committed despite intent.

The courts have set out some forms of speech which under given circumstances may not be protected by the First Amendment. However, LB 772 goes beyond what is constitutionally permissible because the type of speech being criminalized does not fit into any of the restricted categories; it:

- 1) does not advocate an insurrectionary act;
- 2) does not immediately endanger hearers (Fire! shouted in crowded theater);
- 3) does not incite to noisy disruption;
- 4) does not provoke violent reaction from hearers (fighting words);
- 5) is not offensive to unconsenting hearers;
- 6) is not obscene.

QUERY. Since the uttered words are themselves protected speech, does mere intent in uttering them, without anything more remove them from the realm of protected speech?

LB 772 does nothing less than make speech, harmless in itself, a crime because there is no requirement:

- 1) that there be incitement to any unlawful act;
- 2) that hearers do anything based on the words uttered;
- 3) of any likelihood that hearers will do anything;
- 4) that hearers even be capable of applying information;
- 5) that the information be reasonable (e.g., how to cause earthquakes and volcanic eruptions with giant tuning forks);
- 6) that the speaker be taken seriously (hearers may be scoffers, mockers, reporters);
- 7) that information be accurate or correct (e.g., erroneous information about constructing H-bomb);
- 8) that any act occur or even be likely to occur.

It would seem that a legislative scheme to criminalize speech must be unconstitutional when no nexus is required to be found between any unlawful act and the speech.

QUERY. Isn't it true that if LB 772 were enacted into law that the mere utterance of words could lead to a harsher penalty than actual participation in a civil disorder?

At page 3, lines 9-16 is the restricting, criminalizing language related to assembly and association. In addition to being bad law, it is atrocious syntax. It is a Class IV felony:

For any person to assemble with one or more persons for the purpose of training with, practicing with, or being instructed in the use of any firearm, explosive or incendiary device, or technique capable of causing injury or death to persons when such persons

intend to unlawfully employ such training, practice, instruction, or techniques for use in or in furtherance of a civil disorder.

By the time one moves from line 9 to line 14, the point of reference has shifted from "person" to "persons" for the purpose of establishing culpability and, thereby, creates ambiguity. No distinction is made between those assembled who may have the requisite intent and those who may not.

QUERY. If all do not have the requisite intent, is there no crime? If only some have the requisite intent, are all guilty by virtue of being assembled "with one or more persons" having the requisite intent?

QUERY. Isn't it true under the terms of LB 772, that an otherwise lawful assembly can be rendered unlawful if any of those present have the requisite evil intent; and a person without knowledge or intent may be guilty of a felony by merely "assembling with one or more persons" having the requisite intent?

QUERY. Isn't LB 772 an unconstitutional application of guilt by association?

Page 4, lines 8-21 purports to "exempt" specific groups. However, the presence of one or more persons with the requisite evil intent renders such exemptions nugatory. Even without this unintended quirk, doesn't language in the exemption provision itself fashion an "escape hatch" for all who desire to evade entirely the provisions of LB 772?

This act shall not prohibit...(5) any programs intended for teaching the safe handling and use of firearms...or other weapons or techniques in connection with sports or other lawful activities....

QUERY. Under the above "escape" provision, may groups or individuals dress as they please and conduct whatever instruction and training they please by claiming to operate a program "intended for teaching the safe handling and use of firearms"?

QUERY. Isn't it true that when determining the constitutionality of a legislative enactment, constitutionality must be judged by what is allowed or permissible under the terms contained in the enactment rather than by the expressed intent of the sponsors and supporters?

I realize that this is a somewhat lengthy request, but I would appreciate an Opinion as soon as possible because LB 772 is moving through the legislative process, being currently on Select File (second stage of debate).

Sincerely,
(Signed) Ernie Chambers

cc: Printed in Legislative Journal

SELECT FILE

LEGISLATIVE BILL 92. E & R amendments, AM5220, found in the Journal on page 534 for the Thirteenth Day were adopted.

Mr. Harris renewed his pending amendment, AM1904, found in the Journal on page 584.

The Harris amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 298. E & R amendment, AM5216, found in the Journal on page 535 for the Thirteenth Day was adopted.

Messrs. DeCamp, Lundy, and Hannibal renewed their pending amendment, AM1709, found in the Journal on page 624.

Mr. Barrett requested a ruling of the Chair on whether the DeCamp et al. amendment is germane to the bill.

The Chair ruled the DeCamp et al. amendment is not germane to the bill.

Mr. DeCamp challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?" The motion prevailed with 24 ayes, 14 nays, 6 present and not voting, and 5 excused and not voting.

The Chair was overruled.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 13 ayes, 2 nays, and 34 not voting.

The DeCamp et al. amendment was adopted with 25 ayes, 15 nays, 5 present and not voting, and 4 excused and not voting.

Mr. Hall withdrew his pending amendment, AM1915, found in the Journal on page 626.

Mr. Hall renewed his pending amendment, AM2051, found in the Journal on page 748.

The Hall amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Beyer withdrew his pending amendment, AM1751, found in the Journal on page 597.

Mr. Haberman moved to indefinitely postpone LB 298.

Mr. Haberman withdrew his motion to indefinitely postpone.

Mr. Haberman requested a machine vote on the advancement of the bill.

Mr. Hall moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Haberman requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Abboud	Eret	Hoagland	Landis	Morehead
Baack	Hall	Johnson, L.	Lundy	Nelson
Chambers	Hannibal	Johnson, R.	Lynch	Scofield
Chizek	Harris	Johnson, V.	Marsh	Smith
Conway	Hartnett	Labeledz	Miller	Withem
DeCamp				

Voting in the negative, 18:

Barrett	Goodrich	Nichol	Remmers	Schmit
Beyer	Haberman	Pappas	Rogers	Warner
Chronister	Hefner	Peterson	Rupp	Wesely
Goll	Lamb	Pirsch		

Present and not voting, 2:

Carsten	Sieck
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Excused and not voting, 3:

Beutler Higgins Vickers

Advanced to E & R for Engrossment with 26 ayes, 18 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS **Executive Board**

LEGISLATIVE BILL 991. Placed on General File.
LEGISLATIVE BILL 993. Placed on General File.
LEGISLATIVE BILL 994. Placed on General File.
LEGISLATIVE BILL 996. Placed on General File.

(Signed) Chris Beutler, Chairperson

Miscellaneous Subjects

LEGISLATIVE BILL 911. Placed on General File.

LEGISLATIVE BILL 960. Placed on General File as amended.
Standing Committee amendment to LB 960:

AM2129

- 1 1. Insert the following new section:
- 2 "Sec. 44. Since an emergency exists, this act
- 3 shall be in full force and take effect, from and after
- 4 its passage and approval, according to law."

LEGISLATIVE BILL 202. Indefinitely postponed.
LEGISLATIVE BILL 515. Indefinitely postponed.
LEGISLATIVE BILL 657. Indefinitely postponed.
LEGISLATIVE BILL 1222. Indefinitely postponed.

(Signed) Elroy M. Hefner, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 844. Placed on General File.
LEGISLATIVE BILL 862. Placed on General File.

LEGISLATIVE BILL 1033. Placed on General File as amended.

Standing Committee amendments to LB 1033:

AM2132

1 1. Strike original section 4 and insert the
2 following new sections:
3 “Sec. 2. That section 14-217.01, Reissue
4 Revised Statutes of Nebraska, 1943, be amended to read
5 as follows:

6 14-217.01. A city of the metropolitan class
7 shall elect a mayor for such term as may be provided by
8 the laws and ordinances of such city. He or she shall
9 take office on the fourth Monday following the election
10 and on such date shall take an oath of office at such
11 time and place as deemed appropriate by the elected
12 mayor. The place where such oath shall be administered
13 shall be a public place sufficient in size to
14 accommodate anticipated public interest.

15 Sec. 3. That section 19-405, Reissue Revised
16 Statutes of Nebraska, 1943, be amended to read as
17 follows:

18 19-405. Candidates for the office of council
19 members provided for in section 19-404 shall be
20 nominated at large at a primary election, and no other
21 names shall be placed upon the official ballot to be
1 used at the regular or general city election except
2 those selected at such primary in the manner hereinafter
3 prescribed. Notwithstanding any more general law
4 respecting the time or manner of holding primary
5 elections, the primary election for such nominations
6 shall be held in all cities containing over twenty-five
7 thousand population, on the fourth Tuesday, and in all
8 cities containing two thousand and not more than
9 twenty-five thousand population, on the third Tuesday
10 preceding the date of the general or regular city
11 election provided by law in any such city. The ;
12 ~~Provided, the council, by ordinance, may waive the~~
13 ~~requirement for a primary election in any year after~~
14 ~~1970. Any person desiring to become a candidate for~~
15 ~~council member shall, at least ten~~ sixty days prior to
16 the date of holding such primary, file with the city
17 clerk a statement of such candidacy in substantially the
18 following form:

19 State of Nebraska County, ss.
20 I, ... being first duly sworn, say that I
21 reside at No. street in the city of
22, county of and State of

23 Nebraska; that I am a qualified voter of ~~said~~ such city;
24 that I am a candidate for nomination for the office of
1 (specifying one of the
2 positions named in section 19-415) to be voted upon at
3 the primary election to be held on the day
4 of, 19...., and I hereby request that my
5 name be printed upon the official primary ballot for
6 nomination by such primary election for ~~said~~ such
7 office.

8 (Signed)
9 Subscribed and sworn to before me by ~~the said~~
10 this day of, 19.... .
11 (Signed)

12 Sec. 4. That section 19-406, Reissue Revised
13 Statutes of Nebraska, 1943, be amended to read as
14 follows:

15 19-406. Such person shall at the same time
16 file with such statement a petition requesting such
17 candidacy, signed by at least twenty-five qualified
18 voters in all cities containing two thousand and not
19 more than twenty-five thousand population, and in all
20 cities containing over twenty-five thousand population,
21 signed by at least one hundred qualified voters; and
22 shall pay to the city treasurer a filing fee, to aid in
23 the expense of holding such primary, ~~of ten dollars in~~
24 an amount equal to one per cent of the annual salary of
1 a council member, and obtain a receipt from the
2 treasurer therefor which shall be produced to and filed
3 with ~~said~~ the city clerk before filing such petition.
4 The petition shall be substantially in the following
5 form:

6 The undersigned, duly qualified electors of
7 the city of and residing at the places set
8 opposite our respective names hereto attached, do hereby
9 request that the name of be placed on the
10 official ballot as a candidate for nomination for the
11 office of (specifying one of the positions
12 named in section 19-415) at the primary election to be
13 held in the ~~said~~ city on the day of
14, 19.... . We further state that we know
15 such person to be a qualified elector of ~~said~~ the city
16 and a person of good moral character and well qualified,
17 in our judgment, for the duties of such office.

18 Sec. 13. That section 32-4,152, Reissue
19 Revised Statutes of Nebraska, 1943, be amended to read

20 as follows:

21 32-4,152. Vacancies in city and village
22 elected offices shall be filled by the mayor and council
23 or board of trustees for the balance of the unexpired
24 term, except as provided in subsection (2) or (3) of
1 this section. Notice of a vacancy, except that
2 resulting from the death of the incumbent, shall be in
3 writing and presented to the council or board of
4 trustees at a regular or special meeting and shall
5 appear as a part of the minutes of such meeting. The
6 council or board of trustees shall at once give public
7 notice of the vacancy by causing to be published in a
8 legal newspaper ~~or newspapers~~ of general circulation
9 within such village or city or by posting in three
10 public places in the village or city the office vacated
11 and the length of the unexpired term.

12 (1) The mayor or chairperson of the board
13 shall within ~~two~~ four weeks after the regular or special
14 meeting at which such notice of vacancy has been
15 presented, or upon the death of the incumbent, call a
16 special meeting of the council or board of trustees or
17 place the issue of filling such vacancy on the agenda at
18 the next regular meeting ~~board~~ at which time the mayor
19 or chairperson of the board shall submit the name of a
20 qualified elector to fill the vacancy for the balance of
21 the unexpired term. The ~~board members~~ council or board
22 of trustees shall vote upon such nominee and if a
23 majority of the ~~board~~ council or board of trustees votes
24 in favor of such nominee the vacancy shall be declared
1 filled. If a majority vote is not reached the
2 nomination shall be rejected and the mayor or
3 chairperson shall at the next regular or special meeting
4 submit the name of another qualified elector to fill the
5 vacancy. If the vote on the nominee fails to carry by a
6 majority vote the mayor or chairperson shall continue at
7 such meeting to submit the names of qualified electors
8 in nomination and the council or board of trustees shall
9 continue to vote upon such nominations until the vacancy
10 is filled. The mayor or chairperson of the board shall
11 cast his or her vote for or against the nominee in the
12 case of a tie vote of the council or board of trustees.
13 All council members and trustees present shall cast a
14 ballot for or against the nominee. Any member of the
15 city council or board of trustees who has been appointed
16 to fill a vacancy on the council or board shall have the

17 same rights, including voting, as though such person was
18 elected.

19 (2) Vacancies in city offices in any home rule
20 charter city shall be filled as provided in the home
21 rule charter.

22 (3) The mayor and council or chairperson and
23 board of trustees may, in lieu of filling a vacancy in a
24 city or village elected office as provided in subsection
1 (1) of this section, call a special municipal election
2 to fill such vacancy. If there is a vacancy in the
3 offices of a majority of the members of a city council
4 or village board, there shall be a special municipal
5 election conducted by the Secretary of State to fill
6 such vacancies.”.

7 2. On page 4, line 3, after “two” insert “to
8 four”; strike beginning with “by” in line 10 through
9 “election” in line 12 and show as stricken; in line 13
10 strike “as set out in section 32-848” and show as
11 stricken; in line 17 strike “upon request certify”, show
12 as stricken, and insert “furnish the”; in line 18 strike
13 “its” and show as stricken; and strike beginning with
14 “Not” in line 23 through line 25 and show as stricken.

15 3. On page 5, strike beginning with
16 “conducting” in line 1 through the period in line 3 and
17 show as stricken; and in line 10 after “two” insert “to
18 four”.

19 4. On page 10, line 13, strike “When”, show
20 as stricken, and insert “Except as provided in
21 subsection (5) of this section, when”.

22 5. On page 12, in lines 9, 10, 21, 22, and
23 23, strike the new matter.

24 6. On page 16, line 11, after “ADDRESS”
1 insert “if different from RESIDENCE -- ADDRESS”; and in
2 line 20 strike “city and”.

3 7. On page 17, line 12, after “signature”
4 insert “or initials”; and in line 15 strike “two”, show
5 as stricken, and insert “one”.

6 8. On page 23, line 25, strike “an” and
7 insert “a”.

8 9. On page 24, line 1, strike “office” and
9 insert “candidate”; and in line 2 strike “such” and
10 insert “an”.

11 10. On page 32, line 20, after “sections”
12 insert “14-217.01, 19-405, 19-406,”; and in line 22
13 after the first comma insert “32-4,152,”.

14 11. Renumber the remaining sections
15 accordingly.

LEGISLATIVE BILL 843. Indefinitely postponed.

LEGISLATIVE BILL 1014. Indefinitely postponed.

(Signed) David Landis, Chairperson

Urban Affairs

LEGISLATIVE BILL 1003. Placed on General File as amended.
Standing Committee amendments to LB 1003:

AM2118

- 1 1. On page 2, line 12, strike "This" and
2 insert "Nothing" and reinstate "contained in this"; and
3 in lines 17 and 18 and 19 and 20 strike "two hundred
4 forty"; and insert "one hundred eighty".
5 2. Insert the following new sections:
6 "Sec. 3. That section 84-1411, Revised
7 Statutes Supplement, 1984, be amended to read as
8 follows:
9 84-1411. (1) Each public body shall give
10 reasonable advance publicized notice of the time and
11 place of each meeting by a method designated by each
12 public body and recorded in its minutes. Such notice
13 shall be transmitted to all members of the public body
14 and to the public. Such notice shall contain an agenda
15 of subjects known at the time of the publicized notice,
16 or a statement that the agenda, which shall be kept
17 continually current, shall be readily available for
18 public inspection at the principal office of the public
19 body during normal business hours. Except for items of
20 an emergency nature, the agenda shall not be enlarged
21 later than (a) twenty-four hours before the scheduled
1 commencement of the meeting or (b) forty-eight hours
2 before the scheduled commencement of a meeting of a
3 municipality scheduled outside the corporate limits of
4 the municipality. The public body shall have the right
5 to modify the agenda to include items of an emergency
6 nature only at such public meeting.
7 (2) The secretary or other designee of each
8 public body shall maintain a list of the news media
9 requesting notification of meetings and shall make
10 reasonable efforts to provide advance notification to
11 them of the time and place of each meeting and the

12 subjects to be discussed at that meeting.

13 (3) When it is necessary to hold an emergency
14 meeting without reasonable advance public notice, the
15 nature of the emergency shall be stated in the minutes
16 and any formal action taken in such meeting shall
17 pertain only to the emergency. Such emergency meetings
18 may be held by means of electronic or telecommunication
19 equipment. The provisions of subsection (2) of this
20 section shall be complied with in conducting emergency
21 meetings. Complete minutes of such emergency meetings
22 specifying the nature of the emergency and any formal
23 action taken at the meeting shall be made available to
24 the public by no later than the end of the next regular
1 business day.

2 Sec. 4. That section 84-1413, Reissue Revised
3 Statutes of Nebraska, 1943, be amended to read as
4 follows:

5 84-1413. (1) Each public body shall keep
6 minutes of all meetings showing the time, place, members
7 present and absent, and the substance of all matters
8 discussed.

9 (2) Any action taken on any question or motion
10 duly moved and seconded shall be by roll call vote of
11 the public body in open session, and the record shall
12 state how each member voted, or if the member was absent
13 or not voting. The requirements of a roll call or viva
14 voce vote shall be satisfied by a municipality ~~city~~
15 which utilizes an electronic voting device which allows
16 the yeas and nays of each ~~council~~ member of the city
17 council or village board to be readily seen by the
18 public.

19 (3) The vote to elect leadership within a
20 public body may be taken by secret ballot, but the total
21 number of votes for each candidate shall be recorded in
22 the minutes.

23 (4) The minutes of all meetings and evidence
24 and documentation received or disclosed in open session
1 shall be public records and open to public inspection
2 during normal business hours.

3 (5) Minutes shall be written and available for
4 inspection within ten working days, or prior to the next
5 convened meeting, whichever occurs earlier.”

6 3. On page 4, line 21, strike “section” and
7 insert “sections” and after “18-414” insert “and
8 84-1413”; and in line 22 after the second comma insert

- 9 "section 84-1411, Revised Statutes Supplement, 1984,".
10 4. Renumber original section 3 as section 5.

(Signed) Ron Withem, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 529 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2103.)

Mr. Miller asked unanimous consent to print the following amendment to LB 763 in the Journal. No objections. So ordered.

AM2112

- 1 1. On page 3, line 18, strike the underscored
- 2 comma and insert "or"; and in line 19 strike ", or
- 3 malignant" and strike the second underscored comma.

NOTICE OF COMMITTEE HEARING Public Works

LB 1230 Wednesday, February 26, 1986 (rehearing) 1:30 P.M.

(Signed) Loran Schmit, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 872A. By Hefner, 19th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 872, Eighty-ninth Legislature, Second Session, 1986.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Remmers asked unanimous consent to have his name added as co-introducer to LB 91. No objections. So ordered.

Mr. Hefner asked unanimous consent to have his name added as co-introducer to LB 1124. No objections. So ordered.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 125, 374, 379, 436, 483, 494, 558, 575, 640, 645, and 645A.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 379

The following changes, required to be reported for publication in the Journal, have been made:

ER0136

1. On page 1, line 2, "section" has been struck and "sections 81-2101 and" inserted; in line 4 "to harmonize provisions; to provide duties for the Revisor of Statutes;" has been inserted after the semicolon; and in line 5 "section" has been struck and "sections" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

SELECT FILE

LEGISLATIVE BILL 484. Mr. Withem renewed his pending amendment, AM1899, found in the Journal on page 636.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

The Withem amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 437. E & R amendment, AM5224, found in the Journal on page 550 for the Fourteenth Day was adopted.

Passed over.

LEGISLATIVE BILL 43. E & R amendments, AM5227, found in the Journal on page 557 for the Fifteenth Day were adopted.

Mr. Hefner renewed his pending amendment, AM1807, found in the Journal on page 476.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hefner moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Hefner requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Abboud	Eret	Johnson, R.	Nichol	Rupp
Beyer	Goodrich	Lamb	Peterson	Sieck
Carsten	Hefner	Morehead	Pirsch	Smith

Voting in the negative, 24:

Baack	Haberman	Johnson, V.	Marsh	Scofield
Barrett	Hall	Labeledz	Nelson	Warner
Chambers	Hannibal	Landis	Pappas	Wesely
Chizek	Hoagland	Lundy	Remmers	Withem
Chronister	Johnson, L.	Lynch	Rogers	

Present and not voting, 5:

Conway	Goll	Harris	Hartnett	Miller
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Excused and not voting, 5:

Beutler	DeCamp	Higgins	Schmit	Vickers
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The Hefner amendment lost with 15 ayes, 24 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Rupp renewed his pending amendment, AM1836, found in the Journal on page 653.

Mr. Rupp requested a record vote on his amendment.

Voting in the affirmative, 14:

Baack	Harris	Labeledz	Miller	Rupp
Eret	Johnson, R.	Lamb	Morehead	Wesely
Hannibal	Johnson, V.	Lundy	Peterson	

Voting in the negative, 18:

Abboud	Haberman	Landis	Remmers	Sieck
Beyer	Hefner	Marsh	Rogers	Smith
Carsten	Hoagland	Nelson	Scofield	Warner
Chizek	Johnson, L.	Pirsch		

Present and not voting, 13:

Barrett	Chronister	Goodrich	Lynch	Pappas
Beutler	Conway	Hall	Nichol	Withem
Chambers	Goll	Hartnett		

Excused and not voting, 4:

DeCamp	Higgins	Schmit	Vickers
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The Rupp amendment lost with 14 ayes, 18 nays, 13 present and not voting, and 4 excused and not voting.

Mr. Harris asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Warner and Landis renewed their pending amendment, AM2026, found in the Journal on page 772.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Warner requested a roll call vote on the Warner-Landis amendment.

Voting in the affirmative, 24:

Baack	Chronister	Goodrich	Hoagland	Labeledz
Beyer	Conway	Hall	Johnson, R.	Lamb
Chizek	DeCamp	Hannibal	Johnson, V.	Landis

Lundy	Marsh	Pappas	Warner	Withem
Lynch	Miller	Scofield	Wesely	

Voting in the negative, 14:

Abboud	Haberman	Nelson	Remmers	Sieck
Carsten	Hefner	Peterson	Rogers	Smith
Goll	Johnson, L.	Pirsch	Rupp	

Present and not voting, 5:

Barrett	Eret	Hartnett	Morehead	Nichol
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Absent and not voting, 1:

Chambers

Excused and not voting, 5:

Beutler	Harris	Higgins	Schmit	Vickers
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The Warner-Landis amendment lost with 24 ayes, 14 nays, 5 present and not voting, 1 absent and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS

Nebraska Retirement Systems

LEGISLATIVE BILL 955. Placed on General File as amended.
 Standing Committee amendments to LB 955:
 AM2149

- 1 1. On page 9, line 12, after the period
- 2 insert "This section shall not apply to school employees
- 3 retiring prior to the effective date of this act."; in
- 4 line 18, strike "repaid" and insert "paid"; strike
- 5 beginning with "member" in line 14 through "system" in
- 6 line 15 and insert "school employee"; in line 22 after
- 7 "employee" insert ", as verified by officials of the
- 8 educational service unit."; and in line 24 strike
- 9 "repays" and insert "pays".
- 10 2. On page 10, line 3, after the period

11 insert "This section shall not apply to school employees
12 retiring prior to the effective date of this act.".

13 3. On page 14, line 12, strike "repay" and
14 insert "pay"; in line 14 strike "repaid" and insert
15 "paid"; and in line 21 strike "repays" and insert
16 "pays".

17 4. On page 15, line 3, after the period
18 insert "This subsection shall not apply to school
19 employees retiring prior to the effective date of this
20 act."; and in line 13 strike "repaid" and insert "paid".

(Signed) Bill Harris, Chairperson

Health and Human Services

LEGISLATIVE BILL 828. Placed on General File as amended.
Standing Committee amendment to LB 828:

AM2116

1 1. On page 2, line 4, strike "an anti-scald
2 valve" and insert "either a pressure balancing or
3 thermostatic-mixing scald prevention device" and after
4 "designed" insert "and installed"; in line 18 strike "a
5 shower" and insert "less than four showers"; and in line
6 19 strike "bathtub" and insert "bathtubs in violation of
7 section 1 of this act shall be guilty of a Class V
8 misdemeanor. Anyone who installs four or more showers
9 or bathtubs".

LEGISLATIVE BILL 1060. Placed on General File as amended.
Standing Committee amendments to LB 1060:

AM2115

1 1. On page 10, line 13, after "facility"
2 insert "but not by emplacement in a commercial land
3 disposal facility regulated by the Department of
4 Environmental Control".

5 2. On page 17, line 19, strike "around" and
6 insert "off-site from"; in line 23 after "the" insert
7 "annual"; in line 24 after "exceed" insert "the lesser
8 of"; and in line 25 after "activities" insert "or forty
9 thousand dollars".

10 3. On page 24, line 22, reinstate the
11 stricken matter; strike beginning with "sources" in line
12 23 through "radiation" in line 24; and in line 25
13 reinstate "radioactive material" and strike "radiation"

- 14 or radiation generating”.
- 15 4. On page 25, line 1, strike “equipment”.
- 16 5. Strike original section 10.
- 17 6. On page 29, line 4, strike “12” and insert
- 18 “11”.
- 19 7. On page 31, line 5, after “the” insert
- 20 “licensure, regulation,”.
- 21 8. On page 33, line 4, after “to” insert
- 1 “licensure, regulation,”; and in line 9 strike “or 10”.
- 2 9. Insert the following new section:
- 3 “Sec. 21. Except as provided in subdivision
- 4 (8) of section 71-3505, nothing in the Radiation Control
- 5 Act is intended to establish any regulatory
- 6 responsibilities for nuclear power plants licensed by
- 7 the federal Nuclear Regulatory Commission.”.
- 8 10. On page 45, line 17, strike “12” and
- 9 insert “11”.
- 10 11. Renumber remaining sections accordingly.

(Signed) Don Wesely, Chairperson

Urban Affairs

LEGISLATIVE BILL 977. Placed on General File as amended.
Standing Committee amendment to LB 977:
AM2117

- 1 1. Strike the original sections and insert
- 2 the following new sections:
- 3 “Section 1. For purposes of sections 1 to 9
- 4 of this act, unless the context otherwise requires:
- 5 (1) Committee shall mean the Community
- 6 Development Block Grant Advisory Committee;
- 7 (2) Community Development Block Grant shall
- 8 mean the grants distributed pursuant to the Federal
- 9 Housing and Community Development Act of 1974 as amended
- 10 by the Housing and Urban-Rural Recovery Act of 1983;
- 11 (3) Department shall mean the Department of
- 12 Economic Development; and
- 13 (4) Director shall mean the Director of
- 14 Economic Development.
- 15 Sec. 2. The department, under the supervision
- 16 of the Governor, shall administer and distribute
- 17 Community Development Block Grant funds, with respect to
- 18 units of local government in nonentitlement areas
- 19 pursuant to 42 U.S.C. 5306.

20 Sec. 3. (1) There is hereby created an
 21 advisory committee to be known as the Community
 1 Development Block Grant Advisory Committee to advise the
 2 department and the Governor in administering the funds
 3 for community development projects within the Community
 4 Development Block Grant Program. The committee shall
 5 consist of twelve members to be appointed by the
 6 Governor with the advice and consent of the Legislature.

7 (2) The membership shall be as follows:

8 (a) Two municipal officials from cities of the
 9 first class which are nonentitlement cities as defined
 10 in the Federal Housing and Community Development Act of
 11 1974 as amended by the Housing and Urban-Rural Recovery
 12 Act of 1983. One municipal official shall be an elected
 13 official. One municipal official shall be an appointed
 14 official. The municipal officials shall reside in
 15 different congressional districts;

16 (b) Two municipal officials from cities of the
 17 second class. One municipal official shall be an
 18 elected official. One municipal official shall be an
 19 appointed official. The municipal officials shall
 20 reside in different congressional districts;

21 (c) Two municipal officials from villages.
 22 One municipal official shall be an elected official.
 23 One municipal official shall be an appointed official.
 24 The municipal officials shall reside in different
 1 congressional districts;

2 (d) Two elected county officials, each of whom
 3 reside in different congressional districts;

4 (e) One staff member from the council of
 5 governments as defined in section 84-142;

6 (f) One staff member from the Policy Research
 7 Office;

8 (g) One staff member from the community action
 9 corporations; and

10 (h) One registered professional engineer.

11 Sec. 4. Members of the committee shall serve
 12 for terms of four years, except that of the members
 13 initially appointed, six shall serve for a term of two
 14 years and six for a term of four years. In case of a
 15 vacancy, a successor shall be appointed in the same
 16 manner as the vacating member to fill the vacancy for
 17 the remainder of the unexpired term.

18 Sec. 5. A chairperson shall be elected by and
 19 from the committee at its first meeting each calendar

20 year. The committee shall meet at least three times per
21 year at the call of the chairperson, four members of the
22 committee, the director, or the Governor. The staff and
23 support for the committee shall be provided by the
24 department.

1 Sec. 6. (1) The committee shall determine the
2 community development objectives, state priorities, and
3 guidelines for distribution of the funds for community
4 development projects within the Community Development
5 Block Grant Program. The committee shall aid the
6 director in formulating the policy for achieving the
7 objectives of the Community Development Block Grant
8 Program, which objectives shall be to develop viable
9 communities and counties by providing decent housing and
10 suitable living environments and expanding economic
11 opportunities.

12 (2) The committee shall determine community
13 development objectives, state priorities, and guidelines
14 which shall conform to the objectives as set forth in
15 the Federal Housing and Community Development Act of
16 1974, as amended by the Housing and Urban-Rural Recovery
17 Act of 1983, and which shall:

18 (a) Include statistical community need factors
19 as selected by the committee; and

20 (b) Require that grant applicants submit
21 evidence of a community assessment process for the
22 project, which assessment process the committee shall
23 design.

24 Sec. 7. The committee shall submit a written
1 report to the Governor and to the Legislature on the
2 first business day of October each year. The report
3 shall address the progress in implementing the community
4 development objectives, state priorities, and guidelines
5 prescribed in section 6 of this act and recommendations
6 for the administration of the Community Development
7 Block Grant Program.

8 Sec. 8. The department shall develop a system
9 of performance review of grants awarded pursuant to the
10 Community Development Block Grant Program. The review
11 shall be an evaluation of such grants, which written
12 review shall be submitted to the Governor and to the
13 Legislature on the first business day of October of each
14 year. The review shall address all economic development
15 and community development grant projects which were
16 completed during the previous fiscal year. The

- 17 performance review shall contain factual and statistical
 18 information including, but not limited to:
 19 (1) The status of the project for which such
 20 grant was awarded;
 21 (2) The grant amount;
 22 (3) The local government financial
 23 contribution;
 24 (4) The private financial contribution;
 1 (5) The community planning efforts which
 2 include the project for which such grant was awarded;
 3 (6) The community fiscal planning which
 4 includes the project for which such grant was awarded;
 5 and
 6 (7) The evaluation of the community's efforts
 7 to conform to the community development objectives,
 8 state priorities, and guidelines set forth in section 6
 9 of this act, as determined by the committee, and the
 10 objectives of the Federal Housing and Community
 11 Development Act of 1974 as amended by the Housing and
 12 Urban-Rural Recovery Act of 1983.
 13 Sec. 9. If appropriations from the federal
 14 government to this state pursuant to the Federal Housing
 15 and Community Development Act of 1974 are completely
 16 eliminated, sections 1 to 9 of this act shall terminate,
 17 unless reenacted or reestablished by the Legislature.
 18 Sec. 10. That section 84-306.06, Reissue
 19 Revised Statutes of Nebraska, 1943, be amended to read
 20 as follows:
 21 84-306.06. Any member of any state
 22 commission, council, committee, or board, except the
 23 Community Development Block Grant Advisory Committee,
 24 which has been created by statute shall be entitled to
 1 be reimbursed for expenses in the same manner as
 2 provided in sections 84-306.01 to 84-306.05 for state
 3 employees whether or not specific reference is made to
 4 such sections.
 5 Sec. 11. That original section 84-306.06,
 6 Reissue Revised Statutes of Nebraska, 1943, is
 7 repealed."

(Signed) Ron Withem, Chairperson

Business and Labor

LEGISLATIVE BILL 917. Placed on General File as amended.

Standing Committee amendment to LB 917:

AM1942

- 1 1. On page 2, line 12, strike "one half" and
- 2 insert "one-fourth"; and in lines 15 and 16 strike "
- 3 except that" and insert ". Commencing January 1, 1987,
- 4 no weekly benefit amount shall be more than forty-five
- 5 per cent of the state average weekly wage nor less than
- 6 ten per cent of the state average weekly wage as
- 7 determined pursuant to section 3 of this act.
- 8 Commencing January 1, 1988, no weekly benefit amount
- 9 shall be more than forty-seven per cent of the state
- 10 average weekly wage nor less than ten per cent of the
- 11 state average weekly wage as determined pursuant to
- 12 section 3 of this act. Commencing January 1, 1989."

LEGISLATIVE BILL 958. Placed on General File as amended.

Standing Committee amendments to LB 958:

AM2130

- 1 1. On page 3, line 6, strike "and section 3
- 2 of this act".
- 3 2. Strike original section 3.
- 4 3. Renumber the remaining section
- 5 accordingly.

(Signed) Bill Barrett, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 907 in the Journal. No objections. So ordered.

AM2151

- 1 1. Insert the following new section:
- 2 "Section 1. That section 8-126, Reissue
- 3 Revised Statutes of Nebraska, 1943, be amended to read
- 4 as follows:
- 5 8-126. A majority of the members of the board
- 6 of directors of any bank transacting business under the
- 7 provisions of sections 8-101 to 8-1,122 shall be
- 8 residents ~~of the county wherein such bank is located or~~
- 9 ~~of the counties immediately adjacent thereto and~~ of this
- 10 state. Reasonable efforts shall be made to acquire
- 11 members of the boards of directors from the county in
- 12 which such bank is located. Every director must be the
- 13 owner of at least one share of the paid-up capital stock

14 in his or her own name and right. Directors of banks
15 shall be persons of good moral character, known
16 integrity, business experience, and responsibility. No
17 person shall act as such member of the board of
18 directors of any bank until such bank shall apply for
19 and obtain approval from the Department of Banking and
20 Finance, ~~but no approval shall be required for any~~
21 ~~director acting as such on September 2, 1973.~~

1 2. On page 3, line 16, strike "section" and
2 insert "sections 8-126 and"; and in line 17 strike "is"
3 and insert "are".

4 3. Renumber the remaining sections
5 accordingly.

Mr. Lamb asked unanimous consent to print the following amendment to LB 753 in the Journal. No objections. So ordered.

1. On page 2, line 15, strike "seven thousand" and insert "twenty-five hundred".

2. On page 3, insert a new Section 2 as follows:

Sec. 3. Since an emergency exists, this act shall be in full force and take effect from and after its passage and approval, according to law.

3. Renumber the sections accordingly.

Mr. Hoagland asked unanimous consent to print the following amendment to LB 529 in the Journal. No objections. So ordered.

AM2145

(Amendments to AM2103)

1 1. Insert the following new section:
2 "Sec. 36. That section 43-2,125, Reissue
3 Revised Statutes of Nebraska, 1943, be amended to read
4 as follows:
5 43-2,125. Whenever any judge of a separate
6 juvenile court shall be disabled or disqualified to act
7 in any cause before him or her, or shall be temporarily
8 absent from the county or whenever it would be
9 beneficial to the administration of justice, the
10 presiding judge of the district court may designate and
11 appoint a judge of the district court to serve during
12 ~~such absence or disqualification any period as~~
13 necessary; or the Chief Justice of the Supreme Court, ~~in~~
14 ~~the same matter as described for the reasons set out in~~
15 section 24-516, may designate and appoint a judge of the
16 county court ~~any juvenile court as defined in~~

17 ~~subdivision (4) of section 43-245 to serve as judge of~~
18 ~~the separate juvenile court during such absence or~~
19 ~~disqualification period.”.~~

20 2. On page 64, line 15, strike “36, 37, and
1 41” and insert “37, 38, and 42”.

2 3. On page 65, line 1, strike “and 43-2,106”
3 and insert “43-2,106, and 43-2,125”; and in line 17
4 after the third comma insert “43-2,125,”.

5 4. Renumber the remaining sections
6 accordingly.

Mr. Hoagland asked unanimous consent to print the following amendment to LB 631 in the Journal. No objections. So ordered.

AM2143

1 1. Insert the following new section:
2 “Sec. 5. Any person who prior to the
3 effective date of this act has had his or her motor
4 vehicle operator’s license revoked for life pursuant to
5 section 39-669.07 or 39-669.08 may submit an application
6 to the court for a reduction of such lifetime
7 revocation. The court in its discretion may reduce such
8 revocation to a period of ten years.”.

9 2. Renumber the remaining sections
10 accordingly.

Mr. Hoagland and Mrs. Marsh asked unanimous consent to print the following amendment to LB 448 in the Journal. No objections. So ordered.

AM2125

1 1. Insert the following new sections:
2 “Sec. 2. That section 43-1406, Reissue
3 Revised Statutes of Nebraska, 1943, be amended to read
4 as follows:
5 43-1406. The father of a child whose
6 paternity is established either by acknowledgment or by
7 a judicial proceeding as hereinafter specified, not
8 having entered into a judicially approved settlement, or
9 being in default in the performance of the same, may be
10 made the defendant in an equitable proceeding for the
11 support of the child. Such proceeding shall be commenced
12 by a complaint of the mother of the child, the guardian
13 or next friend of the child, or the county which may be
14 required to support the child, which shall set forth the

15 facts of paternity and of nonsupport and shall ask that
 16 the father be ordered to provide for the support of the
 17 child. Summons shall issue against the father and be
 18 served as in other civil proceedings, except that such
 19 summons may be directed to the sheriff of any county in
 20 the state and may be served in any county. The method
 21 of trial shall be the same as in actions formerly
 1 cognizable in equity, and jurisdiction is hereby vested
 2 in the district court of the district where the child is
 3 domiciled or found; to hear and determine such actions
 4 for support. If the court shall find that the father
 5 has failed adequately to support the child, it shall
 6 issue a decree directing him to do so, specifying the
 7 amount of such support, and the manner in which it shall
 8 be furnished, and the amount, if any, of any court costs
 9 and attorney's fees to be paid by the father. The court
 10 in its discretion may require the furnishing of bond to
 11 insure the performance of the decree in the same manner
 12 as is provided for in section 43-1405. Failure on the
 13 part of the father to perform the terms of such decree
 14 shall constitute contempt of court and may be dealt with
 15 in the same manner as other contempts.

16 Sec. 3. That section 43-1412, Reissue Revised
 17 Statutes of Nebraska, 1943, be amended to read as
 18 follows:

19 43-1412. The method of trial shall be the
 20 same as that in other civil proceedings, except that the
 21 trial shall be by the court without a jury unless a jury
 22 be requested by the alleged father. It being contrary
 23 to public policy that such proceedings should be open to
 24 the general public, no one but the parties, their
 1 counsel, and others having a legitimate interest in the
 2 controversy shall be admitted to the courtroom during
 3 the trial of the case. The alleged father and the
 4 mother shall be competent to testify. The
 5 uncorroborated testimony of the mother shall not alone
 6 be sufficient to support a verdict or finding that the
 7 alleged father is actually the father. Should it be
 8 determined in this proceeding that the alleged father is
 9 actually the father of the child, a judgment shall be
 10 entered declaring such to be the case. In the event
 11 that such a judgment is entered, the court shall retain
 12 jurisdiction of the cause; and enter such order of
 13 support, which order of support shall include the
 14 amount, if any, of any court costs and attorney's fees

15 to be paid by the father, as may be proper under the
 16 procedure and in the manner specified in section
 17 43-1406.”.

18 2. On page 3, line 2, strike “section” and
 19 insert “sections” and after the comma insert “43-1406,
 20 and 43-1412,”; and in line 3 strike “is” and insert
 21 “are”.

22 3. Renumber remaining sections accordingly.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Sieck asked unanimous consent to have his name added as co-introducer to LB 91. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 529 in the Journal. No objections. So ordered.

AM2157

(Amendments to AM5208)

- 1 1. Insert the following new section:
- 2 Sec. 30. That section 29-2258, Reissue
- 3 Revised Statutes of Nebraska, 1943, be amended to read
- 4 as follows:
- 5 29-2258. A district probation officer shall:
- 6 (1) Make presentence and other investigations,
- 7 as may be required by law or directed by a court in
- 8 which he or she is serving;
- 9 (2) Supervise probationers in accordance with
- 10 the rules and regulations of the office and the
- 11 directions of the sentencing court;
- 12 (3) Advise the sentencing court, in accordance
- 13 with the ~~provisions of sections 29-2246 to 29-2268~~
- 14 Nebraska Probation Administration Act and such rules and
- 15 regulations of the office, of violations of the
- 16 conditions of probation by individual probationers;
- 17 (4) Advise the sentencing court, in accordance
- 18 with the rules and regulations of the office and the
- 19 direction of the court, when the situation of a
- 20 probationer may require a modification of the conditions
- 1 of probation; or when a probationer's adjustment is such
- 2 as to warrant termination of probation;
- 3 (5) Provide each probationer with a statement
- 4 of the period and conditions of his or her probation;

- 5 (6) Whenever necessary, exercise the power of
6 arrest as provided in section 29-2266;
- 7 (7) Establish procedures for the direction and
8 guidance of deputy probation officers under his or her
9 jurisdiction and advise such officers in regard to the
10 most effective performance of their duties;
- 11 (8) Supervise and evaluate deputy probation
12 officers under his or her jurisdiction;
- 13 (9) Delegate such duties and responsibilities
14 to a deputy probation officer as he or she deems
15 appropriate;
- 16 (10) Make such reports as required by the
17 administrator, the judges of the probation district in
18 which he or she serves, or the Nebraska Probation System
19 Committee;
- 20 (11) Keep accurate and complete accounts of
21 all money or property collected or received from
22 probationers and give receipts therefor;
- 23 (12) Cooperate fully with and render all
24 reasonable assistance to other probation officers;
- 1 (13) In counties with a population of less
2 than forty-five thousand people, participate in pretrial
3 diversion programs established pursuant to section
4 29-3602 as requested by the judges of the probation
5 district in which he or she serves;
- 6 ~~(14)~~ (13) Perform such other duties not
7 inconsistent with the Nebraska Probation Administration
8 Act provisions of sections 29-2246 to 29-2268 or the
9 rules and regulations of the office as a court may from
10 time to time direct; and
- 11 ~~(15)~~ (14) Exercise all powers and perform all
12 duties necessary and proper to carry out his or her
13 responsibilities.”
- 14 2. On page 53, line 23, strike “32, 33, and
15 37” and insert “33, 34, and 38”.
- 16 3. On page 54, line 9, after the second comma
17 insert “29-2258,”.
- 18 4. Renumber the remaining sections
19 accordingly.

VISITORS

Visitors to the Chamber were 31 members of Nebraska Health Care Association; and 12 members of the League of Women Voters of Nebraska.

ADJOURNMENT

At 12:04 p.m., on a motion by Mr. Haberman, the Legislature adjourned until 9:00 a.m., Wednesday, February 19, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SEVENTH DAY - FEBRUARY 19, 1986**LEGISLATIVE JOURNAL****EIGHTY-NINTH LEGISLATURE
SECOND SESSION****TWENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 19, 1986

Pursuant to adjournment, the Legislature met at 9:02 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. Ed Hallock, Southview Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Higgins who was excused; and Messrs. Abboud, Chambers, Chronister, Conway, Goodrich, Hannibal, Landis, Lynch, Rupp, Schmit, Vickers, Mrs. Morehead, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Sixth Day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review****Correctly Engrossed**

The following bill was correctly engrossed: LB 258.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 258

ER0127

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Warner amendment, AM1901, adopted January 29, 1986:

(a) On page 1, line 13, "2-1501 to 2-1565" has been struck, shown as stricken, and "2-1502 to 2-1547" inserted; in line 15 the comma has been struck and shown as stricken; and in line 21 the second "the" has been struck and shown as stricken;

(b) On page 2, line 1, "provisions of" has been struck and shown as stricken and "72-1259" has been struck, shown as stricken, and "72-1269" inserted; and in line 24 the second "the" has been struck, shown as stricken, and "sections 72-1237 to 72-1269." inserted;

(c) On page 3, line 1 has been struck and shown as stricken;

(d) On page 5, the matter beginning with the first "the" in line 14 through the second "Act" in line 15 has been struck, shown as stricken, and "sections 72-1237 to 72-1269" inserted;

(e) On page 6, line 14, "sections 2-3401 to 2-3416" has been struck, shown as stricken, and "the Nebraska Poultry and Egg Resources Act" inserted; in line 16 "and promulgate" has been inserted after "Adopt"; and in line 18 the matter beginning with "provisions" through "2-3416" has been struck, shown as stricken, and "Nebraska Poultry and Egg Resources Act" inserted;

(f) On page 7, lines 6 and 14, "sections 2-3401 to 2-3416" has been struck, shown as stricken, and "the Nebraska Poultry and Egg Resources Act" inserted; in line 20 after "join" an underscored comma has been inserted and the second comma has been struck and shown as stricken; and in line 21 the third comma has been struck and shown as stricken;

(g) On page 8, line 2, the comma has been struck and shown as stricken; in line 3 the matter beginning with the semicolon through "any" has been struck, shown as stricken, and ". Any" inserted; and in line 15 "or she" has been inserted after "he";

(h) On page 9, line 1, an underscored comma has been inserted after "22"; in line 5 "50-2004" has been struck and "54-2004" inserted; the matter beginning with "provisions" in line 14 through "54-2019" in line 15 has been struck, shown as stricken, and "Nebraska Livestock Market Act" inserted; in line 16 the comma has been struck and shown as stricken; and in line 24 "the Nebraska" has been struck, shown as stricken, and "sections 72-1237 to 72-1269." inserted;

(i) On page 10, line 1 has been struck and shown as stricken; and in line 16 the comma has been struck and shown as stricken;

(j) On page 15, line 15, "head" has been struck, shown as stricken, and "Director" inserted and the comma has been struck, shown as stricken, and an underscored period inserted; in line 16 "Department of Health." has been struck and shown as stricken; and the matter beginning with the comma in line 18 through the comma in line 19 has been struck and shown as stricken;

(k) On page 17, line 3, after the period "Any money in the Land Improvement Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269." has been inserted; in lines 9, 10, and 15 all commas have been struck and shown as stricken; in line 21 "Where" has been struck, shown as stricken, and "When" inserted; and in line 23 after "make" an underscored comma has been inserted;

(l) On page 18, lines 5 and 9, after "superintendent" an underscored comma has been inserted; in line 9 "shall" has been struck and shown as stricken; in line 10 "violate" has been struck, shown as stricken, and "violates" inserted; in line 11 the comma has been struck and shown as stricken; and in line 14 after the second comma "as amended by section 1, Legislative Bill 3, Eighty-ninth Legislature, Second Special Session, 1985," has been inserted;

(m) On page 26, line 3, "said" has been struck, shown as stricken, and "such" inserted;

(n) On page 31, line 5, after "offices" an underscored comma has been inserted; in lines 6 and 13 the comma has been struck and shown as stricken; in lines 15 and 17 after "institution" an underscored comma has been inserted; and in line 17 the second comma has been struck and shown as stricken;

(o) On page 32, line 3, "shall submit" has been struck, shown as stricken, and "has submitted" inserted; in line 6 the comma has been struck and shown as stricken and "estimate shall" has been struck, shown as stricken, and "estimates" inserted; in line 7 "; and the accounts" has been struck, shown as stricken, and "Accounts" inserted; and in lines 18 and 19 the comma has been struck and shown as stricken;

(p) On page 33, line 7, "fiscal period," has been struck, shown as stricken, and "biennium" inserted; in line 8 "fiscal period" has been struck, shown as stricken, and "biennium" inserted; and in line 11 "fiscal year," has been struck, shown as stricken, and "biennium" inserted;

(q) On page 34, line 7, the comma has been struck and shown as stricken and "shall be" has been inserted after "or"; in line 24 the matter beginning with "provisions" through "81-190" has been struck, shown as stricken, and "Deferred Building Renewal Act" inserted;

(r) On page 35, line 10, "provisions of this act" has been struck, shown as stricken, and "Nebraska Commercial Fertilizer and Soil Conditioner Act" inserted; in line 15 "provisions" has been struck and shown as stricken; in line 16 "of this" has been struck and shown as stricken; and lines 20 through 22 have been struck, shown as stricken, and "Any money in the Fertilizers and Soil Conditioners Administrative Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269." inserted;

(s) On page 37, line 24, "72-1259" has been struck, shown as stricken, and "72-1269" inserted;

(t) On page 38, line 8, the comma has been struck and shown as stricken;

(u) On page 39, line 2, "the provisions of" has been struck and shown as stricken; in line 8 the comma has been struck and shown as stricken; in line 15 "sections 81-829.36 to" has been struck, shown as stricken, and "the Nebraska Disaster and Civil Defense Act of 1973" inserted; in line 16 "81-829.68" has been struck and shown as stricken; and in line 17 the comma has been struck and shown as stricken;

(v) On page 42, line 3, "him" has been struck, shown as stricken, and "the Governor" inserted and "the provisions of" has been struck and shown as stricken; in line 11 "The provisions of this" has been struck, shown as stricken, and "This" inserted; in line 13 "sections 81-829.36 to 81-829.68" has been struck, shown as stricken, and "the Nebraska Disaster and Civil Defense Act of 1973" inserted; and in lines 17 and 22 the comma has been struck and shown as stricken;

(w) On page 43, line 7, the last comma has been struck and shown as stricken; in line 14 an underscored comma has been inserted after "biennium"; and in line 21 after the period "Any money in the Land Surveyor Examiner's Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269." has been inserted;

(x) On page 51, line 23, the comma has been struck and shown as stricken;

(y) On page 52, lines 11, 16, and 19, "81-1317" has been struck, shown as stricken, and "81-1316" inserted; and in lines 15 and 18 "the provisions of" has been struck and shown as stricken;

(z) On page 53, line 7, after "experience" an underscored comma has been inserted;

(aa) On page 55, line 8, an underscored comma has been inserted after "mean"; in line 9 the first comma has been struck and shown as stricken; in line 10 "or she" has been inserted after "he"; and in line 17 after "education" an underscored comma has been inserted;

(bb) On page 56, line 20, after "specifications" an underscored comma has been inserted;

(cc) On page 57, line 1, after "recommendations" "for" has been inserted; in line 16 after "performance" an underscored comma has been inserted; and in line 23 "or her" has been inserted after "his";

(dd) On page 58, the matter beginning with "There" in line 21 through line 24 has been struck and shown as stricken;

(ee) On page 59, lines 1 through 4 have been struck and shown as stricken; and "of each even-numbered year" has been inserted in line 14 after "1" and in line 19 after "15";

(ff) On page 60, line 2, after "1977" an underscored comma has been inserted;

(gg) On page 62, lines 12 and 19, "the provisions of" has been struck and shown as stricken; and in line 24 after the period "Any money in the Weights and Measures Administrative Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269." has been inserted; and

(hh) On page 63, line 11, "83-1,143" has been struck and "83-1,143.01" inserted; in line 16 the first "and" and ", 77-2602," have been struck; and in line 17 after the second comma "and section 77-2602, Revised Statutes Supplement, 1985, as amended by section 1, Legislative Bill 3, Eighty-ninth Legislature, Second Special Session, 1985," has been inserted.

2. On page 1, line 1, "to amend sections 2-1503.01, 2-1577, 2-1585, 2-3407, 48-837, 50-423, 54-2004, 66-467, 71-2045.06, 72-232.07, 72-802, 79-1451, 79-1564, 81-132, 81-138, 81-138.01, 81-138.02, 81-138.03, 81-138.04, 81-184, 81-2,162.27, 81-829.42, 81-8,110.07, 81-1113, 81-1113.02, 81-1302, 81-1414.06, 83-1,143.01, 85-912, 85-916.01, 85-916.02, and 89-1,100, Reissue Revised Statutes of Nebraska, 1943, sections 2-1587, 68-721, 77-27,136, 79-4,140.07, 79-12,145, 79-2651, 81-125, 81-638, and 81-1102, Revised Statutes Supplement, 1984, sections 57-705 and 77-2715.01, Revised Statutes Supplement, 1985, and section 77-2602, Revised Statutes Supplement, 1985, as amended by section 1, Legislative Bill 3, Eighty-ninth Legislature, Second Special Session, 1985;" has been inserted after the semicolon; and in line 2 ";" to harmonize provisions; and to repeal the original sections" has been inserted after appropriations".

3. On page 2, the matter beginning with "Beginning" in line 1 through the period in line 6 has been underscored.

(Signed) Mary E. Sommermeyer
E & R Attorney

ATTORNEY GENERAL'S OPINION

Opinion No. 86019

February 14, 1986

To: Senator Emil E. Beyer, Jr.

Subject: Constitutionality of Amendment to LB 783 -- More Than One Subject Contained in the Bill

This is in response to your request of January 16, 1986. Your concern pertains to the constitutionality of an amendment you wish to propose to LB 783, and whether or not this amendment could result in the bill being held unconstitutional because it would then contain more than one subject. The Nebraska Constitution Article 3, §14, of course, provides in part that "No bill shall contain more than one subject, and the same shall be clearly expressed in the title."

LB 783 pertains generally to the treatment and handling of offenses concerning overweight vehicles. Section 4 of LB 783 in particular redefines a violation of Neb.Rev.Stat. §39-6,184 (Supp. 1985), as a misdemeanor. Other provisions of this bill also pertain to the treatment and handling of the offenses arising under §39-6,184, including an exception for jury trials and exception from the general classification of criminal laws for sentencing purposes.

Your amendment to LB 783 would amend Neb.Rev.Stat. §24-517(5) (1979) to clarify the jurisdiction of the county court with regard to offenses committed under §39-6,184. Neb.Rev.Stat. §24-517(5) presently gives the county court concurrent jurisdiction over all criminal matters "when the penalty does not exceed one year imprisonment or a fine over one thousand dollars, or both." This, in essence, gave it jurisdiction over all misdemeanors and infractions prior to the enactment of Neb.Rev.Stat. §39-6,184 (Supp. 1985) which established a penalty greater than one thousand dollars for certain violations of that section. The proposed amendment would simply reword the statute to correct this apparent oversight and give the county court concurrent jurisdiction over "any criminal matter classified as a misdemeanor, including §39-6,184, or for any infraction. Furthermore, your amendment would make an exception to Neb.Rev.Stat. §28-107 (Reissue 1979), for sentencing of violations of §39-6,184.

Inasmuch as the original bill and your proposed amendment both pertain to the treatment and disposition of offenses arising under §39-6,184, we see no apparent problem with regard to the inclusion of more than one subject in this particular bill.

Sincerely,
ROBERT M. SPIRE

(Signed) Attorney General
John Boehm
Assistant Attorney General

JB:jem

cc: Patrick J. O'Donnell
Clerk of the Legislature

1/10

ANNOUNCEMENTS

Mr. Beutler designates LB 894 as his priority bill.

Mr. Beyer designates LB 783 as his priority bill.

Mr. Chambers designates LB 237 as his priority bill.

Mr. DeCamp designates LB 835 as his priority bill.

Mr. Eret designates LB 999 as his priority bill.

Mr. Goodrich designates LB 311 as his priority bill.

Mr. Haberman designates LB 219 as his priority bill.

Mr. Hannibal designates LB 807 as his priority bill.

Mr. Harris designates LB 278 as his priority bill.

Mr. Hartnett designates LB 1198 as his priority bill.

Mr. Hefner designates LB 1124 as his priority bill.

Mr. Hoagland designates LB 958 as his priority bill.

Mr. R. Johnson designates LB 849 as his priority bill.

Mrs. Labedz designates LR 322 as her priority resolution.

Mr. Lamb designates LB 1126 as his priority bill.

Mr. Landis designates LB 1004 as his priority bill.

Mr. Miller designates LB 763 as his priority bill.

Mrs. Morehead designates LB 850 as her priority bill.

Mr. Nichol designates LB 464 as his priority bill.

Mr. Pappas designates LB 949 as his priority bill.

Mrs. Pirsch designates LB 956 as her priority bill.

Mr. Rupp designates LR 318CA as his priority resolution.

Mr. Schmit designates LB 1230 as his priority bill.

Ms. Scofield designates LB 461 as her priority bill.

Mr. Warner designates LB 35 as his priority bill.

Mr. Wesely designates LB 965 as his priority bill.

Mr. Withem designates LB 782 as his priority bill.

The Agriculture and Environment Committee designates LB 1016 and LB 768 as its priority bills.

The Appropriations Committee does not designate any priority bills.

The Banking, Commerce and Insurance Committee designates LB 1123 and LB 801 as its priority bills.

The Business and Labor Committee designates LB 950 and LB 1036 as its priority bills.

The Constitutional Revision and Recreation Committee designates LR 319CA and LB 1152 as its priority resolution and bill.

The Government, Military and Veterans Affairs Committee designates LB 862 and LB 928 as its priority bills.

The Health and Human Services Committee designates LB 926 and LB 1047 as its priority bills.

The Judiciary Committee designates LB 320 and LB 90 as its priority bills.

The Miscellaneous Subjects Committee designates LB 873 and LB 911 as its priority bills.

The Public Works Committee designates LB 1210 and LB 1119 as its priority bills.

The Urban Affairs Committee designates LB 830 and LB 1003 as its priority bills.

The Nebraska Retirement Systems Committee designates LB 1139 and LB 1140 as its priority bills.

MESSAGE FROM THE GOVERNOR

February 18, 1986

Senator Chris Beutler
Room 1107
State Capitol
Lincoln, NE 68509

Dear Chris:

I am responding to your letter dated February 13, 1986 regarding the special committee researching the impact of Initiative 300 on the economy of the State of Nebraska.

My appointees are as follows:

Bill Kerrey, Lincoln, NE
John Cavanaugh, Omaha, NE
Chuck Schroeder, Lincoln, NE
Marty Strange, Walthill, NE
Eddie Nichols, Max, NE
Dave Burkholder, Cozad, NE

(Signed) Sincerely,
ROBERT KERREY
Governor

cc: Speaker William Nichol
Pat O'Donnell

MOTION - Approve Appointment

Mr. DeCamp moved the adoption of the report of the Banking, Commerce and Insurance Committee for the following Governor appointment found in the Journal on page 781: Martha Beaman, Director, Nebraska Energy Office.

Voting in the affirmative, 27:

Baack	Haberman	Johnson, V.	Pappas	Smith
Barrett	Hall	Labeledz	Peterson	Vickers
Beyer	Hefner	Lundy	Pirsch	Warner
Carsten	Hoagland	Miller	Remmers	Wesely
Chizek	Johnson, L.	Nelson	Rogers	Withem
DeCamp	Johnson, R.			

Voting in the negative, 0.

Present and not voting, 10:

Beutler	Goll	Hartnett	Lamb	Nichol
Eret	Harris	Higgins	Marsh	Sieck

Excused and not voting, 12:

Abboud	Conway	Landis	Morehead	Schmit
Chambers	Goodrich	Lynch	Rupp	Scofield
Chronister	Hannibal			

The appointment was confirmed with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 663.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-326, Revised Statutes Supplement, 1984; to redefine a term relating to abortions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 36:

Abboud	Beyer	Chronister	Eret	Hall
Barrett	Carsten	Conway	Goodrich	Harris
Beutler	Chizek	DeCamp	Haberman	Hartnett

Hefner	Lamb	Nichol	Remmers	Smith
Hoagland	Lundy	Pappas	Rogers	Warner
Johnson, L.	Miller	Peterson	Rupp	Wesely
Johnson, R.	Nelson	Pirsch	Sieck	Withem
Labedz				

Voting in the negative, 6:

Baack	Goll	Johnson, V.	Marsh	Vickers
Chambers				

Excused and not voting, 7:

Hannibal	Landis	Morehead	Schmit	Scofield
Higgins	Lynch			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 74.

A BILL FOR AN ACT relating to group insurance; to amend section 44-1620, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to an insurance option for certain retired state employees; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Conway	Hartnett	Lundy	Rogers
Baack	DeCamp	Hefner	Marsh	Rupp
Barrett	Eret	Hoagland	Miller	Schmit
Beutler	Goll	Johnson, L.	Nelson	Sieck
Beyer	Goodrich	Johnson, R.	Nichol	Smith
Carsten	Haberman	Johnson, V.	Pappas	Vickers
Chambers	Hall	Labedz	Peterson	Warner
Chizek	Harris	Lamb	Remmers	Withem
Chronister				

Voting in the negative, 1:

Wesely

Present and not voting, 1:

Pirsch

Excused and not voting, 6:

Hannibal	Landis	Lynch	Morehead	Scofield
Higgins				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 275.

A BILL FOR AN ACT relating to personal property; to adopt the American Indian Arts and Crafts Sales Act; to provide a penalty; and to provide severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	DeCamp	Hefner	Miller	Rupp
Baack	Eret	Hoagland	Morehead	Schmit
Barrett	Goll	Johnson, L.	Nelson	Sieck
Beyer	Goodrich	Johnson, R.	Nichol	Smith
Carsten	Haberman	Johnson, V.	Pappas	Vickers
Chambers	Hall	Labeledz	Peterson	Warner
Chizek	Hannibal	Lamb	Pirsch	Wesely
Chronister	Harris	Lundy	Remmers	Withem
Conway	Hartnett	Marsh	Rogers	

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 4:

Higgins	Landis	Lynch	Scofield
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 351.

A BILL FOR AN ACT relating to judges' retirement; to amend section 24-701, Revised Statutes Supplement, 1984; to redefine military service; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Abboud	DeCamp	Hefner	Marsh	Rogers
Baack	Eret	Hoagland	Miller	Rupp
Barrett	Goll	Johnson, L.	Morehead	Schmit
Beutler	Goodrich	Johnson, R.	Nelson	Sieck
Beyer	Haberman	Johnson, V.	Nichol	Smith
Carsten	Hall	Labeledz	Pappas	Vickers
Chambers	Hannibal	Lamb	Peterson	Warner
Chizek	Harris	Landis	Pirsch	Wesely
Chronister	Hartnett	Lundy	Remmers	Withem
Conway				

Voting in the negative, 0.

Excused and not voting, 3:

Higgins Lynch Scofield

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 343.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 531.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1801, 77-1802, 77-1804, and 77-1918, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to

collection of delinquent real estate taxes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Abboud	Conway	Hartnett	Lundy	Remmers
Baack	DeCamp	Hefner	Marsh	Rogers
Barrett	Eret	Hoagland	Miller	Rupp
Beutler	Goll	Johnson, L.	Morehead	Sieck
Beyer	Goodrich	Johnson, R.	Nelson	Smith
Carsten	Haberman	Johnson, V.	Nichol	Vickers
Chambers	Hall	Labedz	Pappas	Warner
Chizek	Hannibal	Lamb	Peterson	Wesely
Chronister	Harris	Landis	Pirsch	Withem

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 3:

Higgins Lynch Scofield

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 548.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1401, 49-1408, 49-1474, and 49-14,101, Reissue Revised Statutes of Nebraska, 1943, section 17-209.02, Revised Statutes Supplement, 1984, and section 23-3113, Revised Statutes Supplement, 1985; to change provisions prohibiting certain contracts and employment involving certain officers of governing bodies as prescribed; to provide for the disclosure, recording, and storage of certain information; to provide exceptions; to provide penalties as prescribed; to redefine a term; to provide an exception to a penalty; to eliminate a penalty for false campaign statements; to eliminate provisions

relating to certain contracts involving officers and officials of political subdivisions as prescribed; to harmonize provisions; and to repeal the original sections, and also sections 2-3216.05, 18-301.05, and 23-184, Reissue Revised Statutes of Nebraska, 1943, and sections 2-3216.01 to 2-3216.04, 2-2316.06, 18-301.01 to 18-301.04, 18-301.06, 23-180 to 23-183, 23-185, and 79-4,208 to 79-4,213, Revised Statutes Supplement, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud	DeCamp	Johnson, L.	Morehead	Rupp
Baack	Eret	Johnson, R.	Nelson	Schmit
Barrett	Goll	Johnson, V.	Nichol	Scofield
Beyer	Goodrich	Labeledz	Pappas	Sieck
Carsten	Haberman	Lamb	Peterson	Smith
Chizek	Hannibal	Landis	Pirsch	Vickers
Chronister	Harris	Lundy	Remmers	Withem
Conway	Hefner	Marsh	Rogers	

Voting in the negative, 3:

Hoagland Warner Wesely

Present and not voting, 5:

Beutler Chambers Hall Hartnett Miller

Excused and not voting, 2:

Higgins Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Member Excused

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 344.

Introduced by Pappas, 42nd District.

WHEREAS, the Federal Administration's proposed fiscal budget proposed the elimination of the federal agency known as Small Business Administration; and

WHEREAS, Nebraskans rely heavily on both the financial and management services supplied by S.B.A. to fledgling small businesses in Nebraska; and

WHEREAS, Nebraska must look to small business development to help overcome the economic problems developing in this state due to the economic revolution occurring in agriculture and agriculture related businesses; and

WHEREAS, there are relatively few private banking and other lending institutions providing loan funds in Nebraska who were willing or without the availability of the S.B.A. guarantee; and

WHEREAS, this legislature has established and funded agencies to assist small business development, but cannot afford to replace the S.B.A. program which is so vital to the total package development assistance needed to generate economic business development in this state; and

WHEREAS, the services provided by S.B.A. of guaranteeing loans from private lending institutions and of providing business management training, market development training, and providing knowledgeable access to government contracts and product development, are the core services that need be continued by S.B.A. in Nebraska;

NOW THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. Recognizing that budget constraints dictate a streamlining and reduction in agency costs, nevertheless, that this legislature inform the President and Congress of the United States of America by this resolution of the demanding need in Nebraska to continue the Small Business Administration as a lean and effective agency providing loan guarantee services, management training, market development training, assistance in securing government contracts, and new product development assistance.

2. The need in Nebraska for said S.B.A. programs is great and are best provided by an experienced agency with offices in Nebraska ready to function, rather than becoming lost in the maize of Department of Commerce general functions.

3. That the Clerk of the Legislature send a copy of this resolution to the President of the United States, the Nebraska Congressional

Delegation, and the Chairman of the House and Senate Committees reviewing the federal budget.

Laid over.

UNANIMOUS CONSENT - Member Excused

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Suspend Rules

Messrs. V. Johnson and DeCamp renewed their pending motion found in the Journal on page 763 and the correction on page 780 to suspend the rules, Rule 3, Section 19(c), and reconsider the motion to place LB 524 on General File.

Mrs. Nelson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 6 nays, and 15 not voting.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 15 ayes, 3 nays, and 31 not voting.

Mr. V. Johnson requested a roll call vote on the motion to suspend the rules.

Voting in the affirmative, 30:

Abboud	Chronister	Hefner	Lundy	Rogers
Baack	DeCamp	Hoagland	Marsh	Rupp
Barrett	Eret	Johnson, L.	Morehead	Sieck
Beyer	Goll	Johnson, R.	Nelson	Warner
Carsten	Goodrich	Johnson, V.	Nichol	Wesely
Chizek	Hall	Landis	Pappas	Withem

Voting in the negative, 13:

Beutler	Hannibal	Miller	Schmit	Smith
Chambers	Harris	Peterson	Scofield	Vickers
Haberman	Lamb	Remmers		

Present and not voting, 3:

Conway	Hartnett	Pirsch
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Excused and not voting, 3:

Higgins Labedz Lynch

The V. Johnson-DeCamp motion prevailed with 30 ayes, 13 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Beutler and Ms. Scofield asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Place LB 524 on General File

Mr. Hoagland reoffered his motion to place LB 524 on General File pursuant to Rule 3, Section 19.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. V. Johnson requested a roll call vote on the Hoagland motion.

Voting in the affirmative, 22:

Abboud	Chronister	Hoagland	Marsh	Rupp
Baack	DeCamp	Johnson, L.	Morehead	Sieck
Barrett	Eret	Johnson, V.	Nelson	Warner
Beyer	Goll	Lundy	Pappas	Wesely
Chizek	Hefner			

Voting in the negative, 21:

Beutler	Haberman	Johnson, R.	Peterson	Schmit
Carsten	Hall	Lamb	Pirsch	Smith
Chambers	Hannibal	Landis	Remmers	Vickers
Conway	Harris	Miller	Rogers	Withem
Goodrich				

Present and not voting, 2:

Hartnett Nichol

Excused and not voting, 4:

Higgins Labedz Lynch Scofield

The Hoagland motion to place LB 524 on General File lost with 22 ayes, 21 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

STANDING COMMITTEE REPORT Agriculture and Environment

LEGISLATIVE BILL 775. Placed on General File as amended.
Standing Committee amendments to LB 775:
AM2107

- 1 1. On page 3, line 8, after "another" insert
2 "other than at a market"; and in line 14, after "sale"
3 insert "shall mean a sale and".
- 4 2. On page 5, line 7, strike "shall" and
5 insert "may"; and in line 14 strike "shall" and insert
6 "may".
- 7 3. On page 6, line 23, strike "other" and
8 insert "often".
- 9 4. On page 7, line 14, after "animals" insert
10 "or livestock".
- 11 5. On page 8, line 11, after "expenses"
12 insert ", not to exceed actual costs,"; and in line 23
13 after "or" insert "a".
- 14 6. On page 9, line 18, after "Fund" insert
15 "which is hereby created"; strike beginning with "There"
16 in line 19 through "the" in line 20 and insert "The";
17 and strike beginning with the period in line 20 through
18 "fund" in line 21.
- 19 7. On page 10, line 23, strike the period and
20 insert "prior to the sale."
- 21 8. On page 11, line 2, after the period
1 insert "It shall also be unlawful for a seller who has
2 not complied with the Pseudorabies Control Act to sell
3 feeder swine, breeding swine, or both."
- 4 9. Insert the following new section:

5 "Sec. 35. This act shall become operative on
6 July 1, 1987."

(Signed) Rod Johnson, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 663, 74, 275, 351, 531, and 548.

SELECT FILE

LEGISLATIVE BILL 437. Considered.

Mr. Vickers moved to indefinitely postpone.

The Vickers motion to indefinitely postpone lost with 7 ayes, 19 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Vickers offered the following amendment:

P. 3, line 12, insert as new subsection:

(5) The driver of any motor vehicle when traveling upon a roadway outside of a business or residential district which is following another vehicle displaying flashing amber or white lights shall not follow such vehicle more closely than 100 feet. This subsection shall not prevent another vehicle from overtaking and passing any other motor vehicle.

The Vickers amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Vickers offered the following amendment:

P. 2 line 4 & 5,

~~strike~~ "is reasonable and prudent"

insert "300 feet"

P. 2 and 3 strike all other new language in the bill

Pg. 2 line 23 after the word "space" add the language "but not less than 300 feet."

Mr. Vickers moved for a call of the house. The motion prevailed with 5 ayes, 0 nays, and 44 not voting.

The Vickers amendment lost with 15 ayes, 25 nays, 5 present and not voting, and 4 excused and not voting.

Mr. Vickers requested a machine vote on the advancement of the bill.

Messrs. R. Johnson and Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Failed to advance to E & R for Engrossment with 22 ayes, 5 nays, 16 present and not voting, and 6 excused and not voting.

STANDING COMMITTEE REPORTS

Public Works

LEGISLATIVE BILL 1131. Placed on General File.

LEGISLATIVE BILL 1169. Placed on General File.

LEGISLATIVE BILL 783. Placed on General File as amended.

Standing Committee amendments to LB 783:

AM2163

- 1 1. Strike original section 4.
- 2 2. On page 7, line 19, after "adopt" insert
- 3 "and" and strike ", and enforce".
- 4 3. On page 8, line 21, strike "sections
- 5 39-6,184 and" and insert "section".
- 6 4. Renumber the remaining sections
- 7 accordingly.

LEGISLATIVE BILL 833. Placed on General File as amended.

Standing Committee amendments to LB 833:

AM2020

- 1 1. Insert the following new section:
- 2 "Sec. 2. That section 39-6,181, Reissue
- 3 Revised Statutes of Nebraska, 1943, be amended to read
- 4 as follows:
- 5 39-6,181. (1) The Department of Roads or the
- 6 Nebraska State Patrol with respect to highways under
- 7 their jurisdiction including the National System of
- 8 Interstate and Defense Highways, and county authorities
- 9 with respect to highways under their jurisdiction may in
- 10 their discretion upon application and good cause being
- 11 shown therefor, issue a special permit in writing
- 12 authorizing the applicant (a) to operate or move a
- 13 vehicle, a combination of vehicles, or objects of a size
- 14 or weight of vehicle or load exceeding the maximum
- 15 specified by law when such permit is necessary to
- 16 further the national defense or the general welfare, (b)
- 17 to permit movement of cost-saving equipment to be used

18 in highway or other public construction or in
19 agricultural land treatment, or is necessary because of
20 an emergency, an unusual circumstance, or a very special
21 situation, ~~or (c) to operate vehicles loaded up to~~
1 twenty-five per cent greater than the maximum gross
2 weight specified by law, or up to ten per cent greater
3 than the maximum length specified by law, or both, when
4 carrying grain or other seasonally harvested products
5 from the field where they are harvested to storage,
6 market, or stockpile in the field ; or from storage or
7 stockpile to market or factory when failure to move in
8 abundant quantities would cause an economic loss to the
9 person or persons whose product or products are being
10 transported or when failure to move such product or
11 products in as large quantities as possible would not be
12 in the best interests of the national defense or general
13 welfare. ~~No ; or (d) to operate a vehicle or vehicles~~
14 ~~loaded at a weight twenty-five per cent greater than the~~
15 ~~maximum weight specified by law, when carrying garbage~~
16 ~~or refuse during and including the days of April 15 to~~
17 ~~July 1 of each year ; PROVIDED, no permit shall be~~
18 issued under subdivisions (a) and (b) of this subsection
19 for a vehicle carrying a load unless such vehicle is
20 loaded with an object which exceeds the size or weight
21 limitations and which object cannot be dismantled or
22 reduced in size or weight without great difficulty and
23 which of necessity must be moved over the highways to
24 reach its intended destination. ~~No ; AND PROVIDED~~
1 ~~FURTHER, no permit shall be required for the temporary~~
2 movement on roads other than dustless-surfaced state
3 highways and for necessary access to points on such
4 highways during daylight hours of cost-saving equipment
5 to be used in highway or other public construction or in
6 agricultural land treatment where such temporary
7 movement is necessary and for a reasonable distance.
8 (2) The application for any such permit shall
9 specifically describe the vehicle and the load to be
10 operated or moved and whenever possible the particular
11 highways, roads, or streets for which permit to operate
12 is requested, and whether such permit is requested for a
13 single trip or for continuous operation.
14 (3) The department or county authority is
15 authorized to issue or withhold such permit at its
16 discretion; or, if such permit is issued, to limit the
17 number of days during which the permit is valid, to

18 limit the number of trips, or to establish seasonal or
 19 other time limitations within which the vehicles
 20 described may be operated on the highways indicated, or
 21 to issue a continuing permit for use only on highways
 22 other than the National System of Interstate and Defense
 23 Highways to (a) a manufacturer or its carrier covering
 24 all similar vehicles or products produced by such
 1 manufacturer, or (b) the owner of vehicles described in
 2 subdivision (1)(c) of this section, subject to
 3 reasonable conditions as to periodic renewal of such
 4 permit and as to operation or movement of such vehicles,
 5 or otherwise to limit or prescribe conditions of
 6 operation of such vehicle or vehicles, when necessary to
 7 assure against undue damage to the road foundations,
 8 surfaces, or structures or undue danger to the public
 9 safety, and may require such undertaking or other
 10 security as may be deemed necessary to compensate for
 11 any injury to any roadway or road structure.

12 (4) Every such permit shall be carried in the
 13 vehicle to which it refers and shall be open to
 14 inspection by any police officer or authorized agent of
 15 any authority granting such permit. Each such permit
 16 shall state the maximum weight permissible on a single
 17 axle or combination of axles and the total gross weight
 18 allowed. No person shall violate any of the terms or
 19 conditions of such special permit and in case of any
 20 violation, the permit shall be deemed automatically
 21 revoked and the penalty of the original limitations
 22 shall be applied unless the violation consists solely of
 23 exceeding the size or weight specified by the permit, in
 24 which case only the penalty of the original size or
 1 weight limitation exceeded shall be applied, or unless
 2 the total gross load is within the maximum authorized by
 3 the permit and no axle is more than ten per cent in
 4 excess of the maximum load for such axle or group of
 5 axles authorized by the permit and such load can be
 6 shifted to meet the weight limitations of wheel and axle
 7 loads authorized by such permit. Such shift may be made
 8 without penalty provided that such shift is made at the
 9 state or commercial scale designated in the permit. The
 10 vehicle may travel from its point of origin to such
 11 designated scale without penalty, and a scale ticket
 12 from such scale, showing the vehicle to be properly
 13 loaded and within the gross and axle weights authorized
 14 by the permit, shall be reasonable evidence of

15 compliance with the terms of the permit.

16 (5) The department or county authority issuing
17 a permit as provided in this section may adopt and
18 promulgate rules and regulations with respect to the
19 issuance of permits provided for in this section.

20 (6) The department or county authority issuing
21 a permit may require a permit fee of not to exceed ten
22 dollars. The ; ~~PROVIDED, that the fee for such a~~
23 continuing permit may not exceed twenty-five dollars for
24 a ninety-day period, fifty dollars for a one hundred
1 eighty-day period, or one hundred dollars for a one-year
2 period. A vehicle or combination of vehicles for which
3 an application for a permit is requested pursuant to
4 this section shall be registered under section 60-305.09
5 or 60-331, for the maximum gross vehicle weight that is
6 permitted pursuant to section 39-6,180, before a permit
7 shall be issued.”.

8 2. On page 3, line 13, strike “Any” and
9 insert “With a permit issued by the Department of Roads
10 or the Nebraska State Patrol, a”; in line 16 after
11 “load” insert “by no more than twenty per cent”; and in
12 line 21 after “39-6,180” insert “. There shall be a
13 permit fee of ten dollars per month or one hundred
14 dollars per year. The permit may be issued for one or
15 more months up to one year and the term of applicability
16 shall be stated on the permit”.

17 3. On page 4, line 18, strike “section” and
18 insert “sections 39-6,181 and”; and in line 19 strike
19 “is” and insert “are”.

20 4. Renumber remaining section accordingly.

LEGISLATIVE BILL 1004. Placed on General File as amended.
Standing Committee amendments to LB 1004:

AM1961

1 1. On page 3, line 14, strike “21” and insert
2 “23”.

3 2. On page 5, line 7, strike “three times
4 annually” and insert “quarterly”.

5 3. On page 6, in lines 20 and 21, strike “for
6 a particular unit of instruction” and show as stricken;
7 and in line 22 strike “for that unit” and show as
8 stricken.

9 4. On page 10, in lines 13 and 14, strike “at
10 least once per year for two years”.

11 5. On page 11, line 3, strike “two”, show as

12 stricken, and insert "three".

13 6. On page 12, line 20, after "Act" insert an
14 underscored comma.

15 7. On page 15, line 18, after "achieved"
16 insert "at least once per year for two years".

17 8. Insert the following new sections:

18 "Sec. 22. All records, files, equipment, and
19 other information kept with the State Department of
20 Education relating to motorcycle safety education shall
21 be transferred to the department.

1 Sec. 23. Any rules and regulations adopted
2 and promulgated by the State Department of Education
3 relating to motorcycle safety education shall remain in
4 effect until the department adopts and promulgates rules
5 and regulations pursuant to the Motorcycle Safety
6 Education Act."

7 9. Renumber the remaining section
8 accordingly.

LEGISLATIVE BILL 1210. Placed on General File as amended.
Standing Committee amendment to LB 1210:
AM2161

1 1. On page 5, line 12, after "domain" insert
2 "for acquisition of land upon which project facilities
3 will be constructed".

LEGISLATIVE BILL 769. Indefinitely postponed.
LEGISLATIVE BILL 790. Indefinitely postponed.
LEGISLATIVE BILL 1000. Indefinitely postponed.
LEGISLATIVE BILL 1050. Indefinitely postponed.
LEGISLATIVE BILL 1081. Indefinitely postponed.
LEGISLATIVE BILL 1103. Indefinitely postponed.
LEGISLATIVE BILL 1118. Indefinitely postponed.
LEGISLATIVE BILL 1121. Indefinitely postponed.
LEGISLATIVE BILL 1122. Indefinitely postponed.
LEGISLATIVE BILL 1145. Indefinitely postponed.
LEGISLATIVE BILL 1151. Indefinitely postponed.
LEGISLATIVE BILL 1186. Indefinitely postponed.
LEGISLATIVE BILL 1187. Indefinitely postponed.
LEGISLATIVE BILL 1197. Indefinitely postponed.
LEGISLATIVE BILL 1201. Indefinitely postponed.

(Signed) Loran Schmit, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 131A. By Remmers, 1st District; Sieck, 24th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 131, Eighty-ninth Legislature, Second Session, 1986.

LEGISLATIVE BILL 243A. By Pappas, 42nd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 243, Eighty-ninth Legislature, Second Session, 1986.

LEGISLATIVE BILL 291A. By Chronister, 18th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 291, Eighty-ninth Legislature, Second Session, 1986.

LEGISLATIVE BILL 355A. By Goll, 16th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 355, Eighty-ninth Legislature, Second Session, 1986.

LEGISLATIVE BILL 286A. By Morehead, 30th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 286, Eighty-ninth Legislature, Second Session, 1986.

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 895 in the Journal. No objections. So ordered.

AM2169

- 1 1. Insert the following new sections:
- 2 "Sec. 4. For purposes of this act, a health
- 3 care provider shall mean a physician, physical
- 4 therapist, dentist, or any other person engaged in
- 5 providing a health care treatment or service for a fee.

6 Sec. 5. This act shall not apply to any
7 insurer unless this act shall apply equally to employee
8 welfare benefit plans described in 29 U.S.C. 1001 et
9 seq., as amended.

10 Sec. 6. If any section in this act or any
11 part of any section shall be declared invalid or
12 unconstitutional, such declaration shall not affect the
13 validity or constitutionality of the remaining portions
14 thereof.”.

15 2. On page 2, line 3, after “health” insert
16 “care”, after “coverages” insert “or services”, and
17 strike “carriers” and insert “or otherwise”; in line 5
18 strike “individual or group” and insert “insurance”; in
19 line 6 after “policies” insert “or employee welfare
20 benefit plans”; in line 11 before “coverages” insert
21 “care”, after “coverages” insert “and services”, and
1 strike “resulting in”; in line 12 after “coverages”
2 insert “or services”; in line 16 after “coverages”
3 insert “and services”; in lines 17 and 20 after
4 “coverage” insert “or service”; in line 20 strike
5 “insurance”; and in line 22 after “health” insert
6 “care”.

7 3. On page 3, line 3, after “coverage” insert
8 “or service”, in line 6 after “health” insert “care”,
9 after “coverage” insert “or service”, and strike “an”;
10 in line 7 strike “carrier” and insert “or otherwise” and
11 strike “or”; in line 9 strike “group” and insert
12 “insurance” and after the comma insert “or employee
13 welfare benefit plans”; and in line 17 after “health”
14 insert “care” and after “coverage” insert “or service”.

15 4. On page 5, strike lines 8 through 11.

Mr. Lynch asked unanimous consent to print the following amendment to LB 82 in the Journal. No objections. So ordered.

AM2095

1 1. Strike the original sections and all
2 amendments thereto and insert the following new
3 sections:

4 “Section 1. That section 71-5002, Reissue
5 Revised Statutes of Nebraska, 1943, be amended to read
6 as follows:

7 71-5002. As used in sections 71-5001 to
8 71-5014, unless the context otherwise requires:

9 (1) Director shall mean the Director of

10 Medical Services of the Department of Public
11 Institutions or such officer of the department as he or
12 she may designate to carry out in whole or in part the
13 administration of ~~the provisions of~~ sections 71-5001 to
14 71-5014;

15 (2) Department shall mean the Department of
16 Public Institutions;

17 (3) Services shall mean those mental health
18 services, programs, and facilities which, under ~~the~~
19 ~~provisions of~~ sections 71-5001 to 71-5014, provide (a)
20 inpatient services, (b) outpatient services, (c) partial
21 care services, (d) twenty-four hour emergency services,
1 (e) consultation and education services, (f) specialized
2 services as federal legislation may require, or (g)
3 other forms of preventive, treatment, or rehabilitation
4 services which are designed to promote, restore, and
5 maintain the mental health of the people of Nebraska;

6 (4) Program administrator shall mean the chief
7 executive officer of each comprehensive community mental
8 health services program;

9 (5) Income shall mean fees from workshops,
10 board and room payments, and receipts from patients,
11 relatives of patients receiving services, or third-party
12 payments;

13 (6) (a) There shall be at least six mental
14 health regions. The Unless a county has acted pursuant
15 to subdivision (6)(b) of this section, the mental health
16 regions shall consist of the following counties:

17 (a) (i) Region I shall consist of Sioux,
18 Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill,
19 Garden, Banner, Kimball, Cheyenne, and Deuel counties;

20 (b) (ii) Region II shall consist of Grant,
21 Hooker, Thomas, Arthur, McPherson, Logan, Keith,
22 Lincoln, Perkins, Chase, Hayes, Frontier, Dawson,
23 Gosper, Dundy, Hitchcock, and Red Willow counties;

24 (c) (iii) Region III shall consist of Blaine,
1 Loup, Garfield, Wheeler, Custer, Valley, Greeley,
2 Sherman, Howard, Buffalo, Hall, Phelps, Kearney, Adams,
3 Clay, Furnas, Harlan, Hamilton, Merrick, Franklin,
4 Webster, and Nuckolls counties;

5 (d) (iv) Region IV shall consist of Cherry,
6 Keya Paha, Boyd, Brown, Rock, Holt, Knox, Cedar, Dixon,
7 Dakota, Thurston, Wayne, Pierce, Antelope, Boone, Nance,
8 Madison, Stanton, Cuming, Burt, Colfax, and Platte
9 counties;

10 (e) (v) Region V shall consist of Polk,
 11 Butler, Saunders, Seward, Lancaster, Otoe, Fillmore,
 12 Saline, Thayer, Jefferson, Gage, Johnson, Nemaha,
 13 Pawnee, York, and Richardson counties; and

14 (f) (vi) Region VI shall consist of Dodge,
 15 Washington, Douglas, Sarpy, and Cass counties.

16 (b) A county with a population of at least
 17 three hundred thousand inhabitants may, by action of the
 18 county board of such county, elect to form its own
 19 mental health region; and

20 (7) Service agency shall mean any public or
 21 private agency or organization which delivers any of the
 22 services defined in subdivision (3) of this section and
 23 which receives funds under ~~the provisions of~~ sections
 24 71-5001 to 71-5014.

1 Sec. 2. That section 71-5004, Reissue Revised
 2 Statutes of Nebraska, 1943, be amended to read as
 3 follows:

4 71-5004. Any combination of counties
 5 operating under ~~the provisions of~~ the Interlocal
 6 Cooperation Act shall appoint a governing board which
 7 shall govern and supervise the operation of the
 8 comprehensive community mental health services program
 9 offered within their geographical boundaries, no later
 10 than sixty days following April 16, 1974. The governing
 11 board may enter into contracts with public or private
 12 service agencies or individuals. Such board shall
 13 contract with any public agency or approved private
 14 agency or approved individual presently providing those
 15 services specified in subdivision (3) of section 71-5002
 16 subject to the minimum standards adopted under section
 17 71-5003. The governing board of a region composed of
 18 more than one county shall consist of one member from
 19 each of the county boards of supervisors or county
 20 commissioners as represented by the Interlocal
 21 Cooperation Act. If a region is composed of a single
 22 county, the county board of such county shall serve as
 23 the governing board. Local governing boards, which
 24 shall govern and supervise the comprehensive community
 1 mental health services shall consist of only elected
 2 officials. Initial terms of the regional governing
 3 board members shall be determined as nearly as possible
 4 as follows: One-third shall serve for one year,
 5 one-third shall serve for two years, and one-third shall
 6 serve for three years. All subsequent appointments

7 shall be for three years. Each of the counties shall
8 contribute financial support for the operation of the
9 regional comprehensive community mental health services
10 program based upon a funding formula acceptable to each
11 of the counties involved.

12 Sec. 3. That section 71-5009, Revised
13 Statutes Supplement, 1984, be amended to read as
14 follows:

15 71-5009. The ~~six~~ mental health regional
16 governing boards shall offer comprehensive community
17 mental health, drug abuse, and alcoholism programs,
18 services, and facilities. The boards shall provide
19 funds for such community-based projects. Federal
20 funding, private sources, third-party payments, and fees
21 collected may be used as sources of necessary funds.
22 The state shall provide seventy-five per cent of the
23 funds required to provide the services for each region,
24 exclusive of federal funding, private sources,
1 third-party payments, and fees collected under the
2 ~~provisions of sections 71-5001 to 71-5014, except that~~
3 no state funds shall be provided to support any program,
4 serving a local municipal population of twenty thousand
5 or less, which maintains an office or operates a program
6 within a five-mile radius of a state regional center
7 when in the judgment of the director such office or
8 program unnecessarily duplicates or fails to utilize
9 facilities available at the state regional center.
10 Local, county, and other tax-generated sources shall
11 account for twenty-five per cent of the funds. The
12 regional governing boards shall account for all sources
13 and expenditure of funds for any agency receiving any
14 state funds under the ~~provisions of sections 71-5001 to~~
15 71-5014.

16 Sec. 4. That section 71-5027, Reissue Revised
17 Statutes of Nebraska, 1943, be amended to read as
18 follows:

19 71-5027. The six regional governing boards
20 established pursuant to section 71-5004 shall provide
21 community alcoholism facilities, programs, and services.
22 The boards shall provide funds for such community-based
23 projects. Federal funding, private sources, third-party
24 payments, and fees collected may be used as sources of
1 necessary funds. Each regional governing board shall
2 provide one dollar for every three dollars provided by
3 the state General Fund. Of the amount provided by each

4 regional governing board, not less than forty per cent
 5 shall be provided by local and county taxes and the
 6 remainder shall come from other nonfederal sources.
 7 Regional governing boards shall not be required to
 8 provide such matching funds for alcohol treatment
 9 programs located on Indian reservations. The regional
 10 governing boards shall account for all sources and
 11 expenditure of funds for any agency receiving any state
 12 funds under ~~the provisions of~~ sections 71-5016 to
 13 71-5040, 83-1009, and 83-1009.01.

14 Sec. 5. That section 83-1,143.06, Reissue
 15 Revised Statutes of Nebraska, 1943, be amended to read
 16 as follows:

17 83-1,143.06. (1) There are hereby created at
 18 least six mental retardation regions in the state. Each
 19 Unless a county has acted pursuant to subsection (2) of
 20 this section, each region shall consist of the following
 21 counties:

22 Region 1 shall consist of Sioux, Dawes,
 23 Sheridan, Box Butte, Scotts Bluff, Morrill, Garden,
 24 Kimball, Banner, Cheyenne, and Deuel counties;

1 Region 2 shall consist of Grant, Hooker,
 2 Thomas, Arthur, McPherson, Logan, Keith, Lincoln,
 3 Perkins, Dawson, Chase, Hayes, Frontier, Gosper, Dundy,
 4 Hitchcock, and Red Willow counties;

5 Region 3 shall consist of Blaine, Loup,
 6 Garfield, Wheeler, Custer, Valley, Greeley, Sherman,
 7 Howard, Merrick, Buffalo, Hall, Hamilton, Phelps,
 8 Kearney, Adams, Clay, Furnas, Harlan, Franklin, Webster,
 9 and Nuckolls counties;

10 Region 4 shall consist of Cherry, Keya Paha,
 11 Boyd, Brown, Rock, Holt, Knox, Cedar, Dixon, Antelope,
 12 Pierce, Wayne, Dakota, Thurston, Madison, Stanton,
 13 Cuming, Burt, Boone, Platte, Colfax, and Nance counties;

14 Region 5 shall consist of Saunders, York,
 15 Seward, Lancaster, Otoe, Polk, Butler, Fillmore, Saline,
 16 Gage, Johnson, Nemaha, Thayer, Jefferson, Pawnee, and
 17 Richardson counties; and

18 Region 6 shall consist of Dodge, Washington,
 19 Douglas, Sarpy, and Cass counties.

20 (2) A county with a population of at least
 21 three hundred thousand inhabitants may, by action of the
 22 county board of such county, elect to form its own
 23 mental retardation region.

24 Sec. 6. This act shall become operative on

- 1 July 1, 1987.
 2 Sec. 7. That original sections 71-5002,
 3 71-5004, 71-5027, and 83-1,143.06, Reissue Revised
 4 Statutes of Nebraska, 1943, and section 71-5009, Revised
 5 Statutes Supplement, 1984, are repealed.”.

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 966. Placed on General File as amended.
 Standing Committee amendments to LB 966:

AM2167

- 1 1. On page 2, in lines 2, 12, and 21, strike
 2 “Advisory” and insert “Governing”.
 3 2. On page 3, line 4, strike the second
 4 “and”; and in line 8 after “industry” insert the
 5 following: “; and
 6 (4) Ratify or deny all contracts which exceed
 7 one thousand dollars and which are awarded by the
 8 Department of Economic Development concerning travel and
 9 tourism”.
 10 3. On page 3, line 21; and page 4, line 1,
 11 strike “the lowest” and insert “a”.

(Signed) John W. DeCamp, Chairperson

Revenue

LEGISLATIVE BILL 980. Indefinitely postponed.

LEGISLATIVE BILL 1155. Indefinitely postponed.

(Signed) Vard R. Johnson, Chairperson

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 572 and 1012.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 572

The following changes, required to be reported for publication in the Journal, have been made:

ER0135

1. On page 1, line 8, "Reissued" has been struck and "Reissue" inserted.

2. On page 7, line 10, "motor" has been struck and "motor-driven" inserted; and in line 11 "driven" has been struck.

(Signed) Mary E. Sommermeyer
E & R Attorney

MOTION - Reconsider Action on LB 43

Mr. Chambers and Mrs. Morehead moved to reconsider the vote on the Warner-Landis Amendment.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Chambers requested a roll call vote on the Chambers-Morehead motion.

Voting in the affirmative, 25:

Baack	Conway	Hartnett	Lundy	Pappas
Beyer	DeCamp	Hoagland	Lynch	Schmit
Chambers	Hall	Johnson, V.	Marsh	Warner
Chizek	Hannibal	Labedz	Miller	Wesely
Chronister	Harris	Landis	Morehead	Withem

Voting in the negative, 18:

Abboud	Goodrich	Lamb	Remmers	Sieck
Carsten	Haberman	Nelson	Rogers	Smith
Eret	Hefner	Peterson	Rupp	Vickers
Goll	Johnson, L.	Pirsch		

Present and not voting, 1:

Nichol

Excused and not voting, 5:

Barrett Beutler Higgins Johnson, R. Scofield

The Chambers-Morehead motion to reconsider prevailed with 25 ayes, 18 nays, 1 present and not voting, and 5 excused and not voting.

Mr. Warner requested a roll call vote on the Warner-Landis amendment.

Voting in the affirmative, 23:

Baack	DeCamp	Hoagland	Lynch	Pappas
Chambers	Hall	Johnson, V.	Marsh	Warner
Chizek	Hannibal	Labedz	Miller	Wesely
Chronister	Harris	Landis	Morehead	Withem
Conway	Hartnett	Lundy		

Voting in the negative, 19:

Abboud	Goodrich	Lamb	Remmers	Sieck
Carsten	Haberman	Nelson	Rogers	Smith
Eret	Hefner	Peterson	Rupp	Vickers
Goll	Johnson, L.	Pirsch	Schmit	

Present and not voting, 2:

Beyer Nichol

Excused and not voting, 5:

Barrett Beutler Higgins Johnson, R. Scofield

The Warner-Landis amendment lost with 23 ayes, 19 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Messrs. Schmit, Haberman, and Nichol asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Return LB 43 to Committee

Mr. DeCamp moved to return LB 43 to committee.

Pending.

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 320. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal
and on file in the Clerk's Office - Room 1102 - AM2114.)

(Signed) Peter Hoagland, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following
amendments to LR 32CA in the Journal. No objections. So ordered.

I.

Amendment to AM0487, Standing Committee amendment, Journal
p. 881, adopted on General File.

1. Line 20, strike the period and insert "except that the members
duly elected prior to 1988 shall be permitted to complete their terms
of office."
2. Strike the sentences beginning with "The" in line 20 through
"1988." in line 2.

II.

Amendment to AM 0487, Standing Committee amendment, Journal
p. 881, adopted on General File.

1. Line 20, after the period, insert: "Except for the terms of members
elected prior to 1988,"; change "The" to "the".
2. Line 22, after the period, insert: "Members elected prior to 1988
shall be permitted to complete their terms."
3. Line 2, after "1988", strike the period and insert: "and
thereafter."

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 19, 1986, at 10:55 a.m., were
the following bills: 663, 74, 275, 351, 531, and 548.

(Signed) Jan Loder, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Messrs. Hoagland and Warner asked unanimous consent to print the following amendment to LB 529 in the Journal. No objections. So ordered.

(Amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2138.)

VISITORS

Visitors to the Chamber were Elvin Adamson from Nenzel; a group of stockgrowers from western Nebraska; Titus Coop from Bridgeport; 27 seniors and teacher from Dorchester High School; 40 students and teacher from Nebraska Community College, Norfolk; 10 seniors and teacher from Falls City; and 10 seniors and teacher from Norfolk High School.

ADJOURNMENT

At 11:57 a.m., on a motion by Mrs. Morehead, the Legislature adjourned until 9:00 a.m., Thursday, February 20, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-EIGHTH DAY - FEBRUARY 20, 1986**LEGISLATIVE JOURNAL****EIGHTY-NINTH LEGISLATURE
SECOND SESSION****TWENTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 20, 1986

Pursuant to adjournment, the Legislature met at 9:05 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Mr. Miller.

ROLL CALL

The roll was called and all members were present except Mrs. Higgins who was excused; and Messrs. Barrett, Beutler, Goodrich, R. Johnson, V. Johnson, Schmit, Sieck, Mesdames Labedz, Morehead, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Seventh Day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review****Correctly Engrossed**

The following bills were correctly engrossed: 92, 298, 484, and 540.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 298

The following changes, required to be reported for publication in the Journal, have been made:

ER0137

1. In the DeCamp-Lundy-Hannibal amendment, AM1709, adopted February 18, 1986:

a. On page 2, line 6, "of the United States" has been inserted after "Treasury"; and

b. On page 3, line 6, underscored commas have been inserted after "mail" and "requested".

2. On page 1, the matter beginning with "certain" in line 3 through "decrees" in line 4 has been struck and "provisions relating to the rate and payment of interest on certain decrees and judgments; to provide exceptions; to provide an operative date" has been inserted.

Enrollment and Review Change to LB 540

The following changes, required to be reported for publication in the Journal, have been made:

ER0138

1. In the Standing Committee Amendments, AM0896, adopted January 15, 1986, on page 1, line 22, "if" has been struck and "unless" inserted.

2. On page 12, line 3, the comma has been struck and shown as stricken.

(Signed) Mary E. Sommermeyer
E & R Attorney

STANDING COMMITTEE REPORTS **Miscellaneous Subjects**

LEGISLATIVE BILL 873. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2077.)

LEGISLATIVE BILL 868. Indefinitely postponed.

(Signed) Elroy M. Hefner, Chairperson

NOTICE OF COMMITTEE HEARING **Constitutional Revision and Recreation**

Governor Appointment Thursday, February 27, 1986 1:30 P.M.
Bruce Wright - Game and Parks Commission

(Signed) Lee Rupp, Chairperson

ANNOUNCEMENT

Speaker Nichol announced the following bills are his priority bills: 310, 755, 760, 768, 773, 799, 833, 844, 861, 877, 880, 920, 924, 949, 968, 985, 997, 1001, 1007, 1055, 1059, 1067, 1071, 1176, and 1177.

SELECT FILE

LEGISLATIVE RESOLUTION 32CA. Messrs. Hoagland and Rupp offered the following amendment:

AM2181

(Amendments to Standing Committee amendments)

- 1 1. On page 1, line 20, after "provided"
- 2 insert "except that the members duly elected prior to
- 3 1988 shall be permitted to complete their terms of
- 4 office"; and strike beginning with "The" in line 20
- 5 through line 23.
- 6 2. On page 2, strike beginning with "of" in
- 7 line 1 through the period in line 2.

The Hoagland-Rupp amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Hoagland withdrew his pending amendments I and II found in the Journal on page 883.

MR. BARRETT PRESIDING

Mr. Chizek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Lamb requested a machine vote on the advancement of the bill.

Mr. Hoagland moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Hoagland requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 22:

Chizek	Hannibal	Johnson, V.	Lynch	Scofield
DeCamp	Harris	Labeledz	Morehead	Vickers
Eret	Hartnett	Landis	Pappas	Wesely
Haberman	Hoagland	Lundy	Rupp	Withem
Hall	Johnson, R.			

Voting in the negative, 22:

Abboud	Chronister	Johnson, L.	Peterson	Schmit
Baack	Conway	Lamb	Pirsch	Sieck
Barrett	Goll	Nelson	Remmers	Smith
Beyer	Goodrich	Nichol	Rogers	Warner
Carsten	Hefner			

Present and not voting, 3:

Beutler	Marsh	Miller
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Absent and not voting, 1:

Chambers

Excused and not voting, 1:

Higgins

Failed to advance to E & R for Engrossment with 22 ayes, 22 nays, 3 present and not voting, 1 absent and not voting, and 1 excused and not voting.

Having failed to advance for the second time, LR 32CA stands indefinitely postponed.

The Chair declared the call raised.

LEGISLATIVE BILL 325. E & R amendments, AM5195, found in the Journal on page 374 for the Eighth Day were adopted.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely renewed his pending amendment, AM1448, found in the Journal on page 2312, First Session.

The Wesely amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Mr. Wesely renewed his pending amendment, AM1773, found in the Journal on page 369.

The Wesely amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Wesely withdrew his pending amendment, AM1715, found in the Journal on page 369.

Mr. Wesely offered the following amendment:
AM2178

- 1 1. Insert the following new sections:
- 2 "Sec. 8. That section 84-1301, Revised
- 3 Statutes Supplement, 1984, be amended to read as
- 4 follows:
- 5 84-1301. As used in sections 84-1301 to
- 6 84-1331, unless the context otherwise requires:
- 7 (1) Employee shall mean any employee of the
- 8 State Board of Agriculture who is a member of the state
- 9 retirement plan on July 1, 1982, and any person or
- 10 officer employed by the State of Nebraska whose
- 11 compensation is paid out of state funds or funds
- 12 controlled or administered by a state department through
- 13 any of its executive or administrative officers when
- 14 acting exclusively in their respective official,
- 15 executive, or administrative capacities; but shall not
- 16 include judges, except associate county judges appointed
- 17 after August 26, 1983, members of the Nebraska State
- 18 Patrol, employees of the University of Nebraska,
- 19 employees of the state colleges, employees of technical
- 20 community colleges, employees of the Department of Labor
- 21 employed prior to July 1, 1984, and paid from funds
- 1 provided pursuant to Title III of the Social Security
- 2 Act or funds from other federal sources, the
- 3 Commissioner of Labor employed prior to July 1, 1984,
- 4 employees of the State Board of Agriculture who are not
- 5 members of the state retirement plan on July 1, 1982,
- 6 the Nebraska National Guard air and army technicians, or
- 7 persons eligible for membership under the School
- 8 Retirement System of the State of Nebraska who have not
- 9 elected to become members of the system pursuant to
- 10 subsection (1) of section 79-1565 or been made members

11 of the system pursuant to subsection (3) of section
12 79-1565, except that those persons so eligible and who
13 as of September 2, 1973, are contributing to the State
14 Employees Retirement System shall continue as members of
15 such system. Any individual appointed by the Governor
16 may elect not to become a member of such retirement
17 system;

18 (2) Part-time employee shall mean an employee
19 who works less than one half of the regularly scheduled
20 hours;

21 (3) Retirement shall mean qualifying for and
22 terminating employment after becoming qualified to
23 receive the ~~accepting~~ a retirement allowance granted
24 under sections 84-1301 to 84-1331;

1 (4) Retirement board or board shall mean the
2 Public Employees Retirement Board;

3 (5) Retirement system shall mean the State
4 Employees Retirement System of the State of Nebraska;

5 (6) Required contribution shall mean the
6 deduction to be made from the salary of employees as
7 provided in section 84-1308;

8 (7) Service shall mean the actual total length
9 of employment as an employee and shall include leave of
10 absence because of disability or military service when
11 properly authorized by the retirement board, but shall
12 not include any period of disability for which
13 disability retirement benefits are received under the
14 provisions of section 84-1317;

15 (8) Straight life annuity shall mean an
16 ordinary annuity payable for the life of the primary
17 annuitant only and terminating at his or her death
18 without refund or death benefit of any kind;

19 (9) Prior service shall mean service before
20 January 1, 1964;

21 (10) Group annuity contract shall mean the
22 contract or contracts issued by one or more life
23 insurance companies to the board in order to provide the
24 benefits described in sections 84-1319, 84-1320,
1 84-1321, and 84-1323 to 84-1323.02;

2 (11) Primary carrier shall mean the life
3 insurance company or trust company designated as the
4 administrator of the group annuity contract;

5 (12) State department shall mean any
6 department, bureau, commission, or other division of
7 state government, not otherwise specifically defined or

8 exempted in sections 84-1301 to 84-1331, whose employees
9 and officers are not already covered by a retirement
10 plan;

11 (13) Disability shall mean an inability to
12 engage in a substantially gainful activity by reason of
13 any medically determinable physical or mental impairment
14 which can be expected to result in death or to be of
15 long-continued and indefinite duration;

16 (14) Date of disability shall mean the date on
17 which a member is determined to be disabled by the
18 board;

19 (15) Regular interest shall mean the rate of
20 interest earned each calendar year commencing January 1,
21 1975, as determined by the retirement board in
22 conformity with actual and expected earnings on its
23 investments;

24 (16) Fund shall mean the State Employees
1 Retirement Fund created by section 84-1309;

2 (17) Guaranteed investment contract shall mean
3 an investment contract which guarantees that the account
4 maintained for any participant will not decrease in
5 value, but will increase each year by the contribution
6 allocated to the account and by investment earnings and
7 will decrease by the amount of expenses reasonably
8 determined to be allocated to the account; and

9 (18) Investment manager shall mean one or more
10 insurance companies, bank trust departments, or
11 independent investment advisors designated to invest any
12 portion of the fund.

13 Sec. 10. That section 84-1319, Revised
14 Statutes Supplement, 1984, be amended to read as
15 follows:

16 84-1319. (1) The future service retirement
17 benefit shall be an annuity, payable monthly with the
18 first payment made as of the retirement date, which
19 shall be the actuarial equivalent of the retirement
20 value based on factors determined by the board, except
21 that gender shall not be a factor when determining the
22 amount of such payments, except as provided in pursuant
23 to subsection (2) of this section.

24 At any time before the retirement date, the
1 retiring employee may choose to receive his or her
2 annuity either in the form of a straight life annuity or
3 any optional form that is determined acceptable by the
4 board.

5 In lieu of the future service retirement
6 annuity, a retiring employee may, upon application to
7 the board, receive a retirement transition benefit which
8 shall not exceed fifty per cent of the value of the
9 member's employee account, and an annuity which shall be
10 equal to the actuarial equivalent of the remainder of
11 the retirement value, and the employee may choose any
12 form of such annuity as provided for by the board. In
13 the alternative, a retiring employee may elect to
14 receive the entire amount in his or her employee
15 account, except that if he or she selects such
16 alternative, he or she shall forfeit the accumulated
17 sums in his or her employer account.

18 In any case, the amount of the monthly payment
19 shall be such that the annuity chosen shall be the
20 actuarial equivalent of the retirement value, except as
21 provided in this section.

22 The board shall provide to any state employee
23 who is eligible for retirement, prior to his or her
24 selecting any of the retirement options provided by this
1 section, information on the federal and state income tax
2 consequences of the various annuity or retirement
3 benefit options.

4 (2) The monthly annuity income payable to a
5 member retiring on or after January 1, 1984, shall be as
6 follows:

7 He or she shall receive at retirement the
8 amount which may be purchased by the accumulated
9 contributions based on annuity rates in effect on the
10 date of purchase which do not utilize gender as a
11 factor, except that such amounts shall not be less than
12 the retirement income which can be provided by the sum
13 of the amounts derived pursuant to subdivisions (a) and
14 (b) of this subsection as follows:

15 (a) The income provided by the accumulated
16 contributions made prior to January 1, 1984, based on
17 male annuity purchase rates in effect on January 1,
18 1984, or male annuity purchase rates on the date of
19 purchase, if greater than those in effect on January 1,
20 1984; and

21 (b) The income provided by the accumulated
22 contributions made on and after January 1, 1984, based
23 on the annuity purchase rates in effect on the date of
24 purchase which do not use gender as a factor.

1 (3) Any amounts, in excess of contributions,

2 which may be required in order to purchase the
3 retirement income specified in subsection (2) of this
4 section shall be withdrawn from the State Equal
5 Retirement Benefit Fund.

6 (4) Retirement benefits for persons who retire
7 prior to January 1, 1984, shall not be affected by
8 changes to this section which become operative on or
9 after January 1, 1984.”.

10 2. On page 9, lines 14 and 15, reinstate the
11 stricken matter.

12 3. In the Standing Committee amendments:

13 a. On page 1, line 3, strike “7” and insert
14 “12”;

15 b. On page 2, line 6, after the semicolon
16 insert “and”; and in line 7 strike “; and in line 17
17 strike ‘84-1319,’ ”;

18 c. Strike amendment 3; and

19 d. Renumber the remaining amendments
20 accordingly.

21 4. In AM1703, beginning on page 161 of the
22 1986 Journal, on page 9, line 24, after “79-1533” insert
23 “ , 84-1301”.

24 5. Renumber the remaining sections
1 accordingly.

Mr. Hartnett moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Wesely amendment was adopted with 26 ayes, 3 nays, 18 present and not voting, and 2 excused and not voting.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 345.

Introduced by Nichol, 48th District; Schmit, 23rd District; Chronister, 18th District; Peterson, 21st District; Haberman, 44th District; R. Johnson, 34th District; Baack, 47th District; Sieck, 24th District.

WHEREAS, energy generated at federal hydroelectric facilities is purchased by more than one thousand consumer-owned utility

systems that serve homes, farms, businesses, and industries in thirty-four states; and

WHEREAS, the federal investment in hydropower is being systematically repaid to the United States treasury, with interest, by federal power customers and power revenue also contributes a significant amount of revenue to assist the repayment of irrigation costs, salinity control, and certain fish and wildlife mitigation programs; and

WHEREAS, some two hundred seventy-five thousand manufacturing, wholesale, retail, and service companies nationwide, which employ more than three million people and contribute nearly two hundred forty billion dollars to the national economy, are served by consumer-owned utilities that rely on federal power purchases for all or part of their bulk power supply; and

WHEREAS, the sale, transfer, or other disposal of the power marketing administrations or the federal power plants and related facilities could:

(1) Threaten consumer-owned utilities and their customers with uncertainty of supply and significantly higher power rates;

(2) Undermine the ability of consumer-owned utilities to provide reliable electric service at competitive rates and thereby increase monopoly in the electric utility industry;

(3) Renege on existing repayment agreements between the United States and federal power users; and

(4) Eliminate a reliable, long-term source of revenue for the United States treasury.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the State of Nebraska opposes the sale, transfer, exchange, lease, or other disposition of the federal power marketing administrations and power plants and related facilities for the production and transmission of electricity.

Laid over.

MOTION - Withdraw LB 1180

Mr. V. Johnson moved to suspend Rule 3, section 13, and withdraw LB 1180.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 573 in the Journal. No objections. So ordered.

AM2189

(Amendments to AM0701)

- 1 1. On page 1, line 2, strike "10" and insert
- 2 "12"; strike beginning with "sections" in line 3 through
- 3 line 10 and insert "section 9."; in line 11 strike "5"
- 4 and insert "3"; and in line 13 strike "6" and insert
- 5 "4".

Mr. Lynch asked unanimous consent to print the following amendment to LB 573 in the Journal. No objections. So ordered.

AM1778

- 1 1. On page 3, line 24, strike "fifty" and
- 2 insert "twenty-five"; and in line 27 strike "one
- 3 hundred" and insert "fifty".

Mr. Wesely asked unanimous consent to print the following amendment to LB 922 in the Journal. No objections. So ordered.

AM2140

- 1 1. Insert the following new sections:
- 2 "Sec. 2. That section 71-5001, Reissue
- 3 Revised Statutes of Nebraska, 1943, be amended to read
- 4 as follows:
- 5 71-5001. Sections 71-5001 to 71-5014 and
- 6 section 1 of this act shall be known and may be cited as
- 7 the Nebraska Comprehensive Community Mental Health
- 8 Services Act. It is hereby declared to be the public
- 9 policy of the State of Nebraska that all persons
- 10 residing in Nebraska shall have access to mental health
- 11 facilities, programs, and services. Such mental health
- 12 facilities, programs, and services shall meet standards
- 13 established by the Medical Services Division of the
- 14 Department of Public Institutions subject to the
- 15 requirements of subdivision (7) of section 71-5003.
- 16 Sections 71-5001 to 71-5014 and section 1 of this act
- 17 are intended to organize and provide methods of
- 18 financing community mental health facilities, programs,
- 19 and services; to provide for more effective utilization
- 20 of existing mental health resources; to provide a means
- 21 for participation of local communities in the
- 1 determination of the need for and allocation of mental

2 health facilities, programs, and services; to provide a
3 means to grant state mental health funds as appropriated
4 for community needs; to define administrative structure;
5 and to coordinate and integrate such programs with other
6 human service programs.

7 Sec. 3. That original section 71-5001,
8 Reissue Revised Statutes of Nebraska, 1943, is
9 repealed.”

10 2. On page 2, underscore beginning with
11 “Regional” in line 1 through line 5.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 1034. Placed on General File.

LEGISLATIVE BILL 865. Indefinitely postponed.

LEGISLATIVE BILL 913. Indefinitely postponed.

(Signed) Tom Vickers, Chairperson

Revenue

LEGISLATIVE BILL 1017. Placed on General File.

LEGISLATIVE BILL 1041. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal
and on file in the Clerk's Office - Room 1102 - AM2159.)

LEGISLATIVE BILL 1195. Placed on General File as amended.
Standing Committee amendments to LB 1195:
AM2174

1 1. On page 3, line 2, strike “Homestead
2 Exemption” and insert “Permanent School” and after
3 “Fund” insert an underscored period; and strike
4 beginning with the comma in line 2 through the period in
5 line 7 and show the old matter as stricken.

6 2. Insert the following new section:

7 “Sec. 3. This act shall apply to all taxes
8 collected on or after July 1, 1986.”

9 3. Renumber the remaining sections
10 accordingly.

LEGISLATIVE BILL 758. Indefinitely postponed.

LEGISLATIVE BILL 815. Indefinitely postponed.

LEGISLATIVE BILL 947. Indefinitely postponed.

LEGISLATIVE BILL 1065. Indefinitely postponed.

LEGISLATIVE BILL 1178. Indefinitely postponed.

LEGISLATIVE BILL 1220. Indefinitely postponed.

(Signed) Vard R. Johnson, Chairperson

SELECT FILE

LEGISLATIVE BILL 325. Mr. Wesely renewed his pending amendment, AM1979, found in the Journal on page 663.

Pending.

MOTION - Suspend Rules

Mr. Nichol moved to suspend the rules, Rule 3, Section 13 to allow committees with hearings scheduled for the week of March 3 to cancel and reset such hearings for the week of February 24.

The motion prevailed with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 1193	Tuesday, March 4, 1986 (Cancel)	1:30 P.M.
LB 1194	Tuesday, March 4, 1986 (Cancel)	1:30 P.M.
LB 914	Tuesday, March 4, 1986 (Cancel)	1:30 P.M.
LB 1193	Tuesday, February 25, 1986 (Reset)	1:30 P.M.
LB 1194	Tuesday, February 25, 1986 (Reset)	1:30 P.M.
LB 914	Tuesday, February 25, 1986 (Reset)	1:30 P.M.
LB 1180	Tuesday, February 25, 1986 (Cancel)	1:30 P.M.

(Signed) Vard R. Johnson, Chairperson

Urban Affairs

LB 1162	Wednesday, March 5, 1986 (Cancelled)	1:30 P.M.
LB 1162	Wednesday, February 26, 1986 (Reset)	3:10 P.M.
LB 879	Wednesday, March 5, 1986 (Cancelled)	1:30 P.M.
LB 879	Wednesday, February 26, 1986 (Reset)	2:45 P.M.

(Signed) Ron Withem, Chairperson

Constitutional Revision and Recreation

LB 1073	Thursday, March 6, 1986 (Cancelled)	1:30 P.M.
LB 1189	Thursday, March 6, 1986 (Cancelled)	1:30 P.M.
LB 1073	Friday, February 28, 1986 (Reset)	1:30 P.M.
LB 1189	Friday, February 28, 1986 (Reset)	1:30 P.M.

(Signed) Lee Rupp, Chairperson

GENERAL FILE

LEGISLATIVE BILL 774. Title read. Considered.

Standing Committee amendments, AM1815, found in the Journal on page 479 for the Eleventh Day were adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 325. The Wesely pending amendment, AM1979, found in the Journal on page 663, and considered in this day's Journal was renewed.

Mr. Pappas offered the following amendment to the Wesely pending amendment:

(Amendments to AM 1703)

1. On page 1, line 5 after the word reduce, insert the following, "by three percent for each year after the member's sixtieth birthday and prior to his or her sixty-fifth birthday."

Strike the remaining language on line 5, 6, 7, 9, 10, and 11.

Mr. Vickers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

SPEAKER NICHOL PRESIDING

Mr. Wesely requested a roll call vote on the Pappas amendment.

Voting in the affirmative, 27:

Baack	Conway	Harris	Morehead	Rupp
Barrett	DeCamp	Hartnett	Nelson	Scofield
Beyer	Eret	Hoagland	Nichol	Sieck
Carsten	Goll	Johnson, R.	Pappas	Vickers
Chizek	Goodrich	Marsh	Remmers	Withem
Chronister	Haberman			

Voting in the negative, 16:

Abboud	Hefner	Lamb	Miller	Rogers
Chambers	Johnson, L.	Landis	Peterson	Warner
Hall	Johnson, V.	Lundy	Pirsch	Wesely
Hannibal				

Present and not voting, 4:

Labeledz	Lynch	Schmit	Smith
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Excused and not voting, 2:

Beutler	Higgins
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The Pappas amendment was adopted with 27 ayes, 16 nays, 4 present and not voting, and 2 excused and not voting.

Mr. Harris moved the previous question. The question is, "Shall the debate now close?" The motion lost with 10 ayes, 10 nays, and 29 not voting.

Pending.

MOTION - Place LB 1029 on General File

Messrs. Wesely, Harris, Warner, Beutler, Landis, and Mrs. Marsh moved to place LB 1029 on General File notwithstanding the action of the committee.

Laid over.

MOTION - Place LB 846 on General File

Messrs. Wesely, Harris, Beutler, Landis, and Mrs. Marsh moved to place LB 846 on General File notwithstanding the action of the committee.

Laid over.

MOTION - Suspend Rules

Mr. V. Johnson moved to suspend the rules, Rule 5, Section 4(c) to permit the introduction of a new bill, Req. 1872.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 345 was referred to the Reference Committee.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1051A. By Chizek, 31st District; Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1051, Eighty-ninth Legislature, Second Session, 1986.

LEGISLATIVE BILL 774A. By V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 774, Eighty-ninth Legislature, Second Session, 1986.

LEGISLATIVE BILL 925A. By Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 925, Eighty-ninth Legislature, Second Session, 1986.

LEGISLATIVE BILL 1036A. By Lundy, 36th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1036, Eighty-ninth Legislature, Second Session, 1986.

LEGISLATIVE BILL 1037A. By Lundy, 36th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1037, Eighty-ninth Legislature, Second Session, 1986.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 897. Placed on General File as amended.
Standing Committee amendment to LB 897:
AM2185

- 1 1. On page 2, line 7, strike "the" and insert
- 2 "such other"; in line 8 strike "attached to" and insert
- 3 "included in"; and in line 9 strike "at such time".

LEGISLATIVE BILL 962. Placed on General File as amended.
Standing Committee amendments to LB 962:
AM2184

- 1 1. On page 2, line 22, after "structures"
- 2 insert "to finance short-term operating deficits"; and
- 3 in lines 23 and 24 strike the new matter.
- 4 2. On page 3, line 6, strike "operating
- 5 indebtedness" and insert "short-term operating
- 6 deficits".
- 7 3. On page 4, line 18, strike the new matter.
- 8 4. On page 5, after line 7 insert the
- 9 following new subsection:
- 10 "(3) Project shall also mean and include the
- 11 financing of short-term operating deficits of private
- 12 institutions which occur due to the timing of the
- 13 receipt of tuition revenue, student fees, contributions,
- 14 bequests, grant money, and other revenue."; and in line
- 15 14 strike "operating indebtedness" and insert "amount of
- 16 short-term operating deficits to be financed or the".

LEGISLATIVE BILL 1126. Placed on General File as amended.
Standing Committee amendments to LB 1126:
AM2183

- 1 1. Insert the following new section:
- 2 "Sec. 2. This act shall become operative for

- 3 all school years commencing on or after June 1, 1987.”
- 4 2. Renumber the remaining sections
- 5 accordingly.

(Signed) Tom Vickers, Chairperson

Judiciary

LEGISLATIVE BILL 881. Placed on General File.

LEGISLATIVE BILL 1086. Indefinitely postponed.

LEGISLATIVE BILL 1097. Indefinitely postponed.

(Signed) Peter Hoagland, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 346.

Introduced by Pappas, 42nd District.

WHEREAS, NEBRASKAland Days was born in 1965 in Lincoln as a product of the Nebraska Game and Parks Commission; and

WHEREAS, it was originated for the purpose of promoting tourism within the state of Nebraska and to extol the tourism appeal of the innumerable historic and scenic areas within the state; and

WHEREAS, in 1968, following receipt of bids of interested Chambers' of Commerce, the permanent home of NEBRASKAland Days was moved to North Platte; and

WHEREAS, the celebration grew in size each year with a western orientation; and

WHEREAS, NEBRASKAland Days annually attracts well over 100,000 visitors to the community with an economic impact of over 2 million dollars.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE, SECOND SESSION:

1. The primary goal of NEBRASKAland Days is to provide the greatest amount of quality entertainment possible, to the greatest number of people possible, at the lowest price possible. In order to achieve that goal, NEBRASKAland Days is hereby declared the official state celebration of Nebraska.

2. The Governor may annually issue a proclamation recognizing NEBRASKAland Days activities inviting and urging the state of Nebraska to observe and participate in such activities.

3. That a copy of this resolution be sent to the NEBRASKAland Days Board of Directors, declaring NEBRASKAland Days as a statewide celebration.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Messrs. Hoagland, Lamb, and Ms. Scofield asked unanimous consent to print the following amendment to LB 529 in the Journal. No objections. So ordered.

AM2197

(Amendments to AM2103)

- 1 1. On page 3, strike beginning with "The" in
- 2 line 4 through the period in line 7.
- 3 2. On page 64, line 18, strike "their
- 4 effective date" and insert "July 1, 1986".

STANDING COMMITTEE REPORTS

Appropriations

LEGISLATIVE BILL 839. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2134.)

LEGISLATIVE BILL 1038. Placed on General File as amended.
Standing Committee amendment to LB 1038:

AM2137

- 1 1. Strike the original sections and insert
- 2 the following new sections:
- 3 "Section 1. Program 926. The Board of
- 4 Regents of the University of Nebraska is hereby
- 5 authorized to construct the following projects as
- 6 components of a federal fund redirection package: (1) A
- 7 service and support and clinical training facility as a
- 8 part of a joint federal and state Center for Advanced
- 9 Studies in Food Animal Medicine at the Roman L. Hruska
- 10 Meat Animal Research Center; and (2) construction and
- 11 renovation of facilities on the University of
- 12 Nebraska-Lincoln East Campus and facility improvements
- 13 and modifications at the University of Nebraska
- 14 Panhandle Research and Extension Center in Scottsbluff
- 15 for food processing, transportation, and marketing. The
- 16 total cost of these projects shall not exceed

17 \$14,000,000, which amount includes up to \$7,000,000 of
18 federal funds to be matched by up to \$5,000,000 of funds
19 from the State Building Funds and \$2,000,000 of private
20 funds.

21 There is hereby appropriated \$282,500 from the
1 State Building Fund, \$50,000 from private funds, and
2 \$332,500 from federal funds for the fiscal year ending
3 June 30, 1987, to initiate such projects. There is
4 hereby appropriated \$2,175,000 from the State Building
5 Fund, \$200,000 from private funds, and \$2,375,000 from
6 federal funds for the fiscal year ending June 30, 1988,
7 to continue the projects. There is hereby appropriated
8 \$2,190,000 from the State Building Fund, \$1,400,000 from
9 private funds, and \$3,590,000 from federal funds for the
10 year ending June 30, 1989, to complete the projects.
11 There is hereby appropriated \$352,500 from the State
12 Building Fund, \$350,000 from private funds, and \$702,500
13 from federal funds for the year ending June 30, 1990, to
14 complete the projects.

15 For informational purposes, the total project
16 cost of \$14,000,000 includes a maximum of \$3,000,000 to
17 be used for the service and support and clinical
18 training facility and a maximum of \$11,000,000 to be
19 used for the University of Nebraska-Lincoln East Campus
20 facilities and the University of Nebraska Panhandle
21 Research and Extension Center improvements.

22 Sec. 2. It is the intent of the Legislature
23 that the University of Nebraska maintain special
24 accounts within its accounting system and the state
1 accounting system to separately account for expenditures
2 for the projects authorized in section 1 of this act.

3 Sec. 3. This act shall become operative on
4 July 1, 1986.

5 Sec. 4. Since an emergency exists, this act
6 shall be in full force and take effect, from and after
7 its passage and approval, according to law.”.

(Signed) Jerome Warner, Chairperson

VISITORS

Visitors to the Chamber were 4 students and coaches from the North Platte High School Wrestling Team; and Udell Hughes, Dave Anderson, and Al Farm from Minden.

ADJOURNMENT

At 12:05 p.m., on a motion by Mr. Lundy, the Legislature adjourned until 9:00 a.m., Friday, February 21, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-NINTH DAY - FEBRUARY 21, 1986

LEGISLATIVE JOURNAL

TWENTY-NINTH DAY - FEBRUARY 21, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 21, 1986

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Marsh presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp, Haberman, Hartnett, and Mrs. Higgins who were excused; and Messrs. Abboud, Beutler, Conway, Goodrich, Hall, R. Johnson, Landis, Schmit, Vickers, Withem, Mesdames Pirsch, Smith, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Eighth Day was approved.

MESSAGE FROM THE GOVERNOR

February 21, 1986

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Power Review Board requiring legislative confirmation:

Appointees:

Bruce H. Kendall, C.P.A., Touche Ross & Co., 1040 NBC Center, Lincoln, NE 68508, 474-1776, Term: 2/21/86 to 1/1/90, Succeeds: Dale Thomas, term expired.

Martha W. Gilliland, Ph.D., 11109 North 61st Street, Omaha, NE 68152, 554-2980, Term: 2/21/86 to 1/1/90, Succeeds: Don Hyde, term expired.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) **ROBERT KERREY**
Governor

RK:mr

cc: Staff Assistant to the Governor
Accountability and Disclosure Commission
Department of Administrative Services
Power Review Board

MOTION - Withdraw LB 1180

Mr. V. Johnson renewed his pending motion found in the Journal on page 894 to withdraw LB 1180.

The motion prevailed with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 344. Read. Considered.

LR 344 was adopted with 27 ayes, 0 nays, 6 present and not voting, and 16 excused and not voting.

LEGISLATIVE RESOLUTION 346. Read. Considered.

Mrs. Morehead offered the following amendment:

To amend LR 346, in the first Whereas clause, strike the word "the" and insert the word "an" before the words "official state celebration of Nebraska"

Mrs. Morehead moved for a call of the house. The motion prevailed with 6 ayes, 0 nays, and 43 not voting.

SPEAKER NICHOL PRESIDING

Mr. Pappas requested a record vote on the Morehead amendment.

Voting in the affirmative, 25:

Baack	Goll	Labedz	Marsh	Peterson
Barrett	Hefner	Lamb	Miller	Remmers
Beyer	Hoagland	Landis	Morehead	Rupp
Carsten	Johnson, L.	Lundy	Nelson	Smith
Eret	Johnson, R.	Lynch	Nichol	Wesely

Voting in the negative, 4:

Johnson, V.	Pappas	Sieck	Warner
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Present and not voting, 8:

Chambers	Chronister	Haberman	Harris	Rogers
Chizek	Goodrich	Hall		

Excused and not voting, 12:

Abboud	DeCamp	Higgins	Schmit	Vickers
Beutler	Hannibal	Pirsch	Scofield	Withem
Conway	Hartnett			

The Morehead amendment was adopted with 25 ayes, 4 nays, 8 present and not voting, and 12 excused and not voting.

Mr. Pappas requested a record vote on the adoption of the resolution.

Voting in the affirmative, 11:

Goll	Johnson, R.	Lundy	Marsh	Nelson
Hall	Lamb	Lynch	Morehead	Remmers
Hefner				

Voting in the negative, 17:

Baack	Eret	Johnson, V.	Pappas	Sieck
Barrett	Goodrich	Landis	Peterson	Smith
Beyer	Hoagland	Miller	Rupp	Wesely
Carsten	Johnson, L.			

Present and not voting, 9:

Chambers	Chronister	Harris	Nichol	Warner
Chizek	Hannibal	Labeledz	Rogers	

Excused and not voting, 12:

Abboud	DeCamp	Higgins	Schmit	Vickers
Beutler	Haberman	Pirsch	Scofield	Withem
Conway	Hartnett			

LR 346 lost with 11 ayes, 17 nays, 9 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

MOTION - Suspend Rules

Mr. V. Johnson renewed his pending motion found in the Journal on page 900 to suspend the rules, Rule 5, Section 4(c) to permit the introduction of a new bill, Req. 1872.

The motion prevailed with 32 ayes, 0 nays, 5 present and not voting, and 12 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1249. By V. Johnson, 8th District.

A BILL FOR AN ACT relating to agricultural lands; to state intent; to define a term; to require certain corporations to file a report as prescribed; to provide an exception; to provide rules and regulations; and to provide a penalty.

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 911 in the Journal. No objections. So ordered.

AM2190

1 1. Insert the following new sections:

2 "Sec. 3. That section 53-131, Reissue Revised
3 Statutes of Nebraska, 1943, be amended to read as
4 follows:

5 53-131. Any person; desiring to obtain a new
6 license to sell alcoholic liquors at retail; shall file
7 with the commission:

8 (1) An application in triplicate original upon
9 such forms as the commission shall from time to time
10 prescribe;

11 (2) The license fee if, under ~~the provisions~~
12 ~~of subdivision (5) of section 53-124;~~ such fee is
13 payable to the commission, which fee shall be returned
14 to the applicant if the application is denied;

15 (3) The state registration fee in the sum of
16 twenty-five dollars;

17 (4) The bond as set forth in section
18 53-138.02; and

19 (5) Security for costs in the amount of one
20 hundred dollars.

21 License fees, registration fees, and security
1 for costs shall be paid to the commission by certified
2 or cashier's check of a bank within this state, United
3 States post office money order, or cash in the full
4 amount ~~thereof~~ of such fees and costs. The commission
5 shall forthwith notify, by registered or certified mail
6 marked return receipt requested with postage prepaid,
7 the municipal clerk of the city or incorporated village
8 ~~wherein~~ in which such license is sought; or, if the
9 license is not sought within a city or incorporated
10 village, the county clerk of the county ~~wherein~~ in which
11 such license is sought; of the receipt of the
12 application and shall enclose with the notice one copy
13 of the application. No such license shall then be
14 issued by the commission until the expiration of the
15 time allowed for the receipt of an objection requiring a
16 hearing under subdivision (1)(a) ~~or (1)(b)~~ of section
17 53-133. During the period of thirty days from the date
18 of receiving such application from the commission, the
19 local governing body of such city, village, or county
20 may make and submit to the commission recommendations

21 relative to the granting or refusal to grant such
 22 license to the applicant. If the local governing body
 23 recommends denying the issuance of a license, the
 24 recommendation shall be binding on the commission, and
 1 the commission shall not issue such license to the
 2 applicant.

3 Sec. 5. That section 53-133, Reissue Revised
 4 Statutes of Nebraska, 1943, be amended to read as
 5 follows:

6 53-133. (1) The commission shall set for
 7 hearing before it any application for a retail license
 8 relative to which it has received:

9 (a) ~~Within thirty days from the date of~~
 10 ~~receipt of such application by the city, village, or~~
 11 ~~county clerk, a recommendation of denial from the city,~~
 12 ~~village, or county, as the case may be;~~

13 (b) Within ten days after the receipt of a
 14 recommendation that the commission grant the license
 15 from the city, village, or county, as the case may be,
 16 or, if no recommendation is received, within thirty days
 17 from the date of receipt of such application by the
 18 city, village, or county clerk, objections in writing by
 19 not less than three persons residing within ~~said~~ the
 20 city, village, or county, as the case may be, protesting
 21 the issuance of ~~said~~ the license and no objections will
 22 be considered by the commission unless submitted in
 23 duplicate, ~~and accompanied by security for costs in the~~
 24 ~~sum of one hundred dollars in the form of cash, money~~

1 ~~order, certified check, or bank draft.~~ The withdrawal
 2 of the protest shall not prohibit the commission from
 3 conducting a hearing based upon the protest as
 4 originally filed and making an independent finding as to
 5 whether the license should or should not be issued; or

6 (c) ~~(b)~~ Within forty-five days from the date
 7 of receipt of such application by the city, village, or
 8 county clerk, as the case may be, objections by the
 9 commission or any duly appointed employee of the
 10 commission, protesting the issuance of ~~said~~ the license.

11 (2) Hearings upon such applications shall be
 12 had in the manner provided in section 53-1,116.

13 (3) If the local governing body recommends
 14 denial of a license, the commission may dispense with
 15 any hearing or further processing of the application,
 16 except to notify the applicant of the denial.

17 Sec. 7. Any local governing body may enact

18 licensing standards which are more restrictive than the
19 Nebraska Liquor Control Act based on that particular
20 community's needs or standards. Such standards shall
21 not be in conflict with the Nebraska Liquor Control Act.

22 Sec. 9. Since an emergency exists, this act
23 shall be in full force and take effect, from and after
24 its passage and approval, according to law.”.

1 2. On page 2, line 1, before “The” insert
2 “(1)”; and after line 21 insert the following new
3 subsection:

4 “(2) The Legislature hereby recognizes that
5 each community in the state may have different needs and
6 standards in the area of licensing alcoholic beverage
7 retail and bottle club outlets. Such needs and
8 standards should be reviewed and weighed in the process
9 of determining whether a liquor license is granted or
10 denied.”.

11 3. On page 3, line 2, strike “section 1” and
12 insert “sections 1 and 7”.

13 4. On page 13, line 5, strike “or (1)(b)” and
14 show as stricken; strike beginning with “either” in line
15 6 through “(b)” in line 7 and show as stricken; and in
16 line 8 strike “such” and show as stricken and after
17 “subdivision” insert “(1)(b) of section 53-133”.

18 5. On page 14, line 8, after “section” insert
19 “and any licensing standards enacted by the local
20 governing body pursuant to section 7 of this act”.

21 6. On page 15, line 6, strike “the”, show as
22 stricken, and insert “A” and strike “of”, show as
23 stricken, and insert “by”; and in line 7 after “body”
24 insert “to grant the license”.

1 7. On page 16, line 9, strike “and”; in line
2 15 strike the period and insert an underscored
3 semicolon; in line 16 reinstate “(i)” and after the
4 reinstated “(i)” insert “Whether the issuance of the
5 license is or will be required by the present or future
6 public convenience and necessity; and”; and reinstate
7 the stricken matter in lines 18 through 21.

8 8. On page 20, line 20, strike “and”; and in
9 line 23 after “interest” insert “, (i) whether the
10 issuance of the license is or will be required by the
11 present or future public convenience and necessity, and
12 (j) any licensing standards enacted by such local
13 governing body pursuant to section 7 of this act”.

14 9. On page 21, line 12, strike “53-132” and

15 insert "53-131, 53-132, 53-133,".

16 10. Renumber remaining sections accordingly.

MESSAGE FROM THE GOVERNOR

February 21, 1986

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 663, 74, 275, 351, 531 and 548 were received in my office on February 19, 1986.

These bills were signed by me on February 21, 1986 and delivered to the Secretary of State.

(Signed) Sincerely,
ROBERT KERREY
Governor

RK/jm

UNANIMOUS CONSENT - Member Excused

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 550. Title read. Considered.

Standing Committee amendment, AM0627, found in the Journal on page 1031 for the Forty-First Day, First Session, was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

MR. CHRONISTER PRESIDING

LEGISLATIVE BILL 137. Title read. Considered.

Standing Committee amendments, AM0635, found in the Journal on page 1034 for the Forty-First Day, First Session, were adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

PRESIDENT MCGINLEY PRESIDING

LEGISLATIVE BILL 380. Title read. Considered.

Standing Committee amendment, AM0631, found in the Journal on page 1048 for the Forty-Second Day, First Session, was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 528. Title read. Considered.

Standing Committee amendments, AM0614, found in the Journal on page 1070 for the Forty-Third Day, First Session, were adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 530. Title read. Considered.

Standing Committee amendment, AM0613, found in the Journal on page 1072, for the Forty-Third Day, First Session, was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 491. Title read. Considered.

Standing Committee amendments, AM0633, found in the Journal on page 1074 for the Forty-Third Day, First Session, were adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 425. Title read. Considered.

Standing Committee amendment, AM0607, found in the Journal on page 1087 for the Forty-Third Day, First Session, was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 300. Title read. Considered.

Standing Committee amendments, AM0708, found in the Journal on page 1098 for the Forty-Fourth Day, First Session, were adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 448. Title read. Considered.

Standing Committee amendment, AM0367, found in the Journal on page 1113 for the Forty-Fourth Day, First Session, was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Mr. Hoagland and Mrs. Marsh withdrew their pending amendment, AM2125, found in the Journal on page 844.

Advanced to E & R for Review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 504. Title read. Considered.

Standing Committee amendments, AM0719, found in the Journal on page 1114 for the Forty-Fourth Day, First Session, were adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Remmers withdrew his pending amendment, AM0812, found in the Journal on page 1209, First Session.

Advanced to E & R for Review with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 433. Title read. Considered.

Standing Committee amendment, AM0564, found in the Journal on page 1146 for the Forty-Fifth Day, First Session, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

NOTICE OF COMMITTEE HEARINGS Appropriations

LB 840	Friday, February 28, 1986	1:30 P.M.
LB 841	Friday, February 28, 1986	1:30 P.M.
LB 838	Friday, February 28, 1986	1:30 P.M.

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 844 in the Journal. No objections. So ordered.

AM2152

- 1 1. On page 2, strike beginning with
- 2 "Academic" in line 12 through "employees" in line 14,
- 3 show the old matter as stricken, and insert "All
- 4 personnel".

STANDING COMMITTEE REPORTS Government, Military and Veterans Affairs

LEGISLATIVE BILL 929. Placed on General File.

LEGISLATIVE BILL 930. Placed on General File.

LEGISLATIVE BILL 1089. Placed on General File as amended.

Standing Committee amendments to LB 1089:

AM2131

- 1 1. Strike original section 1.
- 2 2. On page 4, line 6, strike "81-8,255 to
- 3 81-8,260.01,".
- 4 3. Renumber remaining sections accordingly.

(Signed) David Landis, Chairperson

GENERAL FILE

LEGISLATIVE BILL 573. Title read. Considered.

Standing Committee amendments, AM0701, found in the Journal on page 1151 for the Forty-Fifth Day, First Session, were considered.

Mr. Lynch renewed his pending amendment, AM2189, found in the Journal on page 895 to the Standing Committee amendments.

The Lynch amendment was adopted with 20 ayes, 0 nays, 24 present and not voting, and 5 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Lynch renewed his pending amendment, AM1778, found in the Journal on page 895.

The Lynch amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 603. Title read. Considered.

Standing Committee amendments, AM0713, found in the Journal on page 1172 for the Forty-Sixth Day, First Session, were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 174. Title read. Considered.

Standing Committee amendments, AM0830, found in the Journal on page 1242 for the Forty-Ninth Day, First Session, were adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 561. Title read. Considered.

Standing Committee amendments, AM0829, found in the Journal on page 1242 for the Forty-Ninth Day, First Session, were considered.

Mr. Hannibal offered the following amendment to the Standing Committee amendments:

In line 3, strike "1985" and insert "1986".

The Hannibal amendment was adopted with 16 ayes, 0 nays, 28 present and not voting, and 5 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 635. Title read. Considered.

Standing Committee amendment, AM0791, found in the Journal on page 1242 for the Forty-Ninth Day, First Session, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 68. Title read. Considered.

Standing Committee amendment, AM0824, found in the Journal on page 1245 for the Forty-Ninth Day, First Session, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

ANNOUNCEMENT

The Chair announced Sunday is Senator Goodrich's birthday.

GENERAL FILE

LEGISLATIVE BILL 84. Title read. Considered.

Standing Committee amendment, AM0823, found in the Journal on page 1245 for the Forty-Ninth Day, First Session, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 419. Title read. Considered.

Standing Committee amendments, AM0825, found in the Journal on page 1246 for the Forty-Ninth Day, First Session, were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 534. Title read. Considered.

Standing Committee amendments, AM0821, found in the Journal on page 1246 for the Forty-Ninth Day, First Session, were adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 642. Title read. Considered.

Standing Committee amendments, AM0822, found in the Journal on page 1248 for the Forty-Ninth Day, First Session, were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 674. Title read. Considered.

Standing Committee amendment, AM0840, found in the Journal on page 1268 for the Fiftieth Day, First Session, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 481. Title read. Considered.

Mr. Baack asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendment, AM0850, found in the Journal on page 1311 for the Fifty-First Day, First Session, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 305. Title read. Considered.

Standing Committee amendment, AM0889, found in the Journal on page 1353 for the Fifty-Third Day, First Session, was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 464. Title read. Considered.

Standing Committee amendment, AM0928, found in the Journal on page 1444 for the Fifty-Fifth Day, First Session, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Pending.

EASE

The Legislature was at ease from 11:17 a.m. until 11:23 a.m.

GENERAL FILE

LEGISLATIVE BILL 464. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 79. Title read. Considered.

Standing Committee amendment, AM1388, found in the Journal on page 2255 for the Seventy-Eighth Day, First Session, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 90. Title read. Considered.

Standing Committee amendment, AM1327, found in the Journal on page 2255 for the Seventy-Eighth Day, First Session, was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 543. Title read. Considered.

Standing Committee amendment, AM0088, found in the Journal on page 2257 for the Seventy-Eighth Day, First Session, was adopted

with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 563. Title read. Considered.

Standing Committee amendment, AM0553, found in the Journal on page 299 for the Fifth Day was rejected with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Mr. Vickers offered the following amendment:

AM2203

1 1. Insert the following new sections:

2 "Sec. 4. The George Norris home, located at
3 706 Norris Avenue in McCook, owned by the Nebraska State
4 Historical Society, and legally described as all of lot
5 4, and the north half of lot 5, block 10, McCook first
6 addition to the City of McCook, Red Willow County,
7 Nebraska, is hereby designated as the George Norris
8 House.

9 Sec. 5. The Nebraska State Historical Society
10 shall be responsible for the administration and
11 continued maintenance of the George Norris House and may
12 accept gifts, grants, and bequests for such purposes."

13 2. In the Standing Committee amendments,
14 AM0553, on page 1, line 12, after "purposes" insert "of
15 sections 1 to 3".

The Vickers amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 322. Title read. Considered.

Standing Committee amendments, AM1734, printed separate from the Journal and referred to on page 342 for the Seventh Day were adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 309. Title read. Considered.

Standing Committee amendment, AM1681, found in the Journal on page 394 for the Eighth Day was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 908. Title read. Considered.

Standing Committee amendment, AM1826, found in the Journal on page 475 for the Eleventh Day was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 809. Title read. Considered.

Standing Committee amendments, AM1835, printed separate from the Journal and referred to on page 491 for the Twelfth Day were adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 802. Title read. Considered.

Standing Committee amendment, AM1821, found in the Journal on page 491 for the Twelfth Day was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Abboud moved to indefinitely postpone LB 802.

Pending.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 820. Title read. Considered.

Standing Committee amendment, AM1820, found in the Journal on page 491 for the Twelfth Day was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Messrs. Withem and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 4 nays, 10 present and not voting, and 9 excused and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 910. Title read. Considered.

Standing Committee amendment, AM1825, found in the Journal on page 494 for the Twelfth Day was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 26 ayes, 1 nay, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 816. Title read. Considered.

Standing Committee amendment, AM1832, found in the Journal on page 495 for the Twelfth Day was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 817. Title read. Considered.

Standing Committee amendments, AM1833, found in the Journal on page 495 for the Twelfth Day were adopted with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 767. Title read. Considered.

Standing Committee amendments, AM1824, found in the Journal on page 512 for the Twelfth Day were adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

MOTION - Reconsider Action on LR 32CA

Mr. Conway moved to reconsider the motion to advance LR 32CA to E & R for Engrossing.

Laid over.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 774. Placed on Select File as amended.
E & R amendments to LB 774:
AM5246

- 1 1. On page 3, line 13, after the second
- 2 "year" insert an underscored comma.
- 3 2. On page 5, line 10, after "limitation"
- 4 insert "amount".
- 5 3. On page 6, line 10, after "in" insert
- 6 "subdivision (2) of"; in line 11 after "computed" insert
- 7 "using"; and in line 17 after the second "the" insert
- 8 "franchise".
- 9 4. On page 8, line 3, strike "they" and
- 10 insert "such party".
- 11 5. On page 13, line 25, strike "chartered".
- 12 6. On page 14, strike beginning with "or" in
- 13 line 1 through "2" in line 2 and insert "as defined in
- 14 section 1"; and in line 13 strike the comma and show as
- 15 stricken.
- 16 7. On page 15, line 5, strike the semicolon,
- 17 show as stricken, and insert an underscored period; in
- 18 line 10 strike "; and", show as stricken and insert an
- 19 underscored period; in line 24 after "of" insert
- 20 "section 243 of the"; and in line 25 strike "section
- 21 243" and show as stricken.
- 1 8. On page 17, line 4, after "(b)" insert
- 2 "that".

(Signed) Timothy Hall, Chairperson

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 773. Placed on General File.

LEGISLATIVE BILL 1177. Placed on General File.

LEGISLATIVE BILL 579. Placed on General File as amended.

(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2187.)

(Signed Don Wesely, Chairperson

Constitutional Revision and Recreation

LEGISLATIVE RESOLUTION 319CA. Placed on General File as amended.

Standing Committee amendments to LR 319CA:

AM2191

- 1 1. On page 1, line 16, strike "vocational
- 2 schools" and insert "technical community college areas".
- 3 2. On page 2, strike beginning with "job" in
- 4 line 1 through "jobs" in line 8 and insert "developing
- 5 and carrying out job training programs for the employees
- 6 of any new or expanding business when the establishment
- 7 or expansion of that business will result in the
- 8 creation of new jobs. A technical community college
- 9 area may pledge for and apply to the payment of such
- 10 indebtedness a portion of the taxes levied by all taxing
- 11 bodies on the real and personal property of any business
- 12 whose employees participate in such a training program.
- 13 The taxes that may be so pledged and applied are those
- 14 levied on the assessed valuation of the property that is
- 15 in excess of the assessed valuation of such property in
- 16 the year immediately prior to the year in which the
- 17 training program commenced. Indebtedness incurred under
- 18 the provisions of this section shall not become a
- 19 general obligation of any political subdivision"; in
- 20 line 16, strike "vocational schools" and insert
- 21 "technical community college areas"; strike beginning
- 1 with "job" in line 17 through "jobs" in line 18 and
- 2 insert "the purpose of developing and carrying out job
- 3 training programs for the employees of new or expanding
- 4 businesses"; and strike beginning with "business" in
- 5 line 20 through "jobs" in line 21 and insert "property
- 6 of any business whose employees participate in such job
- 7 training program".

LEGISLATIVE RESOLUTION 326CA. Indefinitely postponed.

(Signed) Lee Rupp, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 277A. By Chronister, 18th District; DeCamp, 40th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 277, Eighty-ninth Legislature, Second Session, 1986.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bill 1249, legislative resolution 345, and the following governor appointments.

LB Committee
1249 Agriculture and Environment

LR Committee
345 Public Works

Government, Military and Veterans Affairs

Marcia Phelps Glynn - State Personnel Board

Miscellaneous Subjects

Robert W. Sim - Nebraska Accountability and
Disclosure Commission

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

EXPLANATION OF VOTE

Because of a potential conflict of interest on LB 635, which I have filed with the Accountability and Disclosure Commission, the Speaker of the Legislature, and the Clerk of the Legislature as required by section 49-1499, I have refrained from voting on LB 635.

(Signed) Jerome Warner

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 325 in the Journal. No objections. So ordered.

AM2204

- 1 1. On page 4, line 16, strike "and", show as
2 stricken, and insert an underscored comma; in line 19
3 after "system" insert ", and (3) members of the
4 Legislature on and after the operative date of this
5 act"; and in line 21 after "to" insert "subdivision (2)
6 of".
- 7 2. Insert the following new sections:
8 "Sec. 10. That section 84-1309, Revised
9 Statutes Supplement, 1984, be amended to read as
10 follows:
11 84-1309. (1) There is hereby established in
12 the state treasury a special fund to be known as the
13 State Employees Retirement Fund to consist of such funds
14 as the Legislature shall from time to time appropriate.
15 The Director of Administrative Services shall credit an
16 amount each month to the State Employees Retirement Fund
17 equal to one hundred fifty-six per cent of the amounts
18 deducted, in accordance with section 84-1308, from
19 salaries of employees who are paid from funds
20 appropriated from the General Fund.
21 (2) The Director of Administrative Services
1 shall credit an amount each month to the State Employees
2 Retirement Fund from the funds of each department with
3 at least one employee who is a member of the retirement
4 system for a sum equal to one hundred fifty-six per cent
5 of the amounts deducted, in accordance with section
6 84-1308, from salaries of employees who are paid from
7 any funds other than funds appropriated from the General
8 Fund.
9 (3) The Director of Administrative Services
10 shall credit an amount each month to the State Employees
11 Retirement Fund for prior service benefits. After
12 receiving the annual report required by section 84-1315,
13 the Legislature may make such adjustments in the funding
14 of prior service benefits as necessary to keep the plan
15 sound. The contribution for prior service purposes
16 shall cease when the prior service obligation is
17 properly funded.
18 (4) The Director of Administrative Services

19 shall, after the operative date of this act, transfer an
 20 amount equal to one hundred fifty dollars each month
 21 from appropriations made to the Legislative Council to
 22 the State Employees Retirement Fund on behalf of each
 23 member of the Legislature.

24 All such sums shall be credited to an employer
 1 account which is created for each legislator. All sums
 2 credited to the employer account, along with interest
 3 thereon, shall be invested, administered, and in all
 4 ways treated as an employer account which would be
 5 maintained for other members of the retirement system
 6 according to section 84-1311.

7 (4) (5) The State Treasurer shall transmit
 8 monthly to the board a detailed statement showing all
 9 credits to and disbursements from the fund. He or she
 10 shall disburse money from the fund only on warrants
 11 issued by the Director of Administrative Services upon
 12 vouchers signed by a person authorized by the board.

13 Sec. 11. That section 84-1311, Revised
 14 Statutes Supplement, 1984, be amended to read as
 15 follows:

16 84-1311. A member's share of the fund arising
 17 from the state contributions made in accordance with
 18 section 84-1309 shall be known as his or her employer
 19 account. Prior to January 1, 1981, as of any January 1
 20 a member's employer account shall be equal to his or her
 21 account as of the next preceding January 1, increased by
 22 one hundred four per cent of any amounts deducted from
 23 the member's salary since the next preceding January 1
 24 in accordance with section 84-1308. As of January 1,
 1 1982, a member's employer account shall be equal to the
 2 account as of January 1, 1981, increased by one hundred
 3 four per cent of the amounts deducted from the member's
 4 salary for the first nine months of the year and one
 5 hundred fifty-six per cent of the amount so deducted for
 6 the final three months of the year in accordance with
 7 section 84-1308. As of January 1, 1983, and each year
 8 thereafter, the member's employer account shall be equal
 9 to the account as of the next preceding January 1
 10 increased by one hundred fifty-six per cent of any
 11 amounts deducted from the member's salary since the next
 12 preceding January 1 in accordance with section 84-1308.
 13 As of the operative date of this act, each member of the
 14 retirement system who is a member of the Legislature
 15 shall have an employer account to which is credited a

16 sum of one hundred fifty dollars per month. The
17 member's employer account shall be increased by any
18 interest allocated under the provisions of the
19 guaranteed investment contract and reduced by any
20 expense charges made under the provisions of the
21 guaranteed investment contract and by any expense
22 charges incurred by the Public Employees Retirement
23 Board in connection with administering the system in
24 excess of those provided for in section 84-1321, except
1 that a member who ceased being an employee since the
2 next preceding January 1 may have his or her employer
3 account reduced in accordance with ~~the provisions of~~
4 section 84-1321.

5 Sec. 12. That section 84-1312, Reissue
6 Revised Statutes of Nebraska, 1943, be amended to read
7 as follows:

8 84-1312. (1) As of January 1, 1964, a prior
9 service annuity shall be computed for all employees who
10 have been employees continuously since December 1, 1958,
11 who were born prior to December 1, 1923, and who had not
12 attained age sixty when continuous employment began.
13 Such prior service annuity shall be equal to the number
14 of years of creditable prior service multiplied by one
15 half of one per cent of the employee's monthly salary as
16 of March 1, 1963.

17 The number of years of creditable prior
18 service shall be one-twelfth of the number of completed
19 months of continuous prior service, except that the
20 number of completed months shall not include any of the
21 following:

22 (1) (a) The first sixty months of continuous
23 prior service;

24 (2) (b) Service before the fortieth birthday;
1 or

2 (3) (c) Service after the sixty-fifth
3 birthday.

4 (2) A prior service annuity shall be computed
5 for all members of the Legislature who become members of
6 the system on the operative date of this act. Such
7 prior service annuity, which shall be paid monthly,
8 shall be calculated by multiplying the number of years
9 of prior service by forty dollars. Prior service shall
10 for purposes of this subsection, mean years of service
11 in the Legislature prior to the operative date of this
12 act.

13 Sec. 14. That section 84-1318, Reissue
14 Revised Statutes of Nebraska, 1943, be amended to read
15 as follows:

16 84-1318. The retirement value for any
17 employee who retires under ~~the provisions of~~ section
18 84-1317 shall be the sum of the employee's employee
19 account and employer account as of the retirement date.
20 The retirement value for a member of the Legislature
21 shall consist solely of the employer account as of the
22 retirement date."

23 3. On page 12, line 16, after "81-1325,"
24 insert "84-1312, 84-1318,"; and in line 17 after
1 "84-1307," insert "84-1309, 84-1311,".

2 4. Renumber the remaining sections
3 accordingly.

NOTICE OF COMMITTEE HEARING **Agriculture and Environment**

LB 1249 Thursday, February 27, 1986 1:30 P.M.

(Signed) Rod Johnson, Chairperson

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 20, 1986. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Cline, Williams, Wright, Johnson & Oldfather
Buntain, David R. - Lincoln, Harris Laboratories, Inc.
Crosby, Guenzel, Davis, Kessner & Kuester
Crosby, Robert B. - Lincoln, Teleconnect Company
Seglin, Steven G. - Lincoln, Teleconnect Company
Cutshall, Bruce A. - Lincoln, Nebraska Association of Area Agencies
on Aging
Dial, Charles - Omaha (Withdrawn 86/02/12), Nebraska State
AFL-CIO (Withdrawn 86/02/12)
Jensen, Karen Amen - Lincoln, Nebraska Coalition For Women

Kading, Bradley L. - Schaumburg, IL (Withdrawn 86/01/01),
 Alliance of American Insurers (Withdrawn 86/01/01)
 Kelley, Michael - Omaha, D.A.R.T.
 Litjen, Thomas R. - Omaha, Joslyn Liberal Arts Society
 Mihovk, Donald J. - Lincoln, InterNorth, Inc. formerly Northern
 Natural Gas Company
 Nelson & Harding
 Brashear II, Kermit A. - Omaha (Withdrawn 85/12/31), Nucor
 Corporation (Withdrawn 85/12/31)
 O'Hara & Associates, Inc. - Lincoln, Plains Bingo & Fundraising
 Radcliffe, Walter/Tews & Radcliffe
 Radcliffe, Walter H. - Lincoln, ADC-1, a Nebraska Limited
 Partnership, Nebraska Society of Professional Psychologists
 (Withdrawn 86/02/14)
 Rasmussen, Dennis - Lincoln, Pearle Health Services, Inc.
 Sullivan-Arthur & Associates - Lincoln, Lincoln Restaurant
 Association

UNANIMOUS CONSENT - Print in Journal

Messrs. Hoagland and L. Johnson asked unanimous consent to print the following amendment to LB 105 in the Journal. No objections. So ordered.

AM2198

- 1 1. Strike the original sections and insert
- 2 the following new sections:
- 3 "Section 1. As used in this act, unless the
- 4 context otherwise requires, grandparent shall mean the
- 5 biological or adoptive parent of a minor child's
- 6 biological or adoptive parent. Such term shall not
- 7 include a biological or adoptive parent of any minor
- 8 child's biological or adoptive parent whose parental
- 9 rights have been terminated.
- 10 Sec. 2. (1) A grandparent may seek visitation
- 11 with his or her minor grandchild if:
- 12 (a) The child's parent or parents are
- 13 deceased;
- 14 (b) The marriage of the child's parents has
- 15 been dissolved, or a petition for the dissolution of
- 16 such marriage has been filed, is still pending, but no
- 17 decree has been entered; or
- 18 (c) The parents of the minor child have never
- 19 been married.
- 20 (2) In determining whether a grandparent shall

21 be granted visitation, the court shall require evidence
 1 concerning the beneficial nature of the relationship of
 2 the grandparent to the child. The evidence may be
 3 presented by affidavit and shall demonstrate that a
 4 significant beneficial relationship exists, or has
 5 existed in the past, between the grandparent and the
 6 child and that it would be in the best interests of the
 7 child to allow such relationship to continue.
 8 Reasonable rights of visitation may be granted when the
 9 court determines by a preponderance of the evidence that
 10 there is, or has been, a significant beneficial
 11 relationship between the grandparent and the child, that
 12 it is in the best interests of the child that such
 13 relationship continue, and that such visitation will not
 14 significantly interfere with the parent-child
 15 relationship.

16 (3) The court may modify an order granting or
 17 denying such visitation upon a showing that there has
 18 been a material change in circumstances which justify
 19 such modification, and the modification would serve the
 20 best interests of the child.

21 Sec. 3. (1) If the minor child's parent or
 22 parents are deceased or have never been married, a
 23 grandparent seeking visitation shall file a petition in
 24 the district court in the county in which the minor
 1 child resides. If the marriage of the parents of a
 2 minor child has been dissolved or a petition for the
 3 dissolution of such marriage has been filed, is still
 4 pending, but no decree has been entered, a grandparent
 5 seeking visitation shall file a petition for such
 6 visitation in the district court in the county in which
 7 the dissolution was had or the proceedings are taking
 8 place. The form of the petition and all other pleadings
 9 required by this section shall be prescribed by the
 10 Supreme Court. The petition shall include the
 11 following:

12 (a) The name and address of the petitioner and
 13 his or her attorney;

14 (b) The name and address of the parent,
 15 guardian, or other party having custody of the child or
 16 children;

17 (c) The name and address of any parent not
 18 having custody of the child or children if applicable;

19 (d) The name and date of birth of each child
 20 with whom visitation is sought;

- 21 (e) The relationship of petitioner to such
22 child or children;
23 (f) An allegation that the parties have
24 attempted to reconcile their differences, but the
1 differences are irreconcilable and such parties have no
2 recourse but to seek redress from the court; and
3 (g) A statement of the relief sought.
4 (2) When a petition seeking visitation is
5 filed, a copy of the petition shall be served upon the
6 parent or parents or other party having custody of the
7 child and upon any parent not having custody of such
8 child or in the manner provided in section 25-517.02.
9 (3) The court may award the grandparent
10 reasonable attorney's fees and court costs incurred
11 while seeking to enforce court-ordered visitation
12 rights."

RESOLUTION

LEGISLATIVE RESOLUTION 347.

Introduced by V. Johnson, 8th District.

WHEREAS, within the past four years in the United States there has been an increase in reported incidents of violence against health care facilities, most of which provide abortion services; and

WHEREAS, one or more of such health care facilities in Nebraska have been firebombed and vandalized; and

WHEREAS, the health care facilities in Nebraska on a daily basis draw pickets and demonstrators whose activities sometimes extend to illegal acts such as assault, trespassing, and obstructing rights-of-way; and

WHEREAS, patients, their family members, and others escorting patients through picket lines frequently are verbally abused as they attempt to enter such health care facilities; and

WHEREAS, patients, their family members, and others escorting patients through picket lines have been assaulted as they attempt to enter health care facilities; and

WHEREAS, such verbal abuse and assaults are intimidating and cause undue anguish and suffering to patients already under emotional stress; and

WHEREAS, such intimidation violates every patient's right to reproductive freedom and her constitutional right to privacy; and

WHEREAS, health care professionals themselves have been and continue to be subject to similar intimidation; and

WHEREAS, police are regularly diverted from other duties to protect patients in health care facilities; and

WHEREAS, administrators of such health care facilities are forced to hire full-time guards to protect patients and property; and

WHEREAS, violence and intimidation have no place in legitimate debate of public issues and are an immoral and totally unacceptable way by which to effect changes in the law and public policy in our state and in our nation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature acknowledges the people's constitutional right to free speech and peaceful assembly.

2. That the Legislature condemns the growing state of siege against health care facilities, patients, escorts, and professional personnel.

3. That the Legislature urges law enforcement officials to invoke all applicable state and local law to prosecute individuals who illegally interfere with an individual's rights to private, legal medical services.

Laid over.

MOTION - Suspend Rules

Mr. Chambers moved to suspend the rules, Rule 6, Section 3(a) and (b) and Rule 7, Section 3(b) and (e) and advance the following bills to E & R initial:

895, 963, 983, 1025, 795, 898, 899, 969, 975, 924, 1047, 967, 973, 888, 1028, 1028A, 887, 901, 896, 948, 877, 1045, 1052, 1208, 891, 756, 762, 1036, 1037, 1035, 1123, 1246, 675, 1051, 1228, 971, 992, 995, 1108, 757, 912, 997, 1049, 1129, 804, 1159, 1229.

Mr. Lundy moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Abboud requested a record vote on the Chambers motion.

Voting in the affirmative, 31:

Barrett	Chizek	Goll	Johnson, L.	Marsh
Beyer	Chronister	Hall	Johnson, V.	Miller
Carsten	Conway	Hannibal	Lundy	Morehead
Chambers	Eret	Harris	Lynch	Nelson

Nichol	Rogers	Scofield	Smith	Warner
Pappas	Rupp	Sieck	Vickers	Wesely
Remmers				

Voting in the negative, 5:

Abboud	Hefner	Hoagland	Lamb	Pirsch
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Present and not voting, 3:

Goodrich	Peterson	Schmit
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Excused and not voting, 10:

Baack	DeCamp	Hartnett	Johnson, R.	Landis
Beutler	Haberman	Higgins	Labeledz	Withem

The Chambers motion prevailed with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 895. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 963. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 983. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1025. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 795. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 898. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 899. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 969. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 975. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 924. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1047. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 967. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 973. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 888. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1028. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1028A. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 887. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 901. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 896. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 948. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 877. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1045. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1052. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1208. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 891. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 756. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 762. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1036. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1037. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1035. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1123. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1246. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 675. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1051. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1228. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 971. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 992. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 995. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1108. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 757. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 912. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 997. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1049. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1129. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 804. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1159. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1229. Advanced to E & R for Review with 31 ayes, 5 nays, 3 present and not voting, and 10 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. R. Johnson asked unanimous consent to have his name added as co-introducer to LB 91. No objections. So ordered.

VISITORS

Visitors to the Chamber were 11 seniors, teacher, and sponsors from the Youth Development Center, Kearney; 80 fifth grade students and teachers from Calvert School, Lincoln; 7 members and coordinator of Goodyear Top-Ten from Lincoln; Mr. and Mrs. David Bacon and son, Jeff, from North Bend and Bruce Williams from Morse Bluff;

25 Girl Scouts and director; 7 seventh grade students and teacher from Valentine Middle School.

Visitors to the Chamber on February 20, 1986, were Donald Boerkircher from Eustis and Barbara Kern from North Platte; Leon Rutjens from Tilden, Leon McCoy from Neligh, and Gerhard Wolfe from Petersburg; 12 twelfth grade students and teacher from Murdock High School; and Reynold and Marie Louise Brown from Whitney.

ADJOURNMENT

At 12:30 p.m., on a motion by Mr. Nichol, the Legislature adjourned until 9:00 a.m., Monday, February 24, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTIETH DAY - FEBRUARY 24, 1986

LEGISLATIVE JOURNAL

THIRTIETH DAY - FEBRUARY 24, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

THIRTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 24, 1986

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Hartnett, Lamb, Mesdames Higgins, and Marsh who were excused; and Messrs. Beutler, Goodrich, Hannibal, Harris, V. Johnson, Landis, Lynch, Schmit, Warner, Mesdames Labeledz, and Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Ninth Day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 344.

GENERAL FILE

LEGISLATIVE BILL 105. The Standing Committee amendment, AM1204, found in the Journal on page 1926, for the Sixty-Seventh Day, First Session, and considered on page 2197, First Session, was renewed.

Mr. Carsten asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment lost with 0 ayes, 6 nays, 25 present and not voting, and 18 excused and not voting.

Mr. Hoagland withdrew his pending amendment, AM1376, found in the Journal on page 2207, First Session.

Messrs. Hoagland and L. Johnson renewed their pending amendment, AM2198, found in the Journal on page 932.

Mr. Vickers requested a division of the question on the Hoagland-L. Johnson amendment.

The Chair sustained the division of the question.

The first Hoagland-L. Johnson amendment is as follows:

On page 1, lines 18 and 19

(c) The parents of the minor child have never been married.

On page 2, line 22

or have never been married,

Ms. Scofield asked unanimous consent to be excused until she returns. No objections. So ordered.

The first Hoagland-L. Johnson amendment lost with 15 ayes, 17 nays, 5 present and not voting, and 12 excused and not voting.

The second Hoagland-L. Johnson amendment is the remainder of AM2198.

Mr. Chambers offered the following amendment to the Hoagland-L. Johnson amendment:
strike Sec. 3(3)

The Chambers amendment was adopted with 16 ayes, 0 nays, 22 present and not voting, and 11 excused and not voting.

The second Hoagland-L. Johnson amendment, as amended, was adopted with 26 ayes, 5 nays, 8 present and not voting, and 10 excused and not voting.

Mr. Chambers moved to indefinitely postpone LB 105.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Chambers motion to indefinitely postpone lost with 9 ayes, 22 nays, 9 present and not voting, and 9 excused and not voting.

Mr. Vickers offered the following amendment:

amend LB 105 Hoagland-L. Johnson amendment #2198, Journal page 933 as follows:

- 1) Sec. 2, subsection (2) line 4 strike "or" insert "and"
- 2) Sec. 2, subsection (2) line 10, strike: "or" insert: "and"

Pending.

SELECT FILE

LEGISLATIVE BILL 325. The Wesely pending amendment, AM1979, as amended, found in the Journal on page 663 and considered on pages 897 and 898 was renewed.

Mr. Wesely offered the following amendment to his pending amendment:

AM2227

- 1 1. In the Pappas amendment on page 898 of the
- 2 Journal strike beginning with "after" in line 1 through
- 3 line 4 and insert "strike 'seven' and insert 'five'; in
- 4 line 6 strike 'thirteen' and insert 'ten'; in line 7
- 5 strike 'twenty' and insert 'fifteen'; and in line 8
- 6 strike 'thirty' and insert 'twenty-five'."

Mr. Wesely moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Wesely requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Abboud	Hannibal	Landis	Nelson	Smith
Barrett	Hefner	Lundy	Nichol	Warner
Beyer	Johnson, L.	Miller	Peterson	Wesely
Carsten	Johnson, R.			

Voting in the negative, 21:

Baack	Goll	Hoagland	Pappas	Schmit
Chronister	Haberman	Labeledz	Remmers	Sieck
Conway	Hall	Lynch	Rogers	Vickers
DeCamp	Harris	Morehead	Rupp	Withem
Eret				

Present and not voting, 1:

Chambers

Absent and not voting, 1:

Pirsch

Excused and not voting, 9:

Beutler	Goodrich	Higgins	Lamb	Scofield
Chizek	Hartnett	Johnson, V.	Marsh	

The Wesely amendment lost with 17 ayes, 21 nays, 1 present and not voting, 1 absent and not voting, and 9 excused and not voting.

The pending Wesely amendment, as amended, was adopted with 25 ayes, 10 nays, 5 present and not voting, and 9 excused and not voting.

Pending.

NOTICE OF COMMITTEE HEARING Miscellaneous Subjects

Secretary of State Appt. Thursday, February 27, 1986 1:30 P.M.
Robert W. Sim - Accountability and Disclosure Commission

(Signed) Elroy M. Hefner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Goll asked unanimous consent to print the following amendment to LB 355 in the Journal. No objections. So ordered.

AM2199

(Amendments to AM1983)

- 1 1. Insert the following new section:
- 2 "Sec. 2. Commencing on and after January 1,
- 3 1987, all athletic trainers in this state shall be
- 4 certified pursuant to sections 1 to 6 of this act.
- 5 Certificates issued pursuant to such sections shall be
- 6 renewed on June 1 of each even-numbered year commencing
- 7 June 1, 1988. The Department of Health, with the
- 8 recommendation of the board, shall establish initial
- 9 certification and renewal fees, which fees shall be
- 10 within the ranges prescribed in section 71-162."
- 11 2. On page 1, line 4, strike "5" and insert
- 12 "6"; in line 8 after "of" insert "athletic"; in line 9
- 13 strike "and"; after line 9 insert the following new
- 14 subdivision:
- 15 "(2) Athletic training shall mean the
- 16 prevention, evaluation, emergency care, first aid,
- 17 treatment, and rehabilitation of athletic injuries;
- 18 (3) Athletic injuries shall mean those
- 19 injuries which are incurred by individuals through
- 20 participation in sports or recreation; and"; in line 10
- 1 strike "(2)" and insert "(4)"; and in line 13 after
- 2 "modalities" insert ", under guidelines established by
- 3 the trainer and a licensed physician,"; and in line 18
- 4 strike "4" and insert "5".
- 5 3. On page 3, in lines 1, 15, and 23, strike
- 6 "3" and insert "4".
- 7 4. On page 7, line 18, strike "No" and insert
- 8 "Beginning January 1, 1987, no"; and in line 19 strike
- 9 beginning with "certified" through "training" and insert
- 10 "an athletic trainer".
- 11 5. On page 11, line 24, strike "May" and
- 12 insert "June".
- 13 6. On page 25, line 24, strike "4" and insert
- 14 "5".
- 15 7. On page 69, in lines 3 and 5, strike
- 16 "eight" and insert "three".
- 17 8. Renumber the remaining sections
- 18 accordingly.

STANDING COMMITTEE REPORTS

Public Works

The Committee on Public Works desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

P. J. Morgan, Motor Vehicle Industry Licensing Board
Donald Ramer, Motor Vehicle Industry Licensing Board

Vote: Aye: Senators Schmit, Lamb, Nelson, Lynch, Beyer, Smith, and Harris. Absent: Senator DeCamp.

(Signed) Loran Schmit, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 875. Placed on General File.

LEGISLATIVE BILL 876. Placed on General File.

LEGISLATIVE BILL 1063. Placed on General File.

(Signed) David Landis, Chairperson

Health and Human Services

LEGISLATIVE BILL 1055. Placed on General File as amended.

Standing Committee amendment to LB 1055:

AM2208

- 1 1. Strike the original sections and insert
- 2 the following new sections:
- 3 "Section 1. The purpose of this act is to
- 4 protect the legal and human rights of the
- 5 developmentally disabled by providing access to certain
- 6 records of a person with developmental disabilities by
- 7 the officially designated protection and advocacy system
- 8 for the developmentally disabled in this state.
- 9 Sec. 2. For purposes of this act, unless the
- 10 context otherwise requires:
- 11 (1) Complaint shall mean any oral or written
- 12 allegation by a person with developmental disabilities,
- 13 the parent or guardian of such person, a state agency,
- 14 or any other responsible named individual or entity to
- 15 the effect that the developmentally disabled person is
- 16 being subjected to injury or deprivation with regard to
- 17 his or her health, safety, welfare, rights, or level of
- 18 care;

19 (2) Developmental disability shall mean a
20 severe chronic mental or physical disability as defined
21 in the federal Developmental Disabilities Assistance and
1 Bill of Rights Act, 42 U.S.C. 6000 et seq.;

2 (3) Facility for persons with developmental
3 disabilities shall mean a facility or a specified
4 portion of a facility designed primarily for the
5 delivery of one or more services to persons with one or
6 more developmental disabilities, including, but not
7 limited to, those facilities defined in Chapter 71,
8 articles 19 and 20 and sections 83-107.01 to 83-108,
9 whenever a person with a developmental disability is
10 residing in such facilities;

11 (4) Protection and advocacy system shall mean
12 the entity designated pursuant to the Developmental
13 Disabilities Assistance and Bill of Rights Act, 42
14 U.S.C. 6000 et seq.;

15 (5) Records shall mean all information and
16 data obtained, collected, or maintained by a facility
17 for persons with developmental disabilities in the
18 course of providing services to such persons which are
19 reasonably related to the complaint to be investigated;
20 and

21 (6) Services shall mean services for persons
22 with developmental disabilities as defined in the
23 federal Developmental Disabilities Assistance and Bill
24 of Rights Act, 42 U.S.C. 6000 et seq.

1 Sec. 3. For the purpose of protecting the
2 human and legal rights of the developmentally disabled,
3 the protection and advocacy system shall be granted
4 access to the records, by any person or entity having
5 possession or control of such records, of a person with
6 developmental disabilities who resides in a facility for
7 persons with developmental disabilities if (1) a
8 complaint has been received by the protection and
9 advocacy system from the legal guardian of such person
10 or (2) a complaint has been received by the protection
11 and advocacy system from or on behalf of such person and
12 such person does not have a legal guardian or the state
13 or the designee of the state is the legal guardian of
14 such person. No record nor the contents of any record
15 which identifies or can be readily associated with the
16 identity of the subject of such record shall be
17 redisclosed by the protection and advocacy system
18 without the specific written authorization of the

19 subject or the subject's legally authorized
20 representative. The protection and advocacy system
21 shall provide seven days advance written notice to the
22 facility from which the records were received of its
23 intent to redisclose such records, during which time the
24 facility may seek to judicially enjoin such disclosure
1 on the grounds that such disclosure is contrary to the
2 interests of the person with developmental disabilities.
3 Seven days advance written notice to the facility shall
4 not be required if redisclose of such records is to an
5 entity with legal authority to act to protect the legal
6 and human rights of the subject of such records."

(Signed) Don Wesely, Chairperson

Administrative Rules and Regulations Review

LEGISLATIVE BILL 449. Placed on General File as amended.
Standing Committee amendments to LB 449:
AM2179

1 1. Strike original sections 2 and 16 and
2 insert the following new sections:
3 "Sec. 2. That section 84-907, Reissue Revised
4 Statutes of Nebraska, 1943, be amended to read as
5 follows:
6 84-907. No rule shall be adopted, amended, or
7 repealed by any state agency except after public notice
8 of such proposed ruled or rule change. Such notice
9 hearing on the question of adopting, amending, or
10 repealing such rule. Notice of such hearing shall be
11 given at least twenty days prior thereto to the Revisor
12 of Regulations and by publication be published in a
13 newspaper having general circulation in the state. All
14 such hearings shall be open to the public. Draft copies
15 or working copies of all rules or rule changes to be
16 adopted, amended, or repealed by any state agency shall
17 be available to the public in the business office of
18 such agency and the office of the Revisor of Regulations
19 at the time of giving notice. The notice shall include;
20 (1) A a declaration of availability of such draft or
21 work copies for public examination; (2) a short
1 explanation of the purposes of the proposed rule or rule
2 change; (3) where and how persons may submit views on
3 the proposed rule or rule change; and (4) when, where,
4 and how to request a public hearing on the proposed rule

5 or rule change, pursuant to sections 3 to 5 of this act.
6 Any state agency ~~adopting, amending, or repealing~~ making
7 a rule or rule change may make written application to
8 the Governor who may, upon receipt of a written showing
9 of good cause, waive the ~~notice of public hearing~~
10 publication of the notice of the proposed rule or rule
11 change.

12 For purposes of this section good cause shall
13 include, but not be limited to, a showing by the agency
14 that:

15 (1) (a) Compliance with the ~~public notice~~
16 publication requirements of this section would result in
17 extreme hardship on the citizens of this state;

18 (2) (b) An emergency exists which must be
19 remedied immediately; or

20 (3) (c) A timely filing or publication of the
21 ~~notice of a public hearing~~ was prevented by some
22 unforeseeable event beyond the immediate control of the
23 agency and that the parties affected have not and will
24 not suffer material injury as a result of the agency's
1 action.

2 Whenever ~~public~~ publication of the notice is
3 waived the agency shall, so far as practicable, give
4 notice to the public of the proposed rule change and of
5 the final rule as ~~finally adopted or changed~~ or rule
6 change.

7 Sec. 3. (1) For at least thirty days after
8 publication of the notice of a proposed rule adoption,
9 amendment, or repeal, an agency shall afford persons the
10 opportunity to submit written arguments, data, and views
11 on the proposed rule or rule change.

12 (2) An agency shall schedule a public hearing
13 on a proposed rule or rule change if, within thirty days
14 after the published notice of such proposed rule or rule
15 change, a written request for a public hearing is
16 submitted by a majority of the members of the
17 Administrative Rules and Regulations Review Committee, a
18 majority of the members of the legislative committee
19 which conducted the public hearing on the statute which
20 authorized the agency to adopt the proposed rule or rule
21 change, the Governor, another agency, or at least ten
22 persons. At the hearing, persons may present oral
23 arguments, data, and views on the proposed rule or rule
24 change. An agency may schedule a public hearing without
1 such request.

2 (3) A public hearing on a proposed rule or

3 rule change, if required, may not be held earlier than
4 thirty days after notice of the location and time of the
5 hearing is published in a newspaper having general
6 circulation in the state.

7 (4) The agency, a member of the agency, or
8 another presiding officer designated by the agency shall
9 preside at a required public hearing on a proposed rule
10 or rule change. If the agency does not preside, the
11 presiding official shall prepare a memorandum for
12 consideration by the agency summarizing the contents of
13 the presentations made at the hearing. The hearing
14 shall be open to the public and be recorded by
15 stenographic or other means.

16 (5) Each agency shall issue rules for the
17 conduct of public hearings on proposed rule or rule
18 change. The rules may include provisions calculated to
19 prevent undue repetition at the hearing.

20 (6) If any agency finds that an emergency
21 requires a rule or rule change upon fewer than thirty
22 days' notice and states in writing the agency's reasons
23 for such finding, the agency may proceed without prior
24 notice or hearing or upon any abbreviated notice and
1 hearing that the agency finds practicable to adopt an
2 emergency rule or rule change. Upon adoption of an
3 emergency rule or rule change by the agency, the rule or
4 rule change shall be submitted to the Attorney General
5 for approval. If the Attorney General does not approve
6 or disapprove the rule or rule change within three
7 working days, the rule or rule change shall become
8 operable upon being certified and filed with the Revisor
9 of Regulations. The agency shall take immediate steps
10 to formally adopt the rule or rule change pursuant to
11 sections 84-901 to 84-917. The emergency rule or rule
12 change may be effective for a period of not longer than
13 ninety days.

14 Sec. 4. Except as otherwise provided by law,
15 sections 84-901 to 84-917 shall not apply to:

16 (1) A rule concerning only the internal
17 management of an agency which does not directly and
18 substantially affect the procedural or substantive
19 rights or duties of any segment of the public;

20 (2) A rule that establishes criteria or
21 guidelines to be used by the staff of an agency in
22 performing audits, investigations, or inspections,
23 settling commercial disputes, negotiating commercial

- 24 arrangements, or in the defense, prosecution, or
 1 settlement of cases, if disclosure of the criteria or
 2 guidelines would:
 3 (a) Enable law violators to avoid detection;
 4 (b) Facilitate disregard of requirements
 5 imposed by law; or
 6 (c) Give a clearly improper advantage to
 7 persons who are in an adverse position to the state;
 8 (3) A rule that only establishes specific
 9 prices to be charged for particular goods or services
 10 sold by an agency;
 11 (4) A rule concerning only the physical
 12 servicing, maintenance, or care of agency-owned or
 13 operated facilities or property;
 14 (5) A rule relating only to the use of a
 15 particular facility or property owned, operated, or
 16 maintained by the state or any of its subdivisions, if
 17 the substance of the rule change is adequately indicated
 18 by means of signs or signals to persons who use the
 19 facility or property;
 20 (6) A rule concerning only inmates of a
 21 correctional or detention facility, if adopted by such
 22 facility;
 23 (7) A form, the contents or substantive
 24 requirements of which are prescribed by rule or statute,
 1 and instructions for the execution or use of the form;
 2 (8) An agency budget;
 3 (9) An opinion of the Attorney General; or
 4 (10) The terms of a collective bargaining
 5 agreement.”.
 6 2. On page 2, line 4, strike “15” and insert
 7 “17”; and strike beginning with “regulations” in line 18
 8 through “including” in line 21 and show as stricken.
 9 3. On page 6, line 19, strike “3” and insert
 10 “5”.
 11 4. On page 7, line 19, strike “3” and insert
 12 “5”.
 13 5. On page 9, line 27, strike “3 to 9” and
 14 insert “5 to 11”.
 15 6. On page 10, in lines 10, 18, and 27,
 16 strike “3 to 9” and insert “5 to 11”.
 17 7. On page 11, strike “5” and insert “7”.
 18 8. On page 13, line 5, strike “10” and insert
 19 “12”; in line 7 strike “13” and insert “15”; in line 12
 20 strike “12” and insert “14”; and in lines 15 and 18

21 strike "3 to 15" and insert "5 to 17".

22 9. Renumber remaining sections accordingly.

LEGISLATIVE BILL 536. Indefinitely postponed.

(Signed) Gary E. Hannibal, Chairperson

Constitutional Revision and Recreation

LEGISLATIVE RESOLUTION 307CA. Indefinitely postponed.

LEGISLATIVE RESOLUTION 314CA. Indefinitely postponed.

(Signed) Lee Rupp, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Remmers asked unanimous consent to print the following amendment to LB 942 in the Journal. No objections. So ordered.

AM2226

(Amendments to AM2021)

1 1. Insert the following new section:

2 "Sec. 7. That section 43-626, Revised
3 Statutes Supplement, 1985, be amended to read as
4 follows:

5 43-626. Whenever (1) Except as provided in
6 subsection (2) of this section, whenever a child must
7 temporarily reside in a residential facility, boarding
8 home, or foster home in order to receive an appropriate
9 special education program, the State of Nebraska shall
10 provide for the ordinary and reasonable cost of the
11 residential care during the duration of the special
12 education program. The state shall not be required to
13 pay such cost unless placement of the child in a special
14 education program requiring residential care was made by
15 the resident school district with the prior approval of
16 the State Department of Education or was made pursuant
17 to sections 43-661 to 43-668. No school district shall
18 make a placement in a special education program
19 requiring residential care without advance consultation
20 with the State Department of Education to review the
1 child's needs and the availability and appropriateness
2 of each possible placement in the continuum of
3 alternative services. Applications for approval of
4 special education program placements requiring

5 residential care shall be signed by the parent or legal
6 guardian, submitted via the school district of which the
7 child is a resident to the State Department of
8 Education, and acted upon by the department within
9 thirty days of receipt by the department. If an
10 application is denied, the parent or legal guardian
11 shall be provided written notification by the State
12 Department of Education of his or her right to appeal
13 the decision pursuant to sections 43-661 to 43-668 and
14 right to name the State Department of Education as
15 respondent in the appeal proceeding.

16 (2) Whenever a child is placed in one of the
17 residential schools described in Chapter 79, articles 19
18 and 20, the State of Nebraska shall provide for the
19 ordinary and reasonable cost of such residential care
20 during the duration of the special education program.
21 The decision to place a child in one of such residential
22 schools shall be made jointly by the parent or guardian
23 of such child and the resident school district.

24 (3) The State Department of Education and the
1 Department of Social Services shall annually establish
2 the maximum rates that the state will pay for the
3 ordinary and reasonable cost of residential care
4 placements within the state. After September 6, 1985,
5 children whose residential placement was funded by state
6 and regional agencies other than the State Department of
7 Education shall continue to be funded by such
8 agencies.”

9 2. On page 15, line 11, strike “section” and
10 insert “sections 43-626 and”.

11 3. Renumber the remaining sections
12 accordingly.

Mr. Lynch asked unanimous consent to print the following
amendment to LB 903 in the Journal. No objections. So ordered.

AM2147

1 1. On page 3, after line 7, insert the
2 following new subsection:

3 “(4) Notwithstanding any other provision of
4 this section, a lawyer shall not be required to report
5 information which is a privileged communication pursuant
6 to the lawyer-client privilege prescribed in section
7 27-503.”.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 757A. By Goll, 16th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 757, Eighty-ninth Legislature, Second Session, 1986.

LEGISLATIVE BILL 1060A. By Wesely, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1060, Eighty-ninth Legislature, Second Session, 1986.

ATTORNEY GENERAL'S OPINION

Opinion No. 86020
February 19, 1986

TO: Senator John W. DeCamp

SUBJECT: Retirement System for Nebraska Legislators

You have requested us to reconsider the question of whether it would be constitutionally permissible for the Legislature to establish a state-funded pension plan for state senators. In addition, you have asked us to reexamine the issue of whether there are constitutional difficulties presented by the participation of members of the Legislature in the State Employees Retirement System. Your request for reconsideration of these issues refers to a previous opinion from our office on this subject, in which we concluded that the provision of retirement benefits to state senators under either circumstance would constitute "pay" or "perquisite" other than the salary limited by the Constitution, and therefore would violate the provisions of Article III, section 7 of the Nebraska Constitution. Report of Attorney General 1971-72, Opinion No. 85, p. 199.

Article III, section 7, provides, in pertinent part:

Each member of the Legislature shall receive a salary of not to exceed four hundred dollars per month during the term of his office. In addition to his salary, each member shall receive an amount equal to his actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay

nor perquisites other than said salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem. (Emphasis added).

Neb.Rev.Stat. §50-123.01 (Reissue 1984) fixes the actual salary of the members of the Legislature at the maximum authorized by the Constitution.

Recently, in State ex rel. Douglas v. Beermann, 216 Neb. 849, 347 N.W.2d 297 (1984), the Nebraska Supreme Court held that the limitation contained in Article III, section 7, providing "Members of the Legislature shall receive no pay nor perquisites other than said salary and expenses," did not prohibit reimbursement to legislators for their actual expenses incurred in connection with the performance of their duties. While the decision in Beermann focused on the issue of the allowance of expenses incurred by members of the Legislature, the Court also discussed the meaning of the language providing "Members of the Legislature shall receive no pay nor perquisites other than said salary. . . ." In this regard, the Court stated:

. . . {T}he first 14 words of the third sentence of the constitutional provision in question, "Members of the Legislature shall receive no pay nor perquisites other than said salary," given their most natural and obvious meaning, say that Nebraska's legislators shall receive no wages, remuneration, compensation, fees, profit, or gain incidental to their office other than the salary mandated in the first sentence of the section. (Emphasis added).

Id. at 855-56, 347 N.W.2d at 302.

On numerous occasions, the Nebraska Supreme Court has held that public employee retirement benefits or pensions constitute deferred compensation for services rendered. Halpin v. State Patrolmen's Retirement System, 211 Neb. 892, 320 N.W.2d 910 (1982); Gossman v. State Employees Retirement System, 177 Neb. 326, 129 N.W.2d 97 (1964); Wilson v. Marsh, 162 Neb. 237, 75 N.W.2d 723 (1956). As the Court stated in Wilson, supra, "The benefit of a retirement system is a form of compensation additional to the regular salary of a member of the system with payment deferred to a later time." 162 Neb. at 251, 75 N.W.2d at 732.

Based on the characterization by our Supreme Court of public retirement or pension benefits as a form of deferred compensation, and the broad language contained in Beermann, supra, interpreting the pertinent portion of Article III, section 7 to prohibit legislators from receiving any "wages, remuneration, compensation, fees, profit, or gain incidental to their office" other than the maximum salary provided for by the Constitution, we must conclude that the providing of retirement or pension benefits to state senators would very likely be held pay or perquisite in addition to their salary, prohibited by this provision of our Constitution.

We recognize that courts from other jurisdictions have upheld the validity of the provision of pension benefits to state legislators against various constitutional challenges. Upon reviewing these cases, however, it is apparent that the language of the constitutional provisions construed in these decisions is, in each instance, distinguishable from the relevant language in Article III, section 7, of the Nebraska Constitution. For example, in Knight v. Board of Administration, 32 Cal.2d 400, 196 P.2d 547 (1948), the court examined several constitutional provisions in rejecting an attack on the validity of legislation establishing a retirement system for members of the California State Legislature. Article IV, sec. 23 of the California Constitution provided, in part: "The members of the Legislature shall receive for their services the sum of one hundred dollars each for each month of the term for which they are elected. . . ." In addition, Article IV, sec. 23b provided, in part: "Members of the Legislature shall receive no compensation for their services other than that fixed by the Constitution but each member shall be allowed and reimbursed expenses necessarily incurred. . . ." Id. at ___, 196 P.2d at 547-48.

In upholding the constitutionality of the legislative retirement system, the court in Knight determined these two constitutional provisions limiting legislative compensation were modified by a third constitutional provision, Article IV, sec. 22a, which provided, in part: "The Legislature shall have power to provide for the payment of retirement salaries to employees of the State. . . ." Id. at ___, 196 P.2d at 548. The court held the word "employees," as used in this constitutional provision authorizing the Legislature to provide retirement benefits for employees of the state, was broad enough to include state legislators. Id. at ___, 196 P.2d at 550.

The decision in Knight, relying on the specific provision in the California Constitution authorizing the establishment of retirement systems for state employees as authority for upholding a legislative retirement plan, is inapplicable to the issue of the proper interpretation of Article III, section 7, of the Nebraska Constitution, as our Constitution contains no similar specific provision for retirement plans of this nature.

Chamber of Commerce v. Leone, 141 N.J. Super. 114, 357 A.2d 311 (1976), also involved a challenge to the constitutionality of legislation creating a legislative pension plan. In Leone, however, the constitutional attack was based on the argument that the benefits would not be received during the legislator's term of office. The plaintiffs contended this violated Article IV, section IV, par. 7 of the New Jersey Constitution, which provided, in part: "Members of the

Senate and General Assembly shall receive annually, during the term for which they shall have been elected and while they shall hold their office, such compensation as shall, from time to time, be fixed by law. . . ." *Id.* at 120, 357 A.2d at 314 (Emphasis added). The court held that, as the "right" to receive benefits is earned while the legislator is in office, the plan did not violate the constitutional requirement that compensation be received during the legislator's term of office. *Id.* at 137, 357 A.2d at 324.

Similarly, in *Boryszewski v. Brydges*, 37 N.Y.2d 361, 372 N.Y.S.2d 623, 334 N.E.2d 579 (1975), the court construed the following New York constitutional provisions in an action raising the constitutionality of a legislative and executive retirement plan:

Each of the state officers named in this constitution shall, during his continuance in office, receive a compensation, to be fixed by law, which shall not be increased or diminished during the term for which he shall have been elected or appointed; nor shall he receive to his use any fees or perquisites of office or other compensation.

* * *

Each member of the legislature shall receive for his service a like annual salary, to be fixed by law. * * * Neither the salary of any member nor any other allowance so fixed may be increased or diminished during, and with respect to, the term for which he shall have been elected, nor shall he be paid or receive any other extra compensation. (Emphasis added).

The petitioners in *Boryszewski* contended these constitutional provisions precluded future payments to legislators for past services in the form of pension benefits, and thus compensation could only be paid to legislators during their "continuance in office." The court rejected this assertion, concluding that a pension was a proper form of compensation and that, although payment itself would be received subsequent to the legislator's term of office, the right to receive payment was received during the "continuance in office." In reaching this conclusion, the court stated: "Retirement benefits are a component of present compensation." *Id.* at 367-68, 372 N.Y.S.2d at 629, 334 N.E.2d at 583.

The constitutional provisions construed in *Leone*, *supra*, and *Boryszewski*, *supra*, both provided that legislators would receive compensation at the level "fixed by law." Thus, under both the New Jersey and New York Constitutions, the Legislature of each state possessed the authority to set their own level of compensation. In contrast, Article III, section 7, of the Nebraska Constitution, establishes a specific maximum dollar amount with each member of the Legislature may receive in salary, and further prohibits the receipt by state senators of any pay or perquisites in addition to the salary authorized under this section.

The one decision from another jurisdiction which provides some authority for upholding the constitutionality of establishing retirement or pension benefits for members of the Legislature is Campbell v. Kelly, 202 S.E.2d 369 (W.Va. 1974). The constitutional provision at issue in Campbell, which was adopted in 1872, provided:

Each member of the legislature shall receive for this services the sum of one thousand five hundred dollars a year, and expenses for one round trip in connection with any session. . . . No other allowance or emolument than that by this section provided shall directly or indirectly be made or paid to the member of either house for postage, stationery, newspapers, or any other purpose whatever. (Emphasis added).

Id. at 373.

Rejecting the contention that the establishment of a legislative pension system constituted an "allowance" or "emolument" prohibited under this constitutional provision, the Supreme Court of West Virginia stated:

This Court is persuaded that in the absence of evidence that it was the intent of the framers of our Constitution by Section 33 to prohibit pension plans under conditions as they have changed in the last century, our Constitution should be interpreted in conformity with the great weight of precedent from other jurisdictions interpreting similar provisions of other state constitutions. All the modern decisions interpreting the power of legislators to enact pension programs hold that constitutional limitations on "allowances" or "emoluments" do not apply to pension programs.

* * *

{P}ensions are not traditional "salary," and by extension not either an "allowance" or "emolument," but rather are things sui generis which were not contemplated within the constitutional structure established in 1872.

Id. at 375-76.

An analysis of the rationale behind the decision in Campbell reveals two potentially critical distinctions between the West Virginia constitutional provision construed in that case, and Article III, section 7, of our State Constitution. First, the court in Campbell emphasized that, at the time the constitutional provision in question was adopted in 1872, no state pension plans or retirement systems were in existence, and thus could not have been within the contemplation of the framers who established the constitutional prohibition. In contrast, the portion of Article III, section 7, providing "Members of the Legislature shall receive no pay nor perquisites other than said salary and expenses," was adopted following a vote of the people amending this provision in 1934. Thus,

while the concept of a state pension plan or system may have been unknown in 1872 when the West Virginia constitutional provision was adopted, it is far less likely that the existence of such benefit systems was beyond the comprehension of the drafters of the present language in Article III, section 7, when voted on by the people of Nebraska in 1934.

Furthermore, the language employed in Article III, section 7, providing members of the Legislature shall receive no "pay nor perquisites" other than the salaries specifically stated in that section, appears to be broader in scope than the different language in the West Virginia constitutional provision barring any "allowance or emolument." This would seem to be particularly true in light of the specific statement by our Supreme Court in Beermann, supra, that the "pay" or "perquisites" language in Article III, section 7, means Nebraska's legislators shall receive "no wages, remuneration, compensation, fees, profit or gain incidental to their office other than the salary mandated in the first sentence of the section." 216 Neb. at 849, 347 N.W.2d at 302.

In conclusion, based on the characterization by our Supreme Court of public retirement or pension benefits as a form of deferred compensation, and the broad language contained in Beermann, supra, construing Article III, section 7, to prohibit legislators from receiving any "wages, remuneration, compensation, fees, profit, or gain incidental to their office" other than the maximum salary provided for by the Constitution, we believe that either the establishment of a state-funded pension plan for legislators, or the inclusion of state senators within the State Employees Retirement System, poses serious constitutional difficulties, and that either proposal would likely be held to violate the proscription contained in Article III, section 7. While an argument could be advanced to support the constitutionality of legislation of this nature, we cannot affirmatively conclude that any such proposal, if enacted, would withstand constitutional challenge.

Very truly yours,
ROBERT M. SPIRE
Attorney General

(Signed) L. Jay Bartel
Assistant Attorney General

LJB/bae

cc: Patrick J. O'Donnell
Clerk of the Legislature

SELECT FILE

LEGISLATIVE BILL 122. E & R amendments, AM5196, found in the Journal on page 378 for the Eighth Day were adopted.

Mr. Beyer offered the following amendment:

AM2194

- 1 1. On page 2, line 20, after "vehicles"
- 2 insert "for a distance up to seventy miles.".

MR. CHRONISTER PRESIDING

The Beyer amendment was adopted with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

Mr. Haberman offered the following amendment:

AM1878

- 1 1. Strike the Warner amendment adopted
- 2 January 14, 1986.
- 3 2. Strike E & R amendment 1.

Mr. Pappas moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

The Haberman amendment was adopted with 27 ayes, 5 nays, 9 present and not voting, and 8 excused and not voting.

Mr. Warner moved to indefinitely postpone LB 122.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Vickers asked unanimous consent to be excused. No objections. So ordered.

The Warner motion to indefinitely postpone lost with 12 ayes, 18 nays, 9 present and not voting, and 10 excused and not voting.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Haberman moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Advanced to E & R for Engrossment with 25 ayes, 14 nays, 2 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 550. Placed on Select File as amended.
E & R amendments to LB 550:

AM5247

- 1 1. On page 1, line 6, after "services" insert
- 2 "as prescribed".
- 3 2. On page 2, line 18, strike the second
- 4 comma and show as stricken; and in line 20 strike
- 5 "must", show as stricken, and insert "shall".

LEGISLATIVE BILL 137. Placed on Select File as amended.
E & R amendment to LB 137:

AM5248

- 1 1. On page 1, line 6, strike "and"; and in
- 2 line 7 after "sections" insert "; and to declare an
- 3 emergency".

LEGISLATIVE BILL 380. Placed on Select File as amended.
E & R amendments to LB 380:

AM5249

- 1 1. On page 1, line 1, after the semicolon
- 2 insert "to define a term;"; and in line 4 strike "act"
- 3 and insert "Act".
- 4 2. On page 2, line 6, strike "desk work" and
- 5 insert "desk-work"; in line 7 strike "waste paper" and
- 6 insert "wastepaper"; in line 11 strike "resource saving"
- 7 and insert "resource-saving"; in line 23 strike "market
- 8 place" and insert "marketplace"; and in line 26 strike
- 9 "sate" and insert "state".
- 10 3. On page 3, line 4, after "of" insert
- 11 "office" and in line 6 strike the comma.

(Signed) Timothy Hall, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LR 35 in the Journal. No objections. So ordered.

AM2228

- 1 1. On page 1, strike lines 1 through 18 and

2 insert:

3 "A Resolution to propose an amendment to
4 Article XII, by adding a new section 9 thereto, of the
5 Constitution of Nebraska.

6 NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS
7 OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND
8 SESSION:

9 Section 1. That at the general election in
10 November 1986 there shall be submitted to the electors
11 of the State of Nebraska for approval the following
12 amendment to Article XII, by adding a new section 9
13 thereto, of the Constitution of Nebraska, which is
14 hereby proposed by the Legislature:

15 CXII-9 '(1) No corporation or syndicate shall
16 acquire or otherwise obtain an interest, whether legal,
17 beneficial, or otherwise, in any title to real estate
18 used for the retail food business in this state or
19 engage in the retail food business.

20 Corporation shall mean any corporation
1 organized under the laws of any state of the United
2 States or any country or any partnership of which such
3 corporation is a partner.

4 Retail food business shall mean (i) the sale
5 of food at retail prices for human consumption or (ii)
6 the ownership or leasing of real estate for the
7 production of income from the sale of food for human
8 consumption at retail prices.

9 Syndicate shall mean any limited partnership
10 organized under the laws of any state of the United
11 States or any country, other than limited partnerships,
12 in which the partners are members of a family or a trust
13 created for the benefit of a member of that family,
14 related to one another within the fourth degree of
15 kindred according to the rules of civil law, or their
16 spouses, at least one of whom is a person residing on or
17 actively engaged in the day-to-day labor and management
18 of a retail food business, and none of whom are
19 nonresident aliens. This shall not include general
20 partnerships.

21 These restrictions shall not apply to:

22 (A) A family retail food corporation. Family
23 retail food corporation shall mean a corporation engaged
24 in the retail food business or the ownership of real

1 estate or lease in which the majority of the voting
2 stock is held by members of a family or a trust created
3 for the benefit of a member of that family, related to
4 one another within the fourth degree of kindred
5 according to the rules of civil law, or their spouses,
6 at least one of whom is a person residing on or actively
7 engaged in the day-to-day labor and management of a
8 retail food business, and none of whose stockholders are
9 nonresident aliens, corporations, or partnerships,
10 unless all of the stockholders or partners of such
11 entities are persons related within the fourth degree of
12 kindred to the majority of stockholders in a family
13 retail food corporation;

14 (B) Food processing establishments;

15 (C) Nebraska Indian tribal corporations;

16 (D) Any real estate or lease held which, as of
17 the effective date of this amendment, is engaged in the
18 retail food business or which is owned or leased or in
19 which there is a legal or beneficial interest in title
20 directly or indirectly owned, acquired, or obtained by a
21 corporation or syndicate, so long as such real estate or
22 lease shall be held in continuous ownership or under
23 continuous lease by the same such corporation or
24 syndicate. For the purposes of this exemption, real

1 estate purchased on a contract signed as of the
2 effective date of this amendment shall be considered as
3 owned on the effective date of this amendment;

4 (E) A retail food business operated for
5 research or experimental purposes, if any commercial
6 sales from such retail food business are only incidental
7 to the research or experimental objectives of the
8 corporation or syndicate;

9 (F) Retail food business operated by a
10 corporation for the purpose of food storage;

11 (G) Mobile food units or push carts;

12 (H) Food service establishments, including,
13 but not limited to, restaurants, cafes, or public
14 taverns;

15 (I) Salvage food processing plants or
16 distributors;

17 (J) Real estate acquired or leased by a
18 corporation or syndicate for immediate or potential use
19 for other than retail food business purposes. A
20 corporation or syndicate may hold such real estate or
21 lease as may be necessary to its other than retail food

22 business operation, but pending the development of such
23 real estate or lease for other than retail food business
24 purposes, not to exceed a period of five years, such
1 real estate or lease may not be used for the sale of
2 food at retail except under lease to a family retail
3 food corporation or a nonsyndicate and noncorporate
4 retail food business;

5 (K) Real estate or leases acquired by a
6 corporation or syndicate by process of law in the
7 collection of debts or by any procedures for the
8 enforcement of a lien, encumbrance, or claim thereon,
9 whether created by mortgage or otherwise. Any real
10 estate or lease acquired shall be disposed of within a
11 period of five years and shall not be used for the
12 retail food business prior to being disposed of, except
13 under a lease to a family retail food corporation or a
14 nonsyndicate and noncorporate retail food business;

15 (L) A bona fide encumbrance taken for purposes
16 of security;

17 (M) Vending machines; and

18 (N) Nonprofit corporations, religious,
19 charitable, and fraternal organizations, educational
20 institutions, health care facilities, nursing homes, and
21 governmental organizations operating any type of food
22 service establishment.

23 (2) If a family retail food corporation which
24 has qualified under all the requirements of a family
1 retail food corporation ceases to meet the defined
2 criteria, it shall have fifty years, if the ownership of
3 the majority of the stock of such corporation continues
4 to be held by persons related to one another within the
5 fourth degree of kindred or their spouses and their
6 business holdings are not increased, to either requalify
7 as a family retail food corporation or dissolve and
8 return to personal ownership.

9 (3) The Secretary of State shall monitor
10 corporate and syndicate real estate purchases and
11 corporate and syndicate retail food operations and
12 notify the Attorney General of any possible violations.
13 If the Attorney General has reason to believe that a
14 corporation or syndicate is violating this amendment, he
15 or she shall commence an action in district court to
16 enjoin any pending illegal real estate purchase or
17 retail food operation or to force divestiture of real
18 estate or lease held in violation of this amendment.

19 The court shall order any real estate or lease held in
 20 violation of this amendment to be divested within two
 21 years. If the real estate or lease so ordered by the
 22 court has not been divested within two years, the court
 23 shall declare the real estate escheated to the State of
 24 Nebraska.

1 (4) If the Secretary of State or Attorney
 2 General fails to perform his or her duties as directed
 3 by this amendment, Nebraska citizens and entities shall
 4 have standing in district court to seek enforcement.

5 (5) The Legislature may enact, by general law,
 6 further restrictions prohibiting certain retail food
 7 operations that the Legislature deems contrary to the
 8 intent of this amendment.’.

9 Sec. 2. The proposed amendment shall be
 10 submitted to the electors in the manner prescribed by
 11 Article XVI, section 1, of the Constitution of Nebraska.
 12 The proposition for the submission of the proposed
 13 amendment shall be placed upon the ballot in the
 14 following form:

15 ‘A constitutional amendment to restrict the
 16 ownership and use of real estate used for the
 17 retail food business in this state.

18 For
 19 Against’.”.

20 2. On page 2, strike lines 1 through 12.

Mr. Wesely asked unanimous consent to print the following amendment to LB 243 in the Journal. No objections. So ordered.

AM2212

(Amendments to AM1987)

1 1. On page 1, line 3, strike “2” and insert
 2 “10”.

3 2. On page 5, line 3, strike “Each” and
 4 insert “Except as provided in section 10 of this act,
 5 each”; in lines 5, 14, and 18 strike “August” and insert
 6 “June”; in lines 15 and 19 after “year” insert “or the
 7 date on which the license is to be renewed”; and in line
 8 17 after “period” insert “or the period of time since
 9 the license was last renewed”.

10 3. On page 6, line 7, after “period” insert
 11 “or any licensing period”.

12 4. On page 7, line 17, after “biennially”
 13 insert “, or annually before June 1, 1989,”; and in line

- 14 23 strike "2" and insert "10".
15 5. On page 9, line 18, strike "2" and insert
16 "10".
17 6. On page 12, line 8, strike "2" and insert
18 "10".
19 7. On page 13, line 3, after "biennially"
20 insert "except as provided in section 10 of this act,";
1 in line 12 after the semicolon insert "June,
2 dietetics;"; and in line 13 strike the new matter and
3 reinstate the stricken matter.
4 8. Insert the following new section:
5 "Sec. 10. Notwithstanding any other provision
6 in Chapter 71, article 1, beginning on January 1, 1987,
7 a person shall not provide dietetics services unless he
8 or she is licensed pursuant to this act. The initial
9 license shall be renewed for one year on June 1, 1988.
10 Commencing on June 1, 1989, licenses shall be renewed on
11 June 1 of each odd-numbered year. The Department of
12 Health, on the recommendation of the board, shall set
13 the initial licensure fee, the 1988 one-year licensure
14 fee, and the biennial licensure fee for dietitians
15 pursuant to section 71-162. The Department of Health,
16 on the recommendation of the board, shall determine the
17 continuing education requirements for the periods
18 January 1, 1987, to June 1, 1988, and June 1, 1988, to
19 June 1, 1989.".
20 9. Renumber the remaining sections
21 accordingly.

Mr. DeCamp asked unanimous consent to print the following amendment to LR 16 in the Journal. No objections. So ordered.

AM1726

- 1 1. On page 1, line 1, after the second "to"
2 insert "Article III by adding a new section thereto, and
3 the repeal of"; in lines 2, 8, and 10, strike "VIII" and
4 insert "8"; in line 4, strike "FIRST" and insert
5 "SECOND"; in line 7, after "approval" insert "the
6 following amendment to Article III by adding a new
7 section thereto, and"; in line 10, after the quotation
8 marks insert:
9 "CIII-30 Notwithstanding any other provision
10 of this constitution, the Legislature shall have the
11 power to regulate, restrict, or determine the ownership
12 and use of all agricultural land in the State of

13 Nebraska."; and in line 18 after "to" insert "allow the
14 Legislature to regulate, restrict, or determine the
15 ownership and use of agricultural land and to".
16 2. On page 2, line 1, strike "VIII" and
17 insert "8"; and in lines 3 and 6 strike "VIII" and
18 insert "8".

Mr. Hoagland asked unanimous consent to print the following amendment to LB 529 in the Journal. No objections. So ordered.

(Amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2222.)

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1049A. By Carsten, 2nd District; Remmers, 1st District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1049, Eighty-ninth Legislature, Second Session, 1986; and to declare an emergency.

VISITORS

Visitors to the Chamber were fifty leaders of Grandparents Group from across the state.

ADJOURNMENT

At 11:54 a.m., on a motion by Mr. Hall, the Legislature adjourned until 8:30 a.m., Tuesday, February 25, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIRST DAY - FEBRUARY 25, 1986**LEGISLATIVE JOURNAL****EIGHTY-NINTH LEGISLATURE
SECOND SESSION****THIRTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 25, 1986

Pursuant to adjournment, the Legislature met at 8:30 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Mr. Max Denney, Chairman, Christian Science Committee on Publication, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Lamb, Lynch, and Mrs. Higgins who were excused; and Messrs. Chambers, Hoagland, Miller, and Mrs. Morehead who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirtieth Day was approved.

REPORT

Received minutes of the Board of Public Roads Classifications and Standards for January 17, 1986.

**STANDING COMMITTEE REPORT
Health and Human Services**

The Committee on Health and Human Services desires to report favorably upon the appointment listed below. The Committee

suggests the appointment be confirmed by the Legislature and suggests a record vote.

Patricia Kuehl - Director, Department on Aging

Senators Hall, Lynch, Wesely and Withem voted aye for this confirmation; Senators Chronister, Peterson and Smith were absent.

(Signed) Don Wesely, Chairperson

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 528. Placed on Select File as amended.
E & R amendments to LB 528:

AM5253

- 1 1. In the Standing Committee Amendments,
- 2 AM0614, adopted February 21, 1986, on page 3, line 15,
- 3 after "organization" insert an underscored comma.
- 4 2. On page 1, line 2, strike "and" and insert
- 5 a comma and after the last comma insert "and
- 6 48-126.01,"; in line 3 after the semicolon insert "to
- 7 define terms;"; and in line 6 after the semicolon insert
- 8 "to authorize an additional condition for probation; to
- 9 provide for worker's compensation benefits in certain
- 10 situations;".
- 11 3. On page 2, line 13, strike "where" and
- 12 insert "when".
- 13 4. On page 5, line 16, strike "sections
- 14 42-901 to 42-927", show as stricken, and insert "the
- 15 Protection From Domestic Abuse Act".

LEGISLATIVE BILL 530. Placed on Select File as amended.
E & R amendments to LB 530:

AM5252

- 1 1. On page 1, line 1, after "civil" insert
- 2 "and criminal".
- 3 2. On page 3, line 12, strike the comma and
- 4 show as stricken; and in line 13 strike the first comma
- 5 and show as stricken.
- 6 3. On page 4, line 1, strike the comma and
- 7 show as stricken.

LEGISLATIVE BILL 491. Placed on Select File as amended.
E & R amendment to LB 491:

AM5250

- 1 1. On page 1, strike beginning with the
- 2 second "to" in line 1 through line 5 and insert "to
- 3 eliminate a provision relating to control of air
- 4 pollution by a political subdivision; and to repeal
- 5 section 81-1528.01, Reissue Revised Statutes of
- 6 Nebraska, 1943."

LEGISLATIVE BILL 425. Placed on Select File as amended.
E & R amendments to LB 425:

AM5251

- 1 1. In the Standing Committee amendments,
- 2 AM0607, adopted February 21, 1986, on page 1, line 16,
- 3 strike "principle" and insert "principal".
- 4 2. On page 1, strike beginning with "provide"
- 5 in line 3 through "requirements" in line 4 and insert
- 6 "change provisions relating to the registration of fully
- 7 registered bonds".
- 8 3. On page 2, line 4, after "bonds" insert an
- 9 underscored comma.

(Signed) Timothy Hall, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 258.

A BILL FOR AN ACT relating to appropriations; to amend sections 2-1503.01, 2-1577, 2-1585, 2-3407, 48-837, 50-423, 54-2004, 66-467, 71-2045.06, 72-232.07, 72-802, 79-1451, 79-1564, 81-132, 81-138, 81-138.01, 81-138.02, 81-138.03, 81-138.04, 81-184, 81-2,162.27, 81-829.42, 81-8,110.07, 81-1113, 81-1113.02, 81-1302, 81-1414.06, 83-1,143.01, 85-912, 85-916.01, 85-916.02, and 89-1,100, Reissue Revised Statutes of Nebraska, 1943, sections 2-1587, 68-721, 77-27,136, 79-4,140.07, 79-12,145, 79-2651, 81-125, 81-638, and 81-1102, Revised Statutes Supplement, 1984, sections 57-705 and 77-2715.01, Revised Statutes Supplement, 1985, and section 77-2602, Revised Statutes Supplement, 1985, as amended by section 1, Legislative Bill 3, Eighty-ninth Legislature, Second Special Session, 1985; to provide for biennial appropriations; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 28:

Abboud	Goll	Johnson, L.	Nichol	Sieck
Barrett	Goodrich	Johnson, R.	Peterson	Smith
Beyer	Hannibal	Lundy	Remmers	Vickers
Carsten	Hartnett	Marsh	Rupp	Warner
Chronister	Hefner	Miller	Scofield	Withem
Eret	Hoagland	Morehead		

Voting in the negative, 16:

Baack	Haberman	Johnson, V.	Nelson	Rogers
Beutler	Hall	Labeledz	Pappas	Schmit
Chizek	Harris	Landis	Pirsch	Wesely
Conway				

Present and not voting, 1:

DeCamp

Excused and not voting, 4:

Chambers Higgins Lamb Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 125.

A BILL FOR AN ACT relating to Small Claims Court; to amend section 24-524, Revised Statutes Supplement, 1985; to change provisions relating to claim forms; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Abboud	Barrett	Beyer	Chizek	Conway
Baack	Beutler	Carsten	Chronister	DeCamp

Eret	Hartnett	Landis	Pappas	Scofield
Goll	Hefner	Lundy	Peterson	Sieck
Goodrich	Hoagland	Marsh	Pirsch	Smith
Haberman	Johnson, L.	Miller	Remmers	Vickers
Hall	Johnson, R.	Morehead	Rogers	Warner
Hannibal	Johnson, V.	Nelson	Rupp	Wesely
Harris	Labedz	Nichol	Schmit	Withem

Voting in the negative, 0.

Excused and not voting, 4:

Chambers Higgins Lamb Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 374 to Select File

Mr. Wesely moved to return LB 374 to Select File for the following specific amendment:
AM2243

(Amendments to Final Reading Copy)

- 1 1. Insert the following new section:
- 2 "Sec. 2. On or before October 1, 1986, the
- 3 board of directors of each natural resources district
- 4 shall file with the Nebraska Natural Resources
- 5 Commission a report which shall include a map showing
- 6 the subdistrict boundaries of the district and
- 7 information showing the population of each subdistrict
- 8 based on the most recent federal census and the
- 9 valuation of taxable property in each subdistrict.
- 10 Where such population or valuation information is not
- 11 available, the board shall provide reasonable estimates
- 12 based on available information."
- 13 2. On page 1, line 5, after the semicolon
- 14 insert "to provide a duty;"
- 15 3. Renumber the remaining section
- 16 accordingly.

Mr. Wesely requested a roll call vote on his motion to return.

Voting in the affirmative, 18:

Beutler	Hall	Labedz	Pappas	Smith
Chizek	Harris	Landis	Pirsch	Wesely
Eret	Hoagland	Lundy	Sieck	Withem
Goodrich	Johnson, V.	Marsh		

Voting in the negative, 25:

Abboud	Chronister	Hefner	Nelson	Rupp
Baack	Conway	Johnson, L.	Nichol	Schmit
Barrett	DeCamp	Johnson, R.	Peterson	Scofield
Beyer	Goll	Miller	Remmers	Vickers
Carsten	Haberman	Morehead	Rogers	Warner

Present and not voting, 2:

Hannibal Hartnett

Excused and not voting, 4:

Chambers Higgins Lamb Lynch

The Wesely motion to return lost with 18 ayes, 25 nays, 2 present and not voting, and 4 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 374.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3218, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to per diem payments and expenses for members of the boards of directors; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud	Carsten	DeCamp	Haberman	Hartnett
Baack	Chizek	Eret	Hall	Hefner
Barrett	Chronister	Goll	Hannibal	Hoagland
Beyer	Conway	Goodrich	Harris	Johnson, L.

Johnson, R.	Marsh	Pappas	Schmit	Vickers
Johnson, V.	Miller	Peterson	Scofield	Warner
Labeledz	Morehead	Remmers	Sieck	Wesely
Landis	Nelson	Rogers	Smith	Withem
Lundy	Nichol	Rupp		

Voting in the negative, 1:

Pirsch

Present and not voting, 1:

Beutler

Excused and not voting, 4:

Chambers Higgins Lamb Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 379.

A BILL FOR AN ACT relating to the State Electrical Division; to amend sections 81-2101 and 81-2121, Revised Statutes Supplement, 1984; to apply the State Electrical Act to certain persons as prescribed; to harmonize provisions; to provide duties for the Revisor of Statutes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 35:

Abboud	Eret	Hartnett	Marsh	Rogers
Baack	Goll	Hoagland	Morehead	Scofield
Barrett	Goodrich	Johnson, L.	Nelson	Sieck
Beutler	Haberman	Johnson, V.	Nichol	Smith
Chizek	Hall	Labeledz	Pappas	Vickers
Chronister	Hannibal	Landis	Peterson	Wesely
Conway	Harris	Lundy	Pirsch	Withem

Voting in the negative, 10:

Beyer	DeCamp	Johnson, R.	Remmers	Schmit
Carsten	Hefner	Miller	Rupp	Warner

Excused and not voting, 4:

Chambers	Higgins	Lamb	Lynch
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 483.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend sections 31-735, 31-735.02, and 31-735.05, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the election of trustees as prescribed; to change provisions relating to the payment of election expenses; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	DeCamp	Hefner	Miller	Schmit
Baack	Eret	Hoagland	Morehead	Scofield
Barrett	Goll	Johnson, L.	Nelson	Sieck
Beutler	Goodrich	Johnson, R.	Nichol	Smith
Beyer	Haberman	Johnson, V.	Pappas	Vickers
Carsten	Hall	Labeledz	Peterson	Warner
Chizek	Hannibal	Landis	Pirsch	Wesely
Chronister	Harris	Lundy	Remmers	Withem
Conway	Hartnett	Marsh	Rupp	

Voting in the negative, 0.

Present and not voting, 1:

Rogers

Excused and not voting, 4:

Chambers	Higgins	Lamb	Lynch
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 494 to Select File

Mr. Withem moved to return LB 494 to Select File for the following specific amendment:

To: Strike new language in lines 14 & 15; reinstate stricken matter in line 14.

The Withem motion to return prevailed with 25 ayes, 5 nays, 15 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 494. The Withem specific amendment found in this day's Journal was adopted with 27 ayes, 1 nay, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 558. With Emergency.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-713, 37-714, and 37-717, Reissue Revised Statutes of Nebraska, 1943; to provide duties; to provide for permits for keeping wild birds or animals in captivity; to define a term; to prohibit the keeping in captivity of certain animals; to provide exceptions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

Abboud	Carsten	Eret	Hannibal	Johnson, L.
Baack	Chizek	Goll	Harris	Johnson, R.
Barrett	Chronister	Goodrich	Hartnett	Johnson, V.
Beutler	Conway	Haberman	Hefner	Labeledz
Beyer	DeCamp	Hall	Hoagland	Landis

Lundy	Nelson	Pirsch	Schmit	Vickers
Marsh	Nichol	Remmers	Scofield	Warner
Miller	Pappas	Rogers	Sieck	Wesely
Morehead	Peterson	Rupp	Smith	Withem

Voting in the negative, 1:

Chambers

Excused and not voting, 3:

Higgins	Lamb	Lynch
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 640. With Emergency.

A BILL FOR AN ACT relating to highways and bridges; to amend sections 39-868 and 39-869, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to membership on bridge commissions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Abboud	DeCamp	Hefner	Miller	Rupp
Baack	Eret	Hoagland	Morehead	Schmit
Barrett	Goll	Johnson, L.	Nelson	Scofield
Beutler	Goodrich	Johnson, R.	Nichol	Sieck
Beyer	Haberman	Johnson, V.	Pappas	Smith
Carsten	Hall	Labedz	Peterson	Vickers
Chambers	Hannibal	Landis	Pirsch	Warner
Chizek	Harris	Lundy	Remmers	Wesely
Chronister	Hartnett	Marsh	Rogers	Withem
Conway				

Voting in the negative, 0.

Excused and not voting, 3:

Higgins Lamb Lynch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 645.

A BILL FOR AN ACT relating to the State Real Estate Commission; to amend section 81-885.21, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to trust account deposits as prescribed; and to repeal the original section.

Mr. L. Johnson requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 22:

Beutler	Goodrich	Johnson, L.	Morehead	Schmit
Chambers	Hall	Johnson, V.	Nelson	Vickers
DeCamp	Hannibal	Labeledz	Pappas	Warner
Eret	Harris	Landis	Rupp	Withem
Goll	Hoagland			

Voting in the negative, 20:

Abboud	Chizek	Hefner	Peterson	Scofield
Baack	Conway	Johnson, R.	Pirsch	Sieck
Beyer	Haberman	Miller	Remmers	Smith
Carsten	Hartnett	Nichol	Rogers	Wesely

Present and not voting, 4:

Barrett Chronister Lundy Marsh

Excused and not voting, 3:

Higgins Lamb Lynch

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 1012.

A BILL FOR AN ACT relating to the Metropolitan Transit Authority; to amend sections 14-1805 and 14-1821, Reissue Revised Statutes of Nebraska, 1943; to increase the tax which may be levied for a metropolitan transit authority; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Baack	Eret	Hefner	Miller	Schmit
Barrett	Goll	Hoagland	Morehead	Scofield
Carsten	Goodrich	Johnson, L.	Nelson	Sieck
Chambers	Haberman	Johnson, V.	Nichol	Smith
Chizek	Hall	Labedz	Pappas	Vickers
Chronister	Hannibal	Landis	Remmers	Warner
Conway	Harris	Lundy	Rogers	Wesely
DeCamp	Hartnett	Marsh	Rupp	Withem

Voting in the negative, 4:

Abboud	Beyer	Peterson	Pirsch
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Present and not voting, 2:

Beutler	Johnson, R.
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Excused and not voting, 3:

Higgins	Lamb	Lynch
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 92. With Emergency.

A BILL FOR AN ACT relating to the judges' retirement system; to amend section 24-706, Reissue Revised Statutes of Nebraska, 1943,

and sections 24-701, 24-703, 24-707, 24-710, and 24-710.01, Revised Statutes Supplement, 1984; to redefine terms; to change provisions relating to certain contributions; to eliminate certain funds as prescribed; to change provisions relating to termination of service; to change provisions relating to certain retirement annuities as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud	DeCamp	Johnson, L.	Nelson	Schmit
Baack	Eret	Johnson, R.	Nichol	Scofield
Barrett	Goll	Johnson, V.	Pappas	Sieck
Beyer	Haberman	Labedz	Peterson	Smith
Carsten	Hall	Landis	Pirsch	Vickers
Chambers	Hannibal	Lundy	Remmers	Warner
Chizek	Harris	Marsh	Rogers	Wesely
Chronister	Hartnett	Miller	Rupp	Withem
Conway	Hoagland	Morehead		

Voting in the negative, 0.

Present and not voting, 3:

Beutler Goodrich Hefner

Excused and not voting, 3:

Higgins Lamb Lynch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 298.

A BILL FOR AN ACT relating to interest rates; to amend section 45-103, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the rate and payment of interest on certain decrees and judgments; to provide exceptions; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 27:

Abboud	DeCamp	Hoagland	Landis	Schmit
Baack	Eret	Johnson, L.	Lundy	Scofield
Beutler	Hall	Johnson, R.	Miller	Smith
Chambers	Hannibal	Johnson, V.	Morehead	Vickers
Chizek	Harris	Labeledz	Nelson	Withem
Conway	Hartnett			

Voting in the negative, 18:

Barrett	Goll	Nichol	Remmers	Sieck
Beyer	Goodrich	Pappas	Rogers	Warner
Carsten	Haberman	Peterson	Rupp	Wesely
Chronister	Hefner	Pirsch		

Present and not voting, 1:

Marsh

Excused and not voting, 3:

Higgins Lamb Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 484.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-727.01, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the filing of information by newly created districts; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Abboud	DeCamp	Hefner	Miller	Rupp
Baack	Eret	Hoagland	Morehead	Schmit
Barrett	Goll	Johnson, L.	Nelson	Scofield
Beyer	Goodrich	Johnson, R.	Nichol	Sieck
Carsten	Haberman	Johnson, V.	Pappas	Smith
Chambers	Hall	Labedz	Peterson	Vickers
Chizek	Hannibal	Landis	Pirsch	Wesely
Chronister	Harris	Lundy	Remmers	Withem
Conway	Hartnett	Marsh	Rogers	

Voting in the negative, 1:

Beutler

Present and not voting, 1:

Warner

Excused and not voting, 3:

Higgins Lamb Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 540.

A BILL FOR AN ACT relating to the Nebraska Commission on Law Enforcement and Criminal Justice; to amend sections 81-1423, 81-1801 to 81-1821, 81-1823 to 81-1825, 81-1827, 81-1830 to 81-1837, 81-1839, 81-1842, 81-1843, 81-1847, and 83-183.01, Reissue Revised Statutes of Nebraska, 1943, and section 81-1822, Revised Statutes Supplement, 1984; to abolish the Crime Victim's Reparations Board; to create the Crime Victim's Reparations Committee; to harmonize provisions; to provide powers and duties; to provide for members, terms of office, vacancies, and expenses; to change provisions regarding hearings; to change provisions regarding compensation; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Abboud	DeCamp	Hoagland	Morehead	Rupp
Baack	Goll	Johnson, L.	Nelson	Schmit
Barrett	Haberman	Johnson, R.	Nichol	Scofield
Beyer	Hall	Johnson, V.	Pappas	Sieck
Carsten	Hannibal	Labeledz	Peterson	Smith
Chambers	Harris	Landis	Pirsch	Vickers
Chizek	Hartnett	Lundy	Remmers	Wesely
Chronister	Hefner	Marsh	Rogers	Withem
Conway				

Voting in the negative, 2:

Beutler Warner

Present and not voting, 3:

Eret Goodrich Miller

Excused and not voting, 3:

Higgins Lamb Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 258, 125, 374, 379, 483, 558, 640, 1012, 92, 298, 484, and 540.

UNANIMOUS CONSENT - Print in Journal

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 899 in the Journal. No objections. So ordered.

AM2236

- 1 1. Insert the following new section:
- 2 "Sec. 2. That section 81-2,147.01, Revised
- 3 Statutes Supplement, 1985, be amended to read as
- 4 follows:
- 5 81-2,147.01. As used in the Nebraska Seed
- 6 Law, unless the context otherwise requires:
- 7 (1) Person shall include any individual,

8 partnership, corporation, company, society, or
9 association;

10 (2) Agricultural seed shall include the seeds
11 of grass, forage, cereal, fiber crops, lawn seeds and
12 mixtures of such seeds, and any other kinds of seed
13 commonly recognized within this state as agricultural
14 seeds, and may include seed of any plant that is being
15 used as an agricultural crop when the Director of
16 Agriculture determines that such seed is being used as
17 agricultural seed;

18 (3) Vegetable seed shall include the seeds of
19 those crops which are grown in gardens and on truck
20 farms and are generally known and sold under the name of
21 vegetable seeds in this state;

1 (4) Weed seed shall include the seeds of any
2 plant commonly known as a weed. At the discretion of
3 the Director of Agriculture, any exotic or native plant
4 that interferes with or threatens crop production may be
5 classified as a weed;

6 (5) Screenings shall include chaff, sterile
7 florets, immature seed, weed seed, inert matter, and
8 other materials removed in any way from any agricultural
9 seed in any kind of cleaning process;

10 (6) Noxious weed seeds are divided into two
11 classes, prohibited noxious weed seed and restricted
12 noxious weed seed as defined in subdivisions (a) and (b)
13 of this subdivision, except that the Director of
14 Agriculture may add to or subtract from the list of seed
15 included under either definition whenever he or she
16 finds after public hearing, that such additions or
17 subtractions are within the respective definitions:

18 (a) Prohibited noxious weed seeds are the
19 seeds of plants such as not only reproduce by seed but
20 may also spread by underground roots, stems, and other
21 reproductive parts and which, when well established, are
22 highly destructive and difficult to control in this
23 state by ordinary good cultural practice, as well as
24 certain weeds, specifically including field bindweed
1 (Convolvulus arvensis), leafy spurge (Euphorbia esula),
2 Canada thistle (Cirsium arvense), hoary cress (Cardaria
3 draba), Russian knapweed (Centaurea repens),
4 johnsongrass (Sorghum halepense), musk thistle (Carduus
5 nutans), plumeless thistle (Carduus acanthoides), Scotch
6 thistle (Onopordum acanthium), morning glory (Ipomoea
7 purpurea) when found in field crop seeds, skeleton-leaf

8 bursage (*Franseria discolor*), woollyleaf bursage
9 (*Franseria tomentosa*), and puncturevine (*Tribulus*
10 *terrestris*); and

11 (b) Restricted noxious weed seeds are the
12 seeds of such plants as are very objectionable in
13 fields, lawns, and gardens of this state, but can be
14 controlled by good cultural practices, and include
15 dodder (*Cuscuta* spp.), wild mustard (*Brassica* spp.),
16 dock (*Rumex* spp.), quackgrass (*Agropyron repens*),
17 pennycress (*Thlaspi arvense*), and horsenettle (*Solanum*
18 *carolinense*);

19 (7) Labeling shall include all labels and
20 other written, printed, or graphic representations, in
21 any form whatsoever, accompanying or pertaining to any
22 seed, whether in bulk or in containers, and includes
23 representations on invoices;

24 (8) Advertisement shall mean all
1 representations, other than those on the label,
2 disseminated in any manner or by any means relating to
3 seed, including farm grain represented as suitable for
4 seed, within the scope of the Nebraska Seed Law;

5 (9) Record shall include all information
6 relating to the shipment or shipments involved and
7 includes a file sample of each lot of seed;

8 (10) Stop sale shall mean an administrative
9 order, provided by law, restraining the sale, use,
10 disposition, and movement of a definite amount or lot of
11 seed;

12 (11) Seizure shall mean a legal process
13 carried out by court order against a definite amount or
14 lot of seed;

15 (12) Kind shall mean one or more related
16 species or subspecies which singly or collectively is
17 known by one common name, such as corn, oats, alfalfa,
18 and timothy;

19 (13) Variety shall mean a subdivision of a
20 kind characterized by growth, yield, plant, fruit, seed,
21 or other characteristics, by which it can be
22 differentiated from other plants of the same kind;

23 (14) Lot shall mean a definite quantity of
24 seed in bag or bulk identified by a lot number or other
1 mark, every portion of which is uniform within
2 recognized tolerances for the factors that appear in the
3 labeling;

4 (15) Hybrid shall mean the first generation

5 seed of a cross produced by controlling the pollination
6 and by combining (a) two or more inbred lines; (b) one
7 inbred or a single cross with an open-pollinated
8 variety; or (c) two selected clones, seed lines,
9 varieties, or species. The second generation and
10 subsequent generations from such crosses shall not be
11 regarded as hybrids. Hybrid designations shall be
12 treated as variety names;

13 (16) Pure seed, germination, and other seed
14 labeling and testing terms in common usage shall be
15 defined as in the current rules for seed testing
16 published by the Association of Official Seed Analysts,
17 except as provided by subdivision (2)(i) of section
18 81-2,147.02;

19 (17) Treated shall mean given an application
20 of a substance or subjected to a process designed to
21 reduce, control, or repel disease organisms, insects, or
22 other pests which attack seeds or seedlings growing
23 therefrom;

24 (18) A private hearing may consist of a
1 discussion of facts between the person charged and the
2 enforcement officer;

3 (19) Certifying agency shall mean (a) an
4 agency authorized under the laws of a state, territory,
5 or possession of the United States to officially certify
6 seed, or (b) an agency of a foreign country which is
7 determined by the United States Secretary of Agriculture
8 to adhere to procedure and standards for seed
9 certification comparable to those adhered to generally
10 by seed certifying agencies under subdivision (a) of
11 this subdivision;

12 (20) Hard seed shall mean seeds which remain
13 hard at the end of the prescribed test period because
14 they have not absorbed water due to an impermeable seed
15 coat;

16 (21) Dormant seed shall mean viable seeds,
17 other than hard seeds, which fail to germinate when
18 provided the specified germination conditions for the
19 kind of seed in question. Viability of ungerminated
20 seeds may be determined by any appropriate method or
21 combination of methods, such as a cutting test,
22 tetrazolium test, scarification, and application of
23 germination-promoting chemicals;

24 (22) Tetrazolium test shall mean a type of
1 test in which chemicals are used to produce differential

2 staining of strong, weak, and dead tissues, which is
3 indicative of the potential viability of seeds; ~~and~~

4 (23) Mixture shall mean seeds consisting of
5 more than one kind or variety, each present in excess of
6 five per cent of the whole; ~~and~~

7 (24) Gross annual dollar volume sales shall
8 mean the total annual dollar volume of all agricultural
9 seed sales, vegetable seed sales, or both, less all cash
10 discounts and commissions not subject to withholding
11 under section 3401 of the Internal Revenue Code."

12 2. On page 3, line 5, strike "2 and 3" and
13 insert "3 and 4".

14 3. On page 4, line 3, strike "seven dollars"
15 and insert "one dollar and fifty cents"; and strike
16 beginning with the underscored comma in line 10 through
17 "dollars" in line 12 and insert ". Any permit holder who
18 has less than five hundred thousand dollars of gross
19 annual dollar volume sales of agricultural seed,
20 vegetable seed, or both, shall not be required to pay
21 any inspection fee".

22 4. On page 5, line 10, after "submit" insert
23 "inspection".

24 5. On page 10, line 9, after "fee" insert an
1 underscored period and strike "of fifteen dollars.",
2 show as stricken, and insert "The registration fee shall
3 be determined based on the gross annual dollar volume
4 sales for the previous reporting year, using the
5 schedule provided in this subsection.

<u>Gross Annual Dollar Volume Sales</u>	<u>Registration Fee</u>
<u>In Dollars</u>	<u>In Dollars</u>
<u>Less than 100,000.00</u>	<u>30</u>
<u>100,000 to 499,999.99</u>	<u>100</u>
<u>500,000 to 999,999.99</u>	<u>200</u>
<u>1,000,000 to 1,999,999.99</u>	<u>500</u>
<u>2,000,000 to 4,999,999.99</u>	<u>1,000</u>
<u>5,000,000 to 9,999,999.99</u>	<u>2,500</u>
<u>10,000,000 or greater</u>	<u>4,000</u> ";

15 in line 20 after "both" insert an underscored comma and
16 strike "intended for lawn or turf purposes" and show as
17 stricken; and in line 23 strike "3" and insert "4".

18 6. On page 11, after line 20, insert the
19 following new subsection:

20 "(5) If a person required to have a seed
21 permit fails to submit the registration fees required by
22 this section by September 30 of each year, he or she

- 23 shall pay, in addition to the fees due, a penalty of ten
24 per cent per month of the fees due for each month or
1 portion of a month that the fees remain unpaid, except
2 that such penalty shall not exceed twenty per cent of
3 the total fees due.”; and in line 23 after the second
4 comma insert “81-2,147.01,”.
5 7. Renumber remaining sections accordingly.

Mr. Hefner asked unanimous consent to print the following amendment to LB 753 in the Journal. No objections. So ordered.

AM2234

- 1 1. On page 2, line 15, strike “seven” and
2 insert “two”; and in line 22 after the first “a” insert
3 “primary or”.
4 2. Insert the following new section:
5 “Sec. 3. Since an emergency exists, this act
6 shall be in full force and take effect, from and after
7 its passage and approval, according to law.”.

STANDING COMMITTEE REPORT Agriculture and Environment

LEGISLATIVE BILL 768. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal
and on file in the Clerk's Office - Room 1102 - AM2098.)

(Signed) Rod Johnson, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 899A. By R. Johnson, 34th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 899, Eighty-ninth Legislature, Second Session, 1986; and to declare an emergency.

STANDING COMMITTEE REPORTS Public Works

LEGISLATIVE BILL 807. Placed on General File.

(Signed) Loran Schmit, Chairperson

Education

LEGISLATIVE BILL 1090. Indefinitely postponed.

LEGISLATIVE BILL 1096. Indefinitely postponed.

LEGISLATIVE BILL 1133. Indefinitely postponed.

(Signed) Tom Vickers, Chairperson

GENERAL FILE

LEGISLATIVE BILL 701. Title read. Considered.

Standing Committee amendments, AM1682, found in the Journal on page 492 for the Twelfth Day were adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Withem withdrew his pending amendment, AM1682, found in the Journal on page 159.

Advanced to E & R for Review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 267. Title read. Considered.

Standing Committee amendment, AM1920, found in the Journal on page 627 for the Seventeenth Day was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 277. Title read. Considered.

Standing Committee amendments, AM1855, printed separate from the Journal and referred to on page 628 for the Seventeenth Day were considered.

Mr. Wesely offered the following amendment to the Standing Committee amendments:

AM2213

(Amendments to AM1855)

- 1 1. On page 3, line 3, strike "18" and insert
- 2 "19"; and in line 20 after "biennially" insert ", except
- 3 as provided in section 19 of this act.".

- 4 2. On page 4, line 3, strike "respiratory
5 care and"; and in line 6 after the first semicolon
6 insert "June, respiratory care,".
- 7 3. On page 13, line 8, strike "18" and insert
8 "19".
- 9 4. On page 18, lines 5, 17, and 21, strike
10 "February" and insert "June"; in lines 6, 17, and 22
11 strike "odd-numbered" and insert "even-numbered"; in
12 line 6 strike "1987" and insert "1988"; in line 14 after
13 "Nebraska" insert ", except as provided in section 19 of
14 this act"; and in line 20 after "period" insert "or the
15 period since the license was last issued".
- 16 5. On page 19, line 11, after "period" insert
17 ", or the period since the license was last issued,".
- 18 6. On page 21, line 4, strike "18" and insert
19 "19".
- 20 7. On page 22, line 1, strike "legally
1 qualified"; and in line 12 strike "and the responsible
2 medical director".
- 3 8. Insert the following new section:
4 "Sec. 19. After January 1, 1987, no person
5 shall engage in the practice of respiratory care unless
6 he or she is licensed pursuant to this act. Commencing
7 on June 1, 1988, licenses shall be renewed on June 1 of
8 each even-numbered year. The Department of Health, on
9 the recommendation of the board, shall set the initial
10 license fees and the biennial license renewal fees for
11 respiratory care practitioners pursuant to section
12 71-162. The Department of Health, on the recommendation
13 of the board, shall determine the continuing education
14 requirements for the period from January 1, 1987, to
15 June 1, 1988.".
- 16 9. Renumber the remaining section
17 accordingly.

The Wesely amendment was adopted with 11 ayes, 0 nays, 35 present and not voting, and 3 excused and not voting.

Mr. Withem offered the following amendment to the Standing Committee amendments:

AM2230

(Amendments to Standing Committee amendments)

- 1 1. On page 13, strike beginning with "the" in
2 line 23 through the comma in line 24.
3 2. On page 14, line 5, after "include" insert

- 4 "the administration of aerosol and inhalant medications
- 5 to the cardiorespiratory system and".

The Withem amendment was adopted with 14 ayes, 0 nays, 32 present and not voting, and 3 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 277A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 348.

Introduced by Morehead, 30th District.

WHEREAS, Laurie Tebbe of Beatrice has been named Mrs. Nebraska of 1986; and

WHEREAS, Laurie Tebbe will represent the State of Nebraska in the Mrs. America pageant in Las Vegas, Nevada; and

WHEREAS, Laurie Tebbe is the wife of Bob Tebbe and the mother of Brett and Ashton Tebbe.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That Laurie Tebbe be issued the congratulations and best wishes of the Legislature.
2. That a copy of this resolution be sent to Laurie Tebbe.

Laid over.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 300. Placed on Select File as amended.

E & R amendments to LB 300:

AM5256

1 1. In the Standing Committee amendments,
2 AM0708, adopted February 21, 1986, on page 9, line 24,
3 after "year" insert "and".

4 2. Because of the amendment of section
5 39-6,104 by Laws 1985, LB 94, section 1, of section
6 39-6,104.04 by Laws 1985, LB 94, section 2, of section
7 60-303 by Laws 1985, LB 94, section 3, of section
8 60-305.09 by Laws 1985, LB 94, section 4, of section
9 60-505 by Laws 1985, LB 94, section 5, and of section
10 60-507 by Laws 1985, LB 94, section 6:

11 (a)(i) Strike Standing Committee amendments 1,
12 2, 4, and 5; and

13 (ii) On page 9, strike beginning with the
14 semicolon in line 24 through the last quotation marks in
15 line 25; and

16 (b) Strike original sections 3, 4, 5, 8, 9,
17 13, and 15.

18 3. On page 1, line 2, strike "39-6,104,
19 39-6,104.04,"; in line 2 strike "60-303," and "60-505,
20 60-507,"; and strike beginning with "to" in line 7
21 through the semicolon in line 10.

1 4. On page 2, line 1, strike "to provide
2 operative dates;"

3 5. On page 3, line 11, strike both commas and
4 show as stricken.

5 6. On page 4, lines 18 and 19, strike the
6 comma and show as stricken.

7 7. On page 11, line 11, strike "must", show
8 as stricken, and insert "shall".

9 8. On page 12, line 26; and page 14, line 7,
10 strike the comma and show as stricken.

11 9. On page 17, line 20, strike "(i)" and
12 insert "(a)"; in line 21 strike "(ii)" and insert "(b)";
13 in line 22 strike "(iii)" and insert "(c)"; in line 23
14 strike "(iv)" and insert "(d)"; and in line 25 strike
15 "(v)" and insert "(e)".

16 10. On page 18, line 16, strike "(a)", show
17 as stricken, and insert "(i)"; and in line 19 strike
18 "(b)", show as stricken, and insert "(ii)".

19 11. On page 19, line 10, after "title" insert
20 an underscored comma.

21 12. On page 20, line 1, strike "60-303,".

LEGISLATIVE BILL 448. Placed on Select File as amended.
E & R amendments to LB 448:

AM5257

- 1 1. On page 1, line 1, strike "From" and
- 2 insert "from".
- 3 2. On page 2, line 4, strike "From" and
- 4 insert "from".

LEGISLATIVE BILL 504. Placed on Select File as amended.
E & R amendments to LB 504:

AM5254

- 1 1. Because of the amendment of section 28-416
- 2 by Laws 1985, LB 406, section 4:
- 3 (a) On page 1, line 4; page 2, line 2; and
- 4 page 7, line 3, strike "1984" and insert "1985"; and
- 5 (b) On page 4, strike lines 3 through 9; and
- 6 in line 10 strike "(9)" and insert "(8)".
- 7 2. On page 1, strike beginning with "to" in
- 8 line 5 through the semicolon in line 7.
- 9 3. On page 6, line 19, strike "sections
- 10 42-901 to 42-927", show as stricken, and insert "the
- 11 Protection from Domestic Abuse Act".

LEGISLATIVE BILL 433. Placed on Select File as amended.
E & R amendments to LB 433:

AM5258

- 1 1. On page 2, line 14, strike "Sections
- 2 71-5001 to 71-5014 are", show as stricken, and insert
- 3 "The Nebraska Comprehensive Community Mental Health
- 4 Services Act is"; and in line 25 after "that" insert an
- 5 underscored comma.
- 6 2. On page 3, lines 5 and 6, strike "sections
- 7 71-5001 to 71-5014", show as stricken, and insert "the
- 8 Nebraska Comprehensive Community Mental Health Services
- 9 Act"; in line 11 strike "provisions" through "71-50 14",
- 10 show as stricken, and insert "act"; in line 15 strike
- 11 the third comma and show as stricken; and in line 16
- 12 strike "provisions" through the comma, show as stricken,
- 13 and insert "act".
- 14 3. On page 5, lines 6 and 7, strike
- 15 "provisions" through "71-5014", show as stricken, and
- 16 insert "Nebraska Comprehensive Community Mental Health
- 17 Services Act".

(Signed) Timothy Hall, Chairperson

UNANIMOUS CONSENT - Announcement

Mr. Rupp asked unanimous consent for the Constitutional Revision and Recreation Committee to hold the public hearings on LR 311CA and LR 318CA for February 27, 1986; and on LB 1115, LB 1116, LB 1073, and LB 1189 for February 28, 1986 in Room 1517 rather than in Room 1019. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 438. Title read. Considered.

Standing Committee amendments, AM1938, found in the Journal on page 628 for the Seventeenth Day were adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 438A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 291. Title read. Considered.

Standing Committee amendments, AM1960, printed separate from the Journal and referred to on page 664 for the Nineteenth Day were adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Wesely offered the following amendment:
AM2211

- 1 1. In the Standing Committee Amendments:
- 2 a. On page 3, line 17, strike "13" and insert
- 3 "14";
- 4 b. On page 4, line 12, after "biennially"
- 5 insert "except as provided in section 14 of this
- 6 act"; in line 22 after "chiropractic" insert "1
- 7 ophthalmic dispensing"; and in lines 22 and 23 strike
- 8 "and ophthalmic dispensing";
- 9 c. On page 14, line 14, strike "13" and
- 10 insert "14"; and

- 11 d. On page 15, line 11, strike "1987" and
 12 insert "1986".
- 13 2. On page 8, lines 6, 13, and 22, strike
 14 "board" and insert "Department of Health".
- 15 3. Insert the following new section:
 16 "Sec. 14. After January 1, 1987, no person
 17 shall engage in the practice of ophthalmic dispensing
 18 unless he or she is licensed pursuant to sections 1 to
 19 14 of this act. Commencing on August 1, 1988, licenses
 20 shall be renewed on August 1 of each even-numbered year.
 21 The Department of Health, on the recommendation of the
 1 Board of Examiners in Ophthalmic Dispensing, shall set
 2 the initial license fees and the license renewal fees
 3 for ophthalmic dispensers pursuant to section 71-162.".

The Wesely amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Chronister offered the following amendment:

AM2205

- 1 1. On page 1, line 1, strike "4," and after
 2 the third comma insert "and"; and in line 2 strike "
 3 22, and 25".
- 4 2. On page 3, line 17, strike "13" and insert
 5 "16".
- 6 3. On page 7, line 20, after "member" insert
 7 an underscored comma and strike "; and" and show as
 8 stricken; and in line 21 after "person" insert ", and
 9 (g) in ophthalmic dispensing the board shall consist of
 10 six members, including one lay person".
- 11 4. On page 8, line 14, strike "two" and
 12 insert "three"; and in line 15 after "physician" insert
 13 "specializing in ophthalmology, one licensed
 14 optometrist".
- 15 5. On page 14, strike beginning with "2" in
 16 line 9 through the period in line 10; in line 14 strike
 17 "13" and insert "16"; and strike beginning with "strike"
 18 in line 18 through the semicolon in line 21.
- 19 6. On page 15, in line 6 after the semicolon
 20 insert "in line 9 strike '12' and insert '24';"; and
 21 strike beginning with "7" in line 8 through the period
 1 in line 9.
- 2 7. Insert the following new amendments:
 3 "4. On page 4, in lines 12, 17, and 20,
 4 strike '15' and insert '6'; and in line 13 strike '19'

5 and insert '9'.

6 5. On page 8, in lines 11 and 17, strike '16'
7 and insert '7'; and in lines 12 and 18 strike '12' and
8 insert '24'.

9 8. On page 12, line 3, strike '17' and insert
10 '8'; and in line 4 strike '6' and insert '5'.

11 9. On page 13, line 12, after 'optometrist'
12 insert ', pursuant to sections 71-1,133 to 71-1,136.08';
13 and in line 23, strike '20 and 23' and insert '10 and
14 13'.

15 8. Renumber remaining sections accordingly,
16 underscore the remaining original sections, and renumber
17 remaining amendments accordingly.

Mr. Pappas asked unanimous consent to be excused until he returns.
No objections. So ordered.

Mr. Chronister moved for a call of the house. The motion prevailed
with 6 ayes, 0 nays, and 43 not voting.

Mr. Chronister requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Baack	DeCamp	Morehead	Rupp	Vickers
Barrett	Haberman	Nichol	Schmit	Warner
Beyer	Hartnett	Pappas	Sieck	Withem
Chronister	Labedz	Remmers	Smith	

Voting in the negative, 10:

Hall	Hoagland	Lundy	Miller	Peterson
Hefner	Landis	Marsh	Nelson	Wesely

Present and not voting, 14:

Abboud	Conway	Hannibal	Johnson, R.	Rogers
Carsten	Eret	Harris	Johnson, V.	Scofield
Chizek	Goll	Johnson, L.	Pirsch	

Absent and not voting, 2:

Chambers Goodrich

Excused and not voting, 4:

Beutler Higgins Lamb Lynch

The Chronister amendment lost with 19 ayes, 10 nays, 14 present and not voting, 2 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Chronister moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Hall requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 21:

Baack	Chronister	Hall	Pirsch	Smith
Barrett	DeCamp	Harris	Rupp	Vickers
Beutler	Eret	Hartnett	Schmit	Warner
Beyer	Haberman	Labeledz	Sieck	Withem
Chizek				

Voting in the negative, 17:

Hefner	Johnson, V.	Miller	Nichol	Remmers
Hoagland	Landis	Morehead	Pappas	Scofield
Johnson, L.	Lundy	Nelson	Peterson	Wesely
Johnson, R.	Marsh			

Present and not voting, 7:

Abboud	Chambers	Goll	Hannibal	Rogers
Carsten	Conway			

Absent and not voting, 1:

Goodrich

Excused and not voting, 3:

Higgins Lamb Lynch

Failed to advance to E & R for Review with 21 ayes, 17 nays, 7 present and not voting, 1 absent and not voting, and 3 excused and not voting.

Messrs. Chizek, Pappas, Barrett, and Rogers asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 286. Title read. Considered.

Standing Committee amendments, AM1926, printed separate from the Journal and referred to on page 677 for the Twentieth Day were adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Beutler and Mrs. Labeledz asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Harris asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 286A. Title read. Considered.

Mr. Wesely offered the following amendment:

In line 2, strike "\$55,560" and insert "\$27,780"; in line 11, strike "\$33,644" and insert "\$16,822".

Insert the following new section:

Section 2. There is hereby appropriated \$27,780 from the General Fund for the period July 1, 1986, to June 30, 1987, to the Department of Health, for Program 178, to aid in carrying out the provisions of Legislative Bill 286, Eighty-ninth Legislature, Second Session, 1986.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed \$16,822 for the period July 1, 1986, to June 30, 1987.

Section 3. On or before June 30, 1987, the State Treasurer is hereby directed to transfer \$27,780 from the Bureau of Examining Boards' Cash Fund to the State General Fund to reimburse the General Fund for the appropriation provided for in Section 2 of this bill.

The Wesely amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

NOTICE OF COMMITTEE HEARING

Business and Labor

Agriculture-in-Transition Wednesday, March 5, 1986 1:00 P.M.
Program, Dept. of Labor (Budget Request Review)

(Signed) Bill Barrett, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 25, 1986, at 11:05 a.m., were the following bills: 258, 125, 374, 379, 483, 558, 640, 1012, 92, 298, 484, and 540.

(Signed) Pam Moravec, Enrolling Clerk

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 999 in the Journal. No objections. So ordered.

AM2239

- 1 1. Insert the following new section:
- 2 "Sec. 10. Nebraska citizens and entities
- 3 shall have standing in the district courts of this state
- 4 to seek enforcement of Article XII, section 8, of the
- 5 Nebraska Constitution. In any such enforcement action
- 6 if a violation of such constitutional provision is found
- 7 to exist, the court shall order the violator to
- 8 reimburse the person or entity which initiated the
- 9 proceedings for all reasonable costs and expenses of
- 10 such suit, including, but not limited to, attorney's
- 11 fees and appeal costs and expenses."
- 12 2. Renumber original section 10 as section
- 13 11.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 999 in the Journal. No objections. So ordered.

AM2240

- 1 1. Strike the original sections and insert
- 2 the following new section:
- 3 "Section 1. Nebraska citizens and entities
- 4 shall have standing in the district courts of this state
- 5 to seek enforcement of Article XII, section 8, of the
- 6 Nebraska Constitution. In any such enforcement action,

7 if a violation of such constitutional provision is found
8 to exist, the court shall order the violator to
9 reimburse the person or entity which initiated the
10 proceedings for all reasonable costs and expenses of
11 such suit, including, but not limited to, attorney's
12 fees and appeal costs and expenses."

Mr. Hefner asked unanimous consent to print the following amendment to LB 911 in the Journal. No objections. So ordered.

AM2238

(Amendments to AM2190)

- 1 1. On page 5, line 20, after "act" insert ";
- 2 and in line 13 strike 'sufficient grounds' and insert
- 3 'binding on the commission'".

Mr. DeCamp asked unanimous consent to print the following amendment to LB 325 in the Journal. No objections. So ordered.

AM2241

- 1 1. On page 4, line 16, strike "and", show as
- 2 stricken, and insert an underscored comma; in line 19
- 3 after "system" insert ", and (3) members of the
- 4 Legislature on and after the operative date of this
- 5 act"; and in line 21 after "to" insert "subdivision (2)
- 6 of".
- 7 2. Insert the following new sections:
- 8 "Section 1. The Legislature hereby finds and
- 9 declares:
- 10 (1) That the inherent power of the Legislature
- 11 to construe the Constitution of Nebraska does not run
- 12 afoul of the separation of powers doctrine;
- 13 (2) That legislative construction of doubtful
- 14 constitutional provisions is to be accorded great weight
- 15 by the courts;
- 16 (3) That the Constitution of Nebraska, by
- 17 expressly providing for the legislative branch of
- 18 government, implies the powers and the duty to provide
- 19 the means, accessories, and instrumentalities to carry
- 20 into effect the purposes for which the Legislature was
- 21 created;
- 1 (4) That the Legislature has reviewed the
- 2 history of Article III, section 7, of the Constitution
- 3 of Nebraska and finds no evidence that the framers of
- 4 the constitution intended to prohibit a retirement plan

5 for former members of the Legislature:

6 (5) That a system of retirement benefits for
7 qualified former members of the Legislature is not
8 within the meaning of pay or perquisites as found in
9 Article III, section 7, of the Constitution of Nebraska;

10 (6) That constitutional limitations on pay or
11 perquisites do not apply to pension programs;

12 (7) That pension benefits are things SUI
13 GENERIS and were not contemplated within the
14 constitutional structure in 1934 when Article III,
15 section 7, of the Constitution of Nebraska was amended;
16 and

17 (8) That the Constitution of Nebraska is
18 construed to allow retirement benefits to qualified
19 former members of the Legislature without contravening
20 any constitutional provision as to pay, perquisite, or
21 compensation.

22 Sec. 11. That section 84-1309, Revised
23 Statutes Supplement, 1984, be amended to read as
24 follows:

1 84-1309. (1) There is hereby established in
2 the state treasury a special fund to be known as the
3 State Employees Retirement Fund to consist of such funds
4 as the Legislature shall from time to time appropriate.
5 The Director of Administrative Services shall credit an
6 amount each month to the State Employees Retirement Fund
7 equal to one hundred fifty-six per cent of the amounts
8 deducted, in accordance with section 84-1308, from
9 salaries of employees who are paid from funds
10 appropriated from the General Fund.

11 (2) The Director of Administrative Services
12 shall credit an amount each month to the State Employees
13 Retirement Fund from the funds of each department with
14 at least one employee who is a member of the retirement
15 system for a sum equal to one hundred fifty-six per cent
16 of the amounts deducted, in accordance with section
17 84-1308, from salaries of employees who are paid from
18 any funds other than funds appropriated from the General
19 Fund.

20 (3) The Director of Administrative Services
21 shall credit an amount each month to the State Employees
22 Retirement Fund for prior service benefits. After
23 receiving the annual report required by section 84-1315,
24 the Legislature may make such adjustments in the funding
1 of prior service benefits as necessary to keep the plan

2 sound. The contribution for prior service purposes
3 shall cease when the prior service obligation is
4 properly funded.

5 (4) The Director of Administrative Services
6 shall, after the operative date of this act, transfer an
7 amount equal to one hundred fifty dollars each month
8 from appropriations made to the Legislative Council to
9 the State Employees Retirement Fund on behalf of each
10 member of the Legislature.

11 All such sums shall be credited to an employer
12 account which is created for each legislator. All sums
13 credited to the employer account, along with interest
14 thereon, shall be invested, administered, and in all
15 ways treated as an employer account which would be
16 maintained for other members of the retirement system
17 according to section 84-1311.

18 (4) (5) The State Treasurer shall transmit
19 monthly to the board a detailed statement showing all
20 credits to and disbursements from the fund. He or she
21 shall disburse money from the fund only on warrants
22 issued by the Director of Administrative Services upon
23 vouchers signed by a person authorized by the board.

24 Sec. 12. That section 84-1311, Revised
1 Statutes Supplement, 1984, be amended to read as
2 follows:

3 84-1311. A member's share of the fund arising
4 from the state contributions made in accordance with
5 section 84-1309 shall be known as his or her employer
6 account. Prior to January 1, 1981, as of any January 1
7 a member's employer account shall be equal to his or her
8 account as of the next preceding January 1, increased by
9 one hundred four per cent of any amounts deducted from
10 the member's salary since the next preceding January 1
11 in accordance with section 84-1308. As of January 1,
12 1982, a member's employer account shall be equal to the
13 account as of January 1, 1981, increased by one hundred
14 four per cent of the amounts deducted from the member's
15 salary for the first nine months of the year and one
16 hundred fifty-six per cent of the amount so deducted for
17 the final three months of the year in accordance with
18 section 84-1308. As of January 1, 1983, and each year
19 thereafter, the member's employer account shall be equal
20 to the account as of the next preceding January 1
21 increased by one hundred fifty-six per cent of any
22 amounts deducted from the member's salary since the next

23 preceding January 1 in accordance with section 84-1308.
24 As of the operative date of this act, each member of the
1 retirement system who is a member of the Legislature
2 shall have an employer account to which is credited a
3 sum of one hundred fifty dollars per month. The
4 member's employer account shall be increased by any
5 interest allocated under the provisions of the
6 guaranteed investment contract and reduced by any
7 expense charges made under the provisions of the
8 guaranteed investment contract and by any expense
9 charges incurred by the Public Employees Retirement
10 Board in connection with administering the system in
11 excess of those provided for in section 84-1321, except
12 that a member who ceased being an employee since the
13 next preceding January 1 may have his or her employer
14 account reduced in accordance with ~~the provisions of~~
15 section 84-1321.

16 Sec. 13. That section 84-1312, Reissue
17 Revised Statutes of Nebraska, 1943, be amended to read
18 as follows:

19 84-1312. (1) As of January 1, 1964, a prior
20 service annuity shall be computed for all employees who
21 have been employees continuously since December 1, 1958,
22 who were born prior to December 1, 1923, and who had not
23 attained age sixty when continuous employment began.
24 Such prior service annuity shall be equal to the number
1 of years of creditable prior service multiplied by one
2 half of one per cent of the employee's monthly salary as
3 of March 1, 1963.

4 The number of years of creditable prior
5 service shall be one-twelfth of the number of completed
6 months of continuous prior service, except that the
7 number of completed months shall not include any of the
8 following:

9 (1) (a) The first sixty months of continuous
10 prior service;

11 (2) (b) Service before the fortieth birthday;
12 or

13 (3) (c) Service after the sixty-fifth
14 birthday.

15 (2) A prior service annuity shall be computed
16 for all members of the Legislature who become members of
17 the system on the operative date of this act. Such
18 prior service annuity, which shall be paid monthly,
19 shall be calculated by multiplying the number of years

20 of prior service by forty dollars. Prior service shall,
21 for purposes of this subsection, mean years of service
22 in the Legislature prior to the operative date of this
23 act.

24 Sec. 14. That section 84-1318, Reissue
1 Revised Statutes of Nebraska, 1943, be amended to read
2 as follows:

3 84-1318. The retirement value for any
4 employee who retires under ~~the provisions of section~~
5 84-1317 shall be the sum of the employee's employee
6 account and employer account as of the retirement date.
7 The retirement value for a member of the Legislature
8 shall consist solely of the employer account as of the
9 retirement date.

10 Sec. 20. If any section in this act or any
11 part of any section shall be declared invalid or
12 unconstitutional, such declaration shall not affect the
13 validity or constitutionality of the remaining portions
14 thereof."

15 3. On page 12, line 16, after "81-1325,"
16 insert "84-1312, 84-1318,"; and in line 17 after
17 "84-1307," insert "84-1309, 84-1311,".

18 4. Renumber the remaining sections
19 accordingly.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 579A. By Scofield, 49th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 579, Eighty-ninth Legislature, Second Session, 1986.

STANDING COMMITTEE REPORTS Government, Military and Veterans Affairs

LEGISLATIVE BILL 1074. Placed on General File as amended.
Standing Committee amendments to LB 1074:
AM2223

1 1. On page 2, line 6, after "page" insert "or
2 use the back side of a page"; in line 8 strike "an" and
3 insert "the" and strike "reasonably related to the" and
4 insert "established by section 33-109 for the recording

- 5 of an instrument.”; and strike line 9.
6 2. Insert the following new section:
7 “Sec. 2. This act shall become operative on
8 January 1, 1987.”.

LEGISLATIVE BILL 1244. Placed on General File as amended.
Standing Committee amendments to LB 1244:

AM2180

- 1 1. Strike original sections 1 through 10 and
2 insert the following new sections:
3 “Section 1. Sections 1 to 12 of this act
4 shall be known and may be cited as the Intergovernmental
5 Data Communications Act.
6 Sec. 2. The Legislature finds and declares
7 that:
8 (1) The collection, storage, and transfer of
9 information between the state, its agencies, and its
10 political subdivisions is essential to the efficient
11 operation of state and local government;
12 (2) The collection, storage, and transfer of
13 information may be best achieved using advanced data
14 processing and communications capabilities;
15 (3) The potential for data transfer within the
16 state is underdeveloped due to a lack of overall
17 planning, system design, and input into program
18 development, especially as that development affects the
19 transfer of information between state agencies and
20 between the state and its political subdivisions;
21 (4) Proper program design begins not with the
1 implementation of data processing activities, but with
2 the overall design of data processing and communications
3 systems, including a measure of the impact of program
4 implementation upon all state agencies and political
5 subdivisions; and
6 (5) The design of a state-wide system for the
7 collection, storage, and transfer of data requires input
8 from all affected, or potentially affected, state
9 agencies or political subdivisions.
10 Sec. 3. As used in the Intergovernmental Data
11 Communications Act, unless the context otherwise
12 requires:
13 (1) Council shall mean the Intergovernmental
14 Data Communications Advisory Council;
15 (2) Intergovernmental data communications
16 project or project shall mean all projects in which

17 information can be exchanged electronically between
18 political subdivisions of the state and between
19 governmental subdivisions and state agencies; and
20 (3) Multijurisdictional data processing shall
21 mean projects identified by state or local governments
22 for development on data processing systems which gather
23 data that can be used by other state or local
24 governments to aid in carrying out their statutory or
1 administrative duties.

2 Sec. 4. There is hereby created the
3 Intergovernmental Data Communications Advisory Council.

4 The council shall consist of six members as
5 follows:

6 (1) One person shall be a representative of
7 the central data processing division of the Department
8 of Administrative Services;

9 (2) One person shall be appointed by the
10 Governor as a representative of state government;

11 (3) One person shall be appointed by the
12 Executive Board of the Legislature from the Research
13 Division of the Legislature as a representative of the
14 Legislature;

15 (4) One person shall be appointed by the Chief
16 Justice of the Supreme Court as a representative of the
17 court system;

18 (5) One elected county official shall be
19 appointed by the Governor as a representative of county
20 government; and

21 (6) One elected municipal official shall be
22 appointed by the Governor as a representative of
23 municipal government.

24 Sec. 5. The term of office of the members of
1 the council shall be two years. Vacancies on the
2 council shall be filled in the same manner as the
3 initial appointments. Three consecutive absences from
4 the meetings of the council shall be considered a
5 vacancy. The appointments to the council shall be made
6 within thirty days following the effective date of this
7 act, and thereafter, appointments shall be made no later
8 than thirty days prior to the expiration date of the
9 term of office.

10 Sec. 6. The representative from the central
11 data processing division shall call the first meeting
12 within forty-five days after the effective date of this
13 act. At the first meeting, the council shall elect a

14 chairperson and a vice-chairperson who shall serve for
15 one year. The council shall meet at least four times
16 annually at the call of the chairperson or a majority of
17 the members of the council. All meetings shall be open
18 to the public.

19 Sec. 7. The purpose of the council is to (1)
20 assure the efficient collection, use, and exchange of
21 information between state agencies and between state
22 agencies and political subdivisions, (2) study and make
23 recommendations on the design of the data processing and
24 communications needs of the state and its political
1 subdivisions, (3) make recommendations of program design
2 which would enhance data transfer between state agencies
3 and between the state and its political subdivisions,
4 and (4) coordinate the implementation of data processing
5 applications involving multijurisdictional data
6 processing development.

7 Sec. 8. The council shall: (1) Develop and
8 publish one and five-year plans, specifications, and
9 recommendations for the data processing needs of the
10 state and for a network to provide for intergovernmental
11 transfer of data; (2) seek to eliminate duplication of
12 effort through coordination of related data processing
13 projects; (3) promote flexibility in the collection,
14 use, and exchange of information in anticipation of
15 future needs of the state and its political
16 subdivisions; (4) identify and recommend data processing
17 applications in anticipation of the future needs of
18 state and its political subdivisions; (5) promote
19 intergovernmental exchanges of data and technical
20 expertise; and (6) receive, study, and make
21 recommendations, including a cost benefit analysis, of
22 proposed data processing applications which involve
23 intergovernmental transfer of information or
24 multijurisdictional data processing development in an
1 electronic medium.

2 Sec. 9. The council shall have the power to
3 appoint representatives of state agencies and political
4 subdivisions which are affected by a proposed data
5 processing project to serve as developmental
6 subcommittees of the council on any data processing
7 project. Such subcommittees shall be temporary in
8 nature and shall serve to advise, design, and implement
9 specific data processing projects.

10 Subcommittee members of the council shall

11 serve only on such proposed projects affecting their
12 agency or political subdivision and only for the period
13 of time from the inception of the project until it is
14 operational or deemed terminated by the council.

15 Sec. 10. Members of the council or
16 subcommittees of the council shall receive no
17 compensation but may be reimbursed for actual and
18 necessary expenses incurred in the performance of their
19 duties as provided in sections 84-306.01 to 84-306.05
20 for state employees.

21 Sec. 11. The council shall have the power to
22 review any data processing project which appears to have
23 a potential impact upon intergovernmental data transfer.
24 The council may make recommendations concerning the use
1 of data collected and stored in an electronic medium if
2 such data is deemed to have the potential for
3 intergovernmental data transfer and which the council
4 deems to have a positive cost to benefit relationship.

5 Sec. 12. Any state agency, political
6 subdivision, or officer or employee thereof, including a
7 member of the council, which has identified or is
8 considering the development of a data processing project
9 which may result in a more efficient use of collected,
10 stored, or communicated data in an electronic medium
11 through intergovernmental data transfer may submit an
12 application to the council for the purpose of commencing
13 a study on the project's feasibility. Such application
14 shall state the nature of information sought to be
15 exchanged and the state agencies or political
16 subdivisions which might make effective use of the data
17 or which would be impacted if the project were
18 undertaken. The council shall review each application
19 and approve or deny the proposed project for study. If
20 approved, the council shall oversee the progress of the
21 study as it deems necessary. The completed study shall
22 be presented to the council. The council shall either
23 approve the study for implementation, recommend
24 additional study, require modification prior to
1 implementation, request additional funding to expand any
2 existing program if such expansion would bring such
3 program into compliance with the long-term objectives
4 set forth by the council, or recommend termination of
5 the project.

6 Sec. 13. The council shall, at least
7 annually, set forth its recommendations to the Governor.

8 the Legislature, and the Supreme Court. The council
9 shall distribute its recommendations, at least annually,
10 to state agencies and political subdivisions.”.

11 2. On page 11, line 25, strike “2” and insert
12 “3”.

13 3. Renumber remaining sections accordingly.

(Signed) David Landis, Chairperson

Constitutional Revision and Recreation

LEGISLATIVE RESOLUTION 322CA. Placed on General File.

(Signed) Lee Rupp, Chairperson

Judiciary

LEGISLATIVE BILL 919. Indefinitely postponed.

LEGISLATIVE BILL 974. Indefinitely postponed.

LEGISLATIVE BILL 987. Indefinitely postponed.

(Signed) Peter Hoagland, Chairperson

GENERAL FILE

LEGISLATIVE BILL 355. Title read. Considered.

Standing Committee amendments, AM1983, printed separate from the Journal and referred to on page 677 for the Twentieth Day were considered.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

Mr. Goll renewed his pending amendment, AM2199, found in the Journal on page 946 to the Standing Committee amendments.

The Goll amendment was adopted with 17 ayes, 0 nays, 21 present and not voting, and 11 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Chronister asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 355A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 579. Title read. Considered.

Standing Committee amendments, AM2187, printed separate from the Journal and referred to on page 926 for the Twenty-Ninth Day were adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

VISITORS

Visitors to the Chamber were Tonya Benda from Alliance, Sharon Lenz from Hyannis, and Rene Thunker from Elgin; Gregg Mitchell and Gordon Keeler from Hastings; Senator Chronister's daughter, Mrs. Chris Wisnieski; Leo Schutte from Hartington; and Senator Miller's sister, Jane Kotsiopulos from Kearney.

ADJOURNMENT

At 12:15 p.m., on a motion by Mr. Hannibal, the Legislature adjourned until 9:00 a.m., Wednesday, February 26, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SECOND DAY - FEBRUARY 26, 1986

LEGISLATIVE JOURNAL

THIRTY-SECOND DAY - FEBRUARY 26, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

THIRTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 26, 1986

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

PRESIDENT MCGINLEY PRESIDING

ROLL CALL

The roll was called and all members were present except Messrs. V. Johnson, Lamb, and Mrs. Higgins who were excused; and Messrs. Beutler, Chambers, Hall, Hannibal, R. Johnson, Landis, Lynch, Schmit, Warner, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-First Day was approved.

**STANDING COMMITTEE REPORTS
Nebraska Retirement Systems**

LEGISLATIVE BILL 1048. Placed on General File.
LEGISLATIVE BILL 1140. Placed on General File.

LEGISLATIVE BILL 311. Placed on General File as amended.
Standing Committee amendment to LB 311:
AM2224

- 1 1. Strike the original sections and insert

2 the following new sections:

3 "Section 1. (1) The Public Employees
4 Retirement Board shall establish a comprehensive
5 preretirement planning program for state patrol
6 officers, state employees, judges, county employees, and
7 school employees who are members of the retirement
8 systems established pursuant to Chapter 23, article 23,
9 Chapter 24, article 7, Chapter 79, articles 10 and 15,
10 Chapter 81, article 20, and Chapter 84, article 13. The
11 program shall provide information and advice regarding
12 the many changes employees face upon retirement
13 including, but not limited to, changes in physical and
14 mental health, housing, family life, leisure activity,
15 and retirement income.

16 (2) The preretirement planning program shall
17 be available to all employees who have attained the age
18 of fifty or are within five years of qualifying for
19 retirement or early retirement under their retirement
20 systems.

21 (3) The preretirement planning program shall
1 include information on the federal and state income tax
2 consequences of the various annuity or retirement
3 benefit options available to the employee, social
4 security benefits, information on various local, state,
5 and federal government programs and programs in the
6 private sector designed to assist elderly persons, and
7 information and advice the board deems valuable in
8 assisting public employees in the transition from public
9 employment to retirement.

10 (4) The board shall work with the Department
11 on Aging, Department of Personnel, employee groups, and
12 any other governmental agency, including political
13 subdivisions or bodies whose services or expertise may
14 enhance the development or implementation of the
15 preretirement planning program.

16 (5) Funding to cover the expense of the
17 preretirement planning program shall be charged back to
18 each retirement fund on a pro rata share based on the
19 number of employees in each plan.

20 (6) Leave with pay shall be provided by the
21 employer to each employee qualified and registered to
22 attend a preretirement planning program. An employee
23 eligible to attend such a program shall not be entitled
24 to attend more than one preretirement planning program
1 per fiscal year prior to actual election of retirement.

2 (7) A nominal registration fee shall be
3 charged each person attending a preretirement planning
4 program to cover the costs for meals, meeting rooms, or
5 other expenses incurred under such program.

6 Sec. 2. That section 23-2312, Revised
7 Statutes Supplement, 1985, be amended to read as
8 follows:

9 23-2312. The carrier shall keep a complete
10 record of all members with respect to names, ages,
11 contributions, and any such other facts as may be
12 necessary in the administration of the County Employees
13 Retirement Act. For the purpose of obtaining such
14 facts, the board and the carrier shall have access to
15 the records of the various counties. A certified copy of
16 a birth certificate or delayed birth certificate shall
17 be prima facie evidence of the age of the person named
18 therein.

19 Sec. 3. The Public Employees Retirement
20 Board, for purposes of administering the various
21 retirement systems under its jurisdiction, shall have
22 access to records maintained by the Department of
23 Administrative Services on the Nebraska employees
24 information system data base for the purpose of securing
1 names, social security numbers, addresses, ages, salary
2 records, and employment dates.

3 Sec. 4. That original section 23-2312,
4 Revised Statutes Supplement, 1985, is repealed.”

(Signed) Bill Harris, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Labeledz asked unanimous consent to print the following amendment to LR 347 in the Journal. No objections. So ordered.

AM2261

1 1. Strike all original provisions and insert
2 the following:
3 “WHEREAS, in the past thirteen years in the
4 United States over seventeen million pre-born children
5 have been destroyed through legalized abortion in
6 medical facilities specializing in elective abortion;
7 and

8 WHEREAS, such abortion centers in Nebraska are
9 the sites of regular demonstrations in which peaceful

10 pro-life advocates attempt to protect human life and
11 provide women with alternatives to abortion; and

12 WHEREAS, such demonstrations are comprised of
13 professionals, students, homemakers, priests, pastors,
14 and others who are genuinely committed to peacefully
15 pursuing the protest of abortion; and

16 WHEREAS, such persons also engage in offering
17 women involved in problem pregnancies the necessary
18 medical and financial assistance to help them carry
19 their children to term; and

20 WHEREAS, these activities, being peaceful and
21 legal, are in every way expressions of the protected
1 constitutional rights of free speech and free assembly;
2 and

3 WHEREAS, women have testified to the genuine,
4 practical assistance given them by the pro-life
5 advocates engaged in such demonstrations; and

6 WHEREAS, women who have been exploited by
7 abortion have expressed great sorrow and anguish that
8 such alternatives were not offered to them by the
9 abortionists; and

10 WHEREAS, police officials testify to the
11 peaceful nature of pro-life demonstrations, including
12 the activities of pro-life advocates outside the
13 abortion centers.

14 NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS
15 OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND
16 SESSION:

17 1. That the Legislature acknowledges the
18 people's constitutional right to free speech and
19 peaceful assembly.

20 2. That the Legislature strongly condemns the
21 violence perpetrated through abortion against the most
22 innocent and defenseless members of the human community.

23 3. That the Legislature applauds the peaceful
24 nature which has marked the pro-life movement in
1 Nebraska.

2 4. That the Legislature strongly condemns any
3 form of violence being used against both human beings
4 and property.”.

RESOLUTION

LEGISLATIVE RESOLUTION 348. Read. Considered.

LR 348 was adopted with 26 ayes, 0 nays, and 23 not voting.

MOTION - Approve Appointments

Mr. Beyer moved the adoption of the report of the Public Works Committee for the following Governor appointments found in the Journal on page 947: P. J. Morgan - Motor Vehicle Industry Licensing Board; Donald Ramer - Motor Vehicle Industry Licensing Board.

Voting in the affirmative, 27:

Abboud	DeCamp	Hoagland	Nichol	Sieck
Baack	Eret	Johnson, L.	Pirsch	Smith
Beyer	Goll	Marsh	Remmers	Vickers
Carsten	Goodrich	Morehead	Rogers	Wesely
Chronister	Haberman	Nelson	Rupp	Withem
Conway	Hefner			

Voting in the negative, 0.

Present and not voting, 8:

Barrett	Harris	Lundy	Pappas	Peterson
Chizek	Labadz	Miller		

Excused and not voting, 14:

Beutler	Hannibal	Johnson, R.	Landis	Scofield
Chambers	Hartnett	Johnson, V.	Lynch	Warner
Hall	Higgins	Lamb	Schmit	

These appointments were confirmed with 27 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

GENERAL FILE**LEGISLATIVE BILL 572A.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 575A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 757A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 774A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 795A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 1036A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 1037A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1049A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1051A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

NOTICE OF COMMITTEE HEARING
Public Works

Governor Appointments Thursday, March 6, 1986 12:00 noon
Bruce H. Kendall - Power Review Board
Martha Gilliland - Power Review Board

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 243. Title read. Considered.

Standing Committee amendments, AM1987, printed separate from the Journal and referred to on page 664 for the Nineteenth Day were considered.

Mr. Wesely renewed his pending amendment, AM2212, found in the Journal on page 966 to the Standing Committee amendments.

The Wesely amendment was adopted with 17 ayes, 0 nays, 24 present and not voting, and 8 excused and not voting.

Messrs. Withem and L. Johnson offered the following amendment to the Standing Committee amendments:

AM2263

(Amendments to Standing Committee amendments)

- 1 1. On page 9, line 12, strike "or"; and in
- 2 line 17 strike the period and insert the following: ";
- 3 or
- 4 (9) Any person from offering weight control
- 5 classes and services if (a) the classes and services
- 6 have been developed with the assistance of and approved
- 7 by a dietitian or a physician, who are licensed to
- 8 practice in this state, and (b) the classes and services
- 9 are provided in accordance with the program developed
- 10 and approved by the dietitian or physician."

The Withem-L. Johnson amendment was adopted with 24 ayes, 0 nays, 17 present and not voting, and 8 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion lost with 19 ayes, 9 nays, and 21 not voting.

Mr. Pappas moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Advanced to E & R for Review with 27 ayes, 11 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 243A. Title read. Considered.

Mr. Wesely offered the following amendment:

In line 2, strike "\$39,932" and insert "\$19,966"; in line 11, strike "\$21,028" and insert "\$10,514".

Insert the following new section:

Section 2. There is hereby appropriated \$19,966 from the General Fund for the period July 1, 1986 to June 30, 1987, to the Department of Health, for Program 178, to aid in carrying out the provisions of Legislative Bill 243, Eighty-ninth Legislature, Second Session, 1986.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed \$10,514 for the period July 1, 1986, to June 30, 1987.

Section 3. On or before June 30, 1987, the State Treasurer is hereby directed to transfer \$19,966 from the Bureau of Examining Boards' Cash Fund to the State General Fund to reimburse the General Fund for the appropriation provided for in Section 2 of this bill.

The Wesely amendment was adopted with 27 ayes, 1 nay, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 25 ayes, 1 nay, 19 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Hannibal asked unanimous consent to print the following amendment to LB 243 in the Journal. No objections. So ordered.

AM2221

(Amendments to AM1987)

1. On page 1, line 6, after "Dietetics"
insert "and Nutrition"; in line 12 strike beginning with
"by" through "Education"; after line 13 insert the
following new subdivision:
"(4) Department shall mean the Department of
Health"; in line 14 strike "(4)" and insert "(5)"; in
lines 14 and 17 after "Dietetics" insert "and
nutrition"; in line 19 strike "(5)" and insert "(6)" and
after "Dietician" insert "or nutritionist"; and in line
21 strike "(6)" and insert "(7)".
2. On page 2, lines 2 and 18, after
"dietetics" insert "and nutrition services".
3. On page 3, line 10, before "the" insert
"(1)"; in line 13 strike "(1)" and insert "(a)"; in line
15 strike "(2)" and insert "(b)"; in line 20 strike
"(3)" and insert "(c)"; and in line 23 strike "(4)" and
insert "(d)".
4. On page 4, after line 1 insert the
following new subsection:
"(2) The department shall issue a license to
each applicant for licensure as a nutritionist who
furnishes evidence that he or she:
(a) Has attained the age of legal majority and
is of good moral standing; and
(b)(i) Meets the requirements of subsection
(1) of this section;
(ii) Has received a master's or doctorate
degree in human nutrition, nutrition education, foods
and nutrition, or public health nutrition from an
accredited college or university or a master's or
doctorate degree in a related field that meets
eligibility requirements of the commission;
(iii) Maintains membership in one of the
following organizations: (A) American Institute of
Nutrition; (B) American Society of Clinical Nutrition;
(C) the American Board of Nutrition; or (D) the American
College of Nutrition; or
(iv) Otherwise furnishes proof of bona fide
credentials as a nutritionist accepted by the department
in consultation with the board."; and in line 16 after
"dietician" insert "or nutritionist".
5. On page 5, lines 2, 3, and 13 after

- 23 "dietician" insert "or nutritionist".
 24 6. On page 6, line 12, after "dietetics"
 1 insert "and nutrition services".
 2 7. On page 8, line 1, strike "dietetic".
 3 8. On page 9, line 6, strike "food" and
 4 insert "weight loss programs or sells nutritional"; in
 5 line 9 after "such" insert "programs or"; in line 14
 6 after "information" insert "or literature"; and in line
 7 21 after "Dietitions" insert "and Nutritionists".
 8 9. On page 10, lines 1 and 4, after
 9 "dietetics" insert "and nutrition services"; in line 2
 10 after "Dietitions" insert "and Nutritionists"; and in
 11 line 21 after "dietetics" insert "and nutrition".
 12 10. On page 12, line 19, after "dietetics"
 13 insert "and nutrition services".
 14 11. On page 13, line 13, after "dietetics"
 15 insert "and nutrition".
 16 12. On page 15, line 18, after "dietetics"
 17 insert "and nutrition"; and in line 19 after "Dietetics"
 18 insert "and Nutrition".
 19 13. On page 17, line 5, after "Dietetics"
 20 insert "and Nutrition", strike "three" and insert "two",
 21 and after "dietitions" insert "one nutritionist"; in
 22 line 6 after "dietitions" insert "and nutritionist"; in
 23 line 8 after "dietetics" insert "and nutrition
 24 services"; and in line 11 after "dietition" insert "or
 1 nutritionist".
 2 14. On page 20, lines 1 and 18, after
 3 "dietetics" insert "and nutrition services"; and in line
 4 2 after "Dietetics" insert "and Nutrition".

RESOLUTIONS

LEGISLATIVE RESOLUTION 349.

Introduced by Scofield, 49th District; Nichol, 48th District.

WHEREAS, the Crawford wrestling team completed an outstanding season; and

WHEREAS, the Crawford wrestling team captured the Class D championship; and

WHEREAS, the winning of such a championship is a demonstration of the willingness to endure the hard work and struggle associated with significant accomplishments; and

WHEREAS, such outstanding achievements are deserving of special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature extend their congratulations and best wishes to the members of the Crawford High School wrestling team and their coach, Joe Yauney.

2. That a copy of this resolution be sent to coach Joe Yauney.

Laid over.

LEGISLATIVE RESOLUTION 350.

Introduced by Scofield, 49th District; Nichol, 48th District.

WHEREAS, the Gering wrestling team completed an outstanding season; and

WHEREAS, the Gering wrestling team captured the Class B championship; and

WHEREAS, the winning of such a championship is a demonstration of the willingness to endure the hard work and struggle associated with significant accomplishments; and

WHEREAS, such outstanding achievements are deserving of special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature extend their congratulations and best wishes to the members of the Gering High School wrestling team and their coach, Chuck Deter.

2. That a copy of this resolution be sent to coach Chuck Deter.

Laid over.

LEGISLATIVE RESOLUTION 351.

Introduced by Scofield, 49th District; Nichol, 48th District.

WHEREAS, the Alliance wrestling team completed an outstanding season; and

WHEREAS, the Alliance wrestling team captured the Class A championship; and

WHEREAS, the winning of such a championship is a demonstration of the willingness to endure the hard work and struggle associated with significant accomplishments; and

WHEREAS, such outstanding achievements are deserving of special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature extend their congratulations and best wishes to the members of the Alliance High School wrestling team and their coach, Pat Cullen.

2. That a copy of this resolution be sent to coach Pat Cullen.

Laid over.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 1005. Placed on General File.

(Signed) John W. DeCamp, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the following Governor appointments.

Public Works

Bruce H. Kendall - Power Review Board
Martha W. Gilliland - Power Review Board

(Signed) Chris Beutler, Chairperson
Legislative Council
Executive Board

GENERAL FILE

LEGISLATIVE BILL 839. Title read. Considered.

Standing Committee amendments, AM2134, printed separate from the Journal and referred to on page 903 for the Twenty-Eighth Day were considered.

Messrs. Landis, Vickers, and Hall asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Haberman and Nichol requested a division of the question on the Standing Committee amendments.

The Chair sustained the division of the question.

The first Standing Committee amendment is all of the Standing Committee amendment except number 5, page 3, line 4 through line 14 on page 5; and number 10, page 7, line 23 through line 6 on page 8.

The first Standing Committee amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

The second Standing Committee amendment is number 5, page 3, line 4 through line 14 on page 5.

Mr. Hartnett moved the previous question. The question is, "Shall the debate now close?"

Mrs. Marsh moved for a call of the house. The motion prevailed with 7 ayes, 1 nay, and 41 not voting.

The motion to cease debate prevailed with 27 ayes, 4 nays, and 18 not voting.

The second Standing Committee amendment was adopted with 26 ayes, 7 nays, 11 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The third Standing Committee amendment is number 10, page 7, line 23 through line 6 on page 8.

The third Standing Committee amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Schmit asked unanimous consent to be excused until he returns.
No objections. So ordered.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 573. Placed on Select File as amended.
E & R amendments to LB 573:

AM5265

- 1 1. On page 3, line 15, strike the comma; in
- 2 line 16 strike the first comma; in line 24 strike the
- 3 comma and insert "for the protection of persons insured
- 4 who are legally entitled to recover compensatory damages
- 5 from the owner or operator of an underinsured motor
- 6 vehicle (a)"; and in line 27 after the comma insert
- 7 "(b)".
- 8 2. On page 4, line 2, after the second "or"
- 9 insert "(c)"; strike beginning with the comma in line 3
- 10 through "vehicle" in line 6; in line 11, after "than"
- 11 insert "the lesser of (a)"; in line 13 after "or" insert
- 12 "(b)"; in lines 14 and 15 strike "whichever is less";
- 13 and in line 25 strike "on" and insert "in".
- 14 3. On page 5, line 4, strike "who" and insert
- 15 "which"; and in line 7 strike the comma.
- 16 4. On page 6, line 10, strike "Where" and
- 17 insert "When".
- 18 5. On page 7, line 1, strike "defined" and
- 19 insert "described"; and in line 7 strike "sections
- 20 44-2401 to 44-2418" and insert "the Nebraska Property
- 21 and Liability Insurance Guaranty Association Act".
- 1 6. On page 8, line 13, strike both commas;
- 2 and in line 24 strike "of" and insert "relating to".
- 3 7. On page 9, lines 7 and 9, strike the comma
- 4 and show as stricken; in line 18 strike "diesase" and
- 5 insert "disease"; and in line 24 strike the first comma
- 6 and show as stricken.
- 7 8. On page 10, line 7, strike "1986" and
- 8 insert "1987".

LEGISLATIVE BILL 603. Placed on Select File as amended.
E & R amendment to LB 603:

AM5269

- 1 1. Because of the amendment of sections 9-401
- 2 to 9-406, Uniform Commercial Code, by Laws 1985, LB 606,
- 3 sections 2 to 7, respectively:

4 a. Strike original sections 3 to 8 and 14 and
5 Standing Committee amendments 2 through 6 and insert the
6 following new sections:

7 "Section 1. That section 9-405, Uniform
8 Commercial Code, be amended to read as follows:
9 9-405. Assignment of security interest; duties of
10 filing officer; fees.

11 (1) A financing statement may disclose an
12 assignment of a security interest in the collateral
13 described in the financing statement by indication in
14 the financing statement of the name and address of the
15 assignee or by an assignment itself or a copy thereof on
16 the face or back of the statement. On presentation to
17 the filing officer of such a financing statement the
18 filing officer shall mark the same as provided in
19 section 9-403(4).

20 (2) A secured party may assign of record all
21 or a part of his or her rights under a financing
1 statement by the filing in the place where the original
2 financing statement was filed of a separate written
3 statement of assignment signed by the secured party of
4 record and setting forth the name of the secured party
5 of record and the debtor, the file number and the date
6 of filing of the financing statement and the name and
7 address of the assignee and containing a description of
8 the collateral assigned. A copy of the assignment is
9 sufficient as a separate statement if it complies with
10 the preceding sentence. On presentation to the filing
11 officer of such a separate statement, the filing officer
12 shall mark such separate statement with the date and
13 hour of the filing as provided in section 9-403(4). He
14 or she shall note the assignment on the index of the
15 financing statement, or in the case of a fixture filing,
16 or a filing covering timber to be cut, or covering
17 minerals or the like (including oil and gas) or accounts
18 subject to subsection (5) of section 9-103, he or she
19 shall index the assignment under the name of the
20 assignor as grantor and, to the extent that the law of
21 this state provides for indexing the assignment of a
22 mortgage under the name of the assignee, he or she shall
23 index the assignment of the financing statement under
24 the name of the assignee. Notwithstanding the
1 provisions of this subsection, an assignment of record
2 of a security interest in a fixture contained in a
3 mortgage effective as a fixture filing (subsection (6)

4 of section 9-402) may be made only by an assignment of
5 the mortgage in the manner provided by the law of this
6 state other than this act.

7 (3) After the disclosure or filing of an
8 assignment under this section the assignee is the
9 secured party of record.

10 (4) The fee for such filings shall be as
11 provided in subsection (5) of section 9-403.

12 Sec. 2. That original section 9-405, Uniform
13 Commercial Code, is repealed.”; and

14 b. On page 1, strike lines 2 through 8 and
15 insert “section 9-405, Uniform Commercial Code; to
16 change provisions relating to filing of certain
17 statements which assign rights; and to repeal the
18 original section.”.

LEGISLATIVE BILL 174. Placed on Select File.

LEGISLATIVE BILL 561. Placed on Select File as amended.
(E & R amendments printed separate from the Journal and on file in
the Clerk’s Office - Room 1102 - AM5259.)

LEGISLATIVE BILL 635. Placed on Select File as amended.
E & R amendments to LB 635:

AM5268

1 1. In the Standing Committee amendments,
2 AM0791, adopted on February 21, 1986:

3 (a) On page 1, strike beginning with “line” in
4 line 1 through “Such” in line 2 and insert “after line
5 9, insert the following:

6 ‘A domestic insurance’”; in line 3 after
7 “officer” insert “of such company”; in line 14 after
8 “acquisition” insert “permitted”; in line 15 after the
9 second “the” insert “domestic insurance”; in line 16
10 after “or” insert “a” and strike “thereof” and insert
11 “of the company”; and in line 18 after “company” insert
12 an underscored comma; and

13 (b) On page 2, line 1, after “finds” insert
14 “that”.

15 2. On page 1, line 3, strike “between an
16 official” and insert “involving officers of domestic
17 insurance companies as prescribed; and”; and strike line
18 4.

LEGISLATIVE BILL 68. Placed on Select File as amended.

E & R amendments to LB 68:

AM5267

- 1 1. In the Standing Committee amendments,
2 AM0824, adopted February 21, 1986, on page 1, line 2,
3 strike "after school" and insert "after-school".
- 4 2. On page 1, line 3, strike "after"; and in
5 line 4 strike "school" and insert "after-school".
- 6 3. On page 3, line 8, strike "support
7 financially" and insert "financially support"; and in
8 line 9 strike "after school" and insert "after-school".

LEGISLATIVE BILL 84. Placed on Select File as amended.

E & R amendments to LB 84:

AM5270

- 1 1. On page 1, strike beginning with
2 "eliminate" in line 6 through "officials" in line 7 and
3 insert "change provisions relating to the election of
4 officers by the board of education; to provide duties
5 for the school district treasurer".
- 6 2. On page 3, line 5, after "money" insert an
7 underscored comma; and strike beginning with "by" in
8 line 6 through the comma in line 7 and show the old
9 matter as stricken.
- 10 3. On page 4, line 8, strike the comma and
11 show as stricken.

LEGISLATIVE BILL 419. Placed on Select File as amended.

E & R amendments to LB 419:

AM5262

- 1 1. In the Standing Committee amendments,
2 AM0825, adopted February 21, 1986, on page 1, line 11;
3 and page 2, line 6, strike "school house" and insert
4 "schoolhouse"; and in line 19 after "attends" insert
5 "school in".
- 6 2. On page 2, lines 10, 17, and 27; and page
7 3, line 10, strike "and" and show as stricken.
- 8 3. On page 4, line 1, strike the comma and
9 show as stricken.

LEGISLATIVE BILL 534. Placed on Select File as amended.

E & R amendment to LB 534:

AM5263

- 1 1. On page 3, line 4, strike the comma and
2 show as stricken.

LEGISLATIVE BILL 642. Placed on Select File as amended.
E & R amendments to LB 642:

AM5255

- 1 1. In the Standing Committee amendment,
- 2 AM0822, adopted February 21, 1986, on page 1, line 2,
- 3 strike "A" and insert "." and strike "the period" and
- 4 insert "transfer".
- 5 2. On page 1, line 3, strike "access to a";
- 6 in line 4 strike "student's"; and in line 5 after the
- 7 semicolon insert "to provide for a copy of such records
- 8 or files as prescribed;".

LEGISLATIVE BILL 674. Placed on Select File.

LEGISLATIVE BILL 481. Placed on Select File as amended.
E & R amendment to LB 481:

AM5264

- 1 1. On page 1, line 1, strike "Director" and
- 2 insert "Department".

LEGISLATIVE BILL 305. Placed on Select File as amended.
E & R amendments to LB 305:

AM5266

- 1 1. In the Standing Committee amendments,
- 2 AM0889, adopted February 21, 1986, on page 1, line 6,
- 3 after "in" insert "a".
- 4 2. Insert the following new section:
- 5 "Section 1. That section 44-3603, Reissue
- 6 Revised Statutes of Nebraska, 1943, be amended to read
- 7 as follows:
- 8 44-3603. The department shall adopt and
- 9 promulgate rules and regulations to establish specific
- 10 standards, including standards for full and fair
- 11 disclosure, that set forth the format, manner, content,
- 12 and required disclosure for the sale of group or
- 13 individual Medicare supplement policies and group or
- 14 individual limited indemnity policies providing coverage
- 15 of persons eligible for Medicare by reason of age.
- 16 (1) Such standards shall be in addition to and
- 17 in accordance with applicable laws of this state,
- 18 including sections 44-710.01 to 44-710.19, and ~~which~~
- 19 shall cover, but shall not be limited to:
- 20 (a) Terms of renewability, which shall provide
- 21 that the policy may not be canceled or not renewed by
- 1 the insurer solely on the grounds of deterioration of

- 2 health;
3 (b) Nonduplication of coverage;
4 (c) Initial and subsequent conditions of
5 eligibility;
6 (d) Preexisting conditions;
7 (e) Probationary periods;
8 (f) Limitations, exceptions, and reductions
9 which shall not include those which are more restrictive
10 than those of Medicare for any type of care covered
11 under the policy;
12 (g) Elimination periods;
13 (h) Requirements for replacement;
14 (i) Recurrent conditions; and
15 (j) Definition of terms, including, but not
16 limited to, the following: Hospital, accident,
17 sickness, injury, physician, accidental means,
18 guaranteed renewable, skilled nursing facility, and any
19 other terms not adequately defined in the Medicare
20 Supplement and Sickness and Accident Insurance Minimum
21 Standards Act ~~sections 44-3601 to 44-3611~~ or other terms
22 for which the department deems a definition necessary.
23 (2) Such standards shall specify prohibited
24 policy provisions not otherwise specifically authorized
1 by statute which in the opinion of the department are
2 unjust, unfair, or unfairly discriminatory to the
3 policyholder, any person insured under the policy, or
4 beneficiary.
5 (3) Such coverage shall not indemnify against
6 losses resulting from sickness on a less favorable basis
7 than losses resulting from accidents.
8 (4) Such coverage shall provide that benefits
9 designed to cover cost-sharing amounts under Medicare
10 will be changed automatically to coincide with any
11 changes in the applicable Medicare deductible amount and
12 copayment percentage factors. Premiums may be changed
13 to correspond with such changes subject to subsection
14 ~~(2)~~ (3) of section 44-3604.”
15 3. On page 1, line 1, strike “section” and
16 insert “sections 44-3603 and”; and in line 4 after the
17 semicolon insert “to harmonize provisions;”.
18 4. On page 2, line 13, strike “sections
19 44-3601 to 44-3611”, show as stricken, and insert “the
20 Medicare Supplement and Sickness and Accident Insurance
21 Minimum Standards Act”.
22 5. On page 4, line 7, strike “section” and

- 23 insert "sections 44-3603 and"; and in line 8 strike
- 24 "Statues" and insert "Statutes" and strike "is" and
- 1 insert "are".
- 2 6. Renumber the remaining sections
- 3 accordingly.

LEGISLATIVE BILL 464. Placed on Select File as amended.
E & R amendments to LB 464:
AM5260

- 1 1. On page 1, line 3, strike "provide a
- 2 penalty for" and insert "change provisions relating to".
- 3 2. On page 2, line 5, strike the second comma
- 4 and show as stricken; in line 18 strike the comma and
- 5 show as stricken; and in line 25 strike the underscored
- 6 semicolon and insert an underscored comma.

LEGISLATIVE BILL 79. Placed on Select File as amended.
E & R amendments to LB 79:
AM5261

- 1 1. Because of the amendment of section
- 2 43-1406 by section 74, Legislative Bill 7, Eighty-ninth
- 3 Legislature, Second Special Session, 1985:
- 4 (a) Strike section 1 and insert the following
- 5 new section:
- 6 "Section 1. That section 43-1406, Reissue
- 7 Revised Statutes of Nebraska, 1943, as amended by
- 8 section 74, Legislative Bill 7, Eighty-ninth
- 9 Legislature, Second Special Session, 1985, be amended to
- 10 read as follows:
- 11 43-1406. The father of a child whose
- 12 paternity is established either by acknowledgment or by
- 13 a judicial proceeding as hereinafter specified, not
- 14 having entered into a judicially approved settlement or
- 15 being in default in the performance of the same, may be
- 16 made the defendant in an equitable proceeding for the
- 17 support of the child. Such proceeding shall be commenced
- 18 by a complaint of the mother of the child, the guardian
- 19 or next friend of the child, the county which may be
- 20 required to support the child, the county attorney, or
- 21 an authorized attorney as defined in section 43-512 who
- 1 shall set forth the facts of paternity and of nonsupport
- 2 and shall ask that the father be ordered to provide for
- 3 the support of the child. Summons shall issue against
- 4 the father and be served as in other civil proceedings,
- 5 except that such summons may be directed to the sheriff

6 of any county in the state and may be served in any
7 county. The method of trial shall be the same as in
8 actions formerly cognizable in equity, and jurisdiction
9 is hereby vested in the district court of the district
10 where the child is domiciled or found to hear and
11 determine such actions for support. If the court ~~shall~~
12 ~~find~~ finds that the father has failed adequately to
13 support the child, it shall issue a decree directing him
14 to do so, specifying the amount of such support, ~~and the~~
15 manner in which it shall be furnished, and the amount,
16 if any, of any court costs and attorney's fees to be
17 paid by the father. The court in its discretion, after
18 notice and hearing, may order implementation of income
19 withholding pursuant to the Income Withholding for Child
20 Support Act, if income withholding is appropriate, or
21 may require the furnishing of bond to insure the
22 performance of the decree in the same manner as is
23 provided for in section 43-1405. Failure on the part of
24 the father to perform the terms of such decree shall
1 constitute contempt of court and may be dealt with in
2 the same manner as other contempts.”;

3 (b) On page 1, line 2, strike “sections
4 43-1406 and” and insert “section”; and in line 3 after
5 “1943” insert “, and section 43-1406, Reissue Revised
6 Statutes of Nebraska, 1943, as amended by section 74,
7 Legislative Bill 7, Eighty-ninth Legislature, Second
8 Special Session, 1985”; and

9 (c) On page 4, line 4, strike “sections
10 43-1406 and” and insert “section”; and in line 5 after
11 the third comma insert “and section 43-1406, Reissue
12 Revised Statutes of Nebraska, 1943, as amended by
13 section 74, Legislative Bill 7, Eighty-ninth
14 Legislature, Second Special Session, 1985.”.

15 2. On page 1, line 5, after “orders” insert
16 “and paternity proceedings”.

LEGISLATIVE BILL 90. Placed on Select File as amended.
E & R amendments to LB 90:
AM5271

1 1. In the Standing Committee amendments,
2 AM1327, adopted February 21, 1986:

3 a. On page 1, line 7, underscore “section,
4 the”; in line 18 after “deposition” insert an
5 underscored comma; and in line 21 strike “an other” and
6 insert “another”;

- 7 b. On page 2, line 21; and page 3, line 2,
 8 after "shown" insert an underscored comma;
 9 c. On page 3, line 1, strike "prosecutor" and
 10 insert "prosecuting attorney"; in line 4 after the
 11 second "trial" insert an underscored comma; and in line
 12 24 after "11" insert an underscored comma; and
 13 d. On page 4, line 6, strike the comma and
 14 after "or" insert "at the time"; in line 8 strike
 15 "precludes" and insert "shall preclude"; and in line 12
 16 after "section" insert an underscored comma.
 17 2. On page 1, strike beginning with "change"
 18 in line 3 through "depositions" in line 4 and insert
 19 "authorize the taking of videotape depositions and
 20 in-camera and other testimony of certain children as
 21 prescribed; to provide for rules of procedure".

LEGISLATIVE BILL 543. Placed on Select File as amended.
 E & R amendments to LB 543:

AM5272

- 1 1. In the Standing Committee amendments,
 2 AM0088, adopted February 21, 1986:
 3 a. On page 1, line 21, strike "3", show as
 4 stricken, and insert "7"; and
 5 b. On page 2, remove the underscoring
 6 beginning with the stricken "disposed" in line 16
 7 through line 17.
 8 2. On page 1, line 1, strike "seized
 9 property" and insert "criminal procedure"; and in line 4
 10 strike "such" and insert "seized or held".

LEGISLATIVE BILL 563. Placed on Select File as amended.
 E & R amendments to LB 563:

AM5273

- 1 1. In the Vickers amendment, AM2203, adopted
 2 February 21, 1986, on page 1, line 2, strike "4" and
 3 insert "3"; in line 9 strike "5" and insert "4"; and
 4 strike lines 13 through 15.
 5 2. On page 1, strike beginning with "and" in
 6 line 2 through line 4 and insert "to provide
 7 requirements for improvements made on state-owned
 8 historical structures; to designate the George Norris
 9 House; and to provide powers and duties for the Nebraska
 10 State Historical Society.".

(Signed) Timothy Hall, Chairperson

RESOLUTION**LEGISLATIVE RESOLUTION 352.**

Introduced by Nichol, 48th District.

WHEREAS, Senator Howard Lamb underwent surgery on Monday, February 24, 1986, and will be hospitalized for the remainder of this week; and

WHEREAS, Senator Lamb will be recuperating for the next couple of weeks; and

WHEREAS, his colleagues will miss him during his absence from legislative matters.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature send "get well" wishes to Senator Lamb.

2. That the members of the Legislature urge Senator Lamb to make a speedy recovery.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 880 in the Journal. No objections. So ordered.

AM2068

(Amendments to Standing Committee amendments)

- 1 1. Insert the following new section:
- 2 "Sec. 2. All limitations of liability
- 3 prescribed in this act shall have a cost-of-living
- 4 adjustment based upon the statistics published in the
- 5 National Consumers Price Index, as of December 31, 1989,
- 6 and every three years thereafter. The limitation of
- 7 liability shall be adjusted by the amount of increase or
- 8 decrease for such three-year period. The limitation of
- 9 liability as adjusted every three years shall be the
- 10 amount to which the adjustment will be applied the
- 11 following three years. If publication of the National
- 12 Consumer Price Index is discontinued, a comparable index
- 13 for purposes of determining such percentage in the
- 14 cost-of-living adjustment shall be used."

Mr. Rogers asked unanimous consent to print the following amendment to LB 968 in the Journal. No objections. So ordered.

AM2192

- 1 1. Insert the following new section:
- 2 "Sec. 9. Nothing in this act shall be
- 3 construed to negate or affect the provisions of Chapter
- 4 52, articles 2, 5, 7, 9, 11, and 12, and Chapter 54,
- 5 article 2."

SELECT FILE

LEGISLATIVE BILL 325. Considered.

Mr. Pappas withdrew his pending amendment found in the Journal on page 743.

Mr. Pappas offered the following amendment:

1. On page 8, line 19 strike, "Five and five-tenths" and insert "Five and four-tenths".

On page 7, line 9, strike "Five and five-tenths" and insert "Five and four-tenths".

2. On page 5, line 24 strike "January" and insert "July".

The Pappas amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Miller offered the following amendment:

AM1715

- 1 1. Insert the following new sections:
- 2 "Sec. 3. That section 84-1301, Revised
- 3 Statutes Supplement, 1984, be amended to read as
- 4 follows:
- 5 84-1301. As used in sections 84-1301 to
- 6 84-1331, unless the context otherwise requires:
- 7 (1) Employee shall mean any employee of the
- 8 State Board of Agriculture who is a member of the state
- 9 retirement plan on July 1, 1982, and any person or
- 10 officer employed by the State of Nebraska whose
- 11 compensation is paid out of state funds or funds
- 12 controlled or administered by a state department through
- 13 any of its executive or administrative officers when
- 14 acting exclusively in their respective official,
- 15 executive, or administrative capacities; but shall not

16 include judges, except associate county judges appointed
17 after August 26, 1983, members of the Nebraska State
18 Patrol, employees of the University of Nebraska,
19 employees of the state colleges, employees of technical
20 community colleges, employees of the Department of Labor
21 employed prior to July 1, 1984, and paid from funds
1 provided pursuant to Title III of the Social Security
2 Act or funds from other federal sources, the
3 Commissioner of Labor employed prior to July 1, 1984,
4 employees of the State Board of Agriculture who are not
5 members of the state retirement plan on July 1, 1982,
6 the Nebraska National Guard air and army technicians, or
7 persons eligible for membership under the School
8 Retirement System of the State of Nebraska who have not
9 elected to become members of the system pursuant to
10 subsection (1) of section 79-1565 or been made members
11 of the system pursuant to subsection (3) of section
12 79-1565, except that those persons so eligible and who
13 as of September 2, 1973, are contributing to the State
14 Employees Retirement System shall continue as members of
15 such system. Any individual appointed by the Governor
16 may elect not to become a member of such retirement
17 system;

18 (2) Part-time employee shall mean an employee
19 who works less than one half of the regularly scheduled
20 hours;

21 (3) Retirement shall mean qualifying for and
22 terminating employment after becoming qualified to
23 receive the accepting—a retirement allowance granted
24 under sections 84-1301 to 84-1331;

1 (4) Retirement board or board shall mean the
2 Public Employees Retirement Board;

3 (5) Retirement system shall mean the State
4 Employees Retirement System of the State of Nebraska;

5 (6) Required contribution shall mean the
6 deduction to be made from the salary of employees as
7 provided in section 84-1308;

8 (7) Service shall mean the actual total length
9 of employment as an employee and shall include leave of
10 absence because of disability or military service when
11 properly authorized by the retirement board, but shall
12 not include any period of disability for which
13 disability retirement benefits are received under the
14 provisions of section 84-1317;

15 (8) Straight life annuity shall mean an

16 ordinary annuity payable for the life of the primary
17 annuitant only and terminating at his or her death
18 without refund or death benefit of any kind;

19 (9) Prior service shall mean service before
20 January 1, 1964;

21 (10) Group annuity contract shall mean the
22 contract or contracts issued by one or more life
23 insurance companies to the board in order to provide the
24 benefits described in sections 84-1319, 84-1320,
1 84-1321, and 84-1323 to 84-1323.02;

2 (11) Primary carrier shall mean the life
3 insurance company or trust company designated as the
4 administrator of the group annuity contract;

5 (12) State department shall mean any
6 department, bureau, commission, or other division of
7 state government, not otherwise specifically defined or
8 exempted in sections 84-1301 to 84-1331, whose employees
9 and officers are not already covered by a retirement
10 plan;

11 (13) Disability shall mean an inability to
12 engage in a substantially gainful activity by reason of
13 any medically determinable physical or mental impairment
14 which can be expected to result in death or to be of
15 long-continued and indefinite duration;

16 (14) Date of disability shall mean the date on
17 which a member is determined to be disabled by the
18 board;

19 (15) Regular interest shall mean the rate of
20 interest earned each calendar year commencing January 1,
21 1975, as determined by the retirement board in
22 conformity with actual and expected earnings on its
23 investments;

24 (16) Fund shall mean the State Employees
1 Retirement Fund created by section 84-1309;

2 (17) Guaranteed investment contract shall mean
3 an investment contract which guarantees that the account
4 maintained for any participant will not decrease in
5 value, but will increase each year by the contribution
6 allocated to the account and by investment earnings and
7 will decrease by the amount of expenses reasonably
8 determined to be allocated to the account; and

9 (18) Investment manager shall mean one or more
10 insurance companies, bank trust departments, or
11 independent investment advisors designated to invest any
12 portion of the fund.

13 Sec. 6. That section 84-1319, Revised
14 Statutes Supplement, 1984, be amended to read as
15 follows:

16 84-1319. (1) The future service retirement
17 benefit shall be an annuity, payable monthly with the
18 first payment made as of the retirement date, which
19 shall be the actuarial equivalent of the retirement
20 value based on factors determined by the board, except
21 that gender shall not be a factor when determining the
22 amount of such payments, except as provided in pursuant
23 to subsection (2) of this section.

24 At any time before the retirement date, the
1 retiring employee may choose to receive his or her
2 annuity either in the form of a straight life annuity or
3 any optional form that is determined acceptable by the
4 board.

5 In lieu of the future service retirement
6 annuity, a retiring employee may, upon application to
7 the board, receive a retirement transition benefit which
8 shall not exceed twenty-five per cent of the value of
9 the member's employee account, and an annuity which
10 shall be equal to the actuarial equivalent of the
11 remainder of the retirement value, and the employee may
12 choose any form of such annuity as provided for by the
13 board. In the alternative, a retiring employee may
14 elect to receive the entire amount in his or her
15 employee account, except that if he or she selects such
16 alternative, he or she shall forfeit the accumulated
17 sums in his or her employer account.

18 In any case, the amount of the monthly payment
19 shall be such that the annuity chosen shall be the
20 actuarial equivalent of the retirement value, except as
21 provided in this section.

22 The board shall provide to any state employee
23 who is eligible for retirement, prior to his or her
24 selecting any of the retirement options provided by this
1 section, information on the federal and state income tax
2 consequences of the various annuity or retirement
3 benefit options.

4 (2) The monthly annuity income payable to a
5 member retiring on or after January 1, 1984, shall be as
6 follows:

7 He or she shall receive at retirement the
8 amount which may be purchased by the accumulated
9 contributions based on annuity rates in effect on the

10 date of purchase which do not utilize gender as a
11 factor, except that such amounts shall not be less than
12 the retirement income which can be provided by the sum
13 of the amounts derived pursuant to subdivisions (a) and
14 (b) of this subsection as follows:

15 (a) The income provided by the accumulated
16 contributions made prior to January 1, 1984, based on
17 male annuity purchase rates in effect on January 1,
18 1984, or male annuity purchase rates on the date of
19 purchase, if greater than those in effect on January 1,
20 1984; and

21 (b) The income provided by the accumulated
22 contributions made on and after January 1, 1984, based
23 on the annuity purchase rates in effect on the date of
24 purchase which do not use gender as a factor.

1 (3) Any amounts, in excess of contributions,
2 which may be required in order to purchase the
3 retirement income specified in subsection (2) of this
4 section shall be withdrawn from the State Equal
5 Retirement Benefit Fund.

6 (4) Retirement benefits for persons who retire
7 prior to January 1, 1984, shall not be affected by
8 changes to this section which become operative on or
9 after January 1, 1984.

10 Sec. 11. Since an emergency exists, this act
11 shall be in full force and take effect, from and after
12 its passage and approval, according to law.”.

13 2. On page 9, lines 14 and 15, reinstate the
14 stricken matter.

15 3. In the Standing Committee amendments:

16 a. On page 1, line 3, strike “7” and insert
17 “9”;

18 b. Strike amendment 3; and

19 c. Renumber the remaining amendments
20 accordingly.

21 4. Renumber the remaining sections
22 accordingly.

Mr. Warner asked unanimous consent to be excused until he returns.
No objections. So ordered.

Mr. Miller moved for a call of the house. The motion prevailed with
9 ayes, 0 nays, and 40 not voting.

Mr. DeCamp requested a roll call vote on the Miller amendment.

Voting in the affirmative, 27:

Abboud	Conway	Johnson, L.	Miller	Peterson
Baack	DeCamp	Johnson, R.	Morehead	Pirsch
Beyer	Hannibal	Lundy	Nelson	Remmers
Carsten	Hartnett	Lynch	Nichol	Rogers
Chizek	Hefner	Marsh	Pappas	Schmit
Chronister	Hoagland			

Voting in the negative, 12:

Eret	Harris	Rupp	Smith	Wesely
Goodrich	Labedz	Sieck	Vickers	Withem
Haberman	Landis			

Present and not voting, 4:

Barrett	Chambers	Goll	Scofield
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Excused and not voting, 6:

Beutler	Higgins	Johnson, V.	Lamb	Warner
Hall				

The Miller amendment was adopted with 27 ayes, 12 nays, 4 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 804A. By Carsten, 2nd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 804, Eighty-ninth Legislature, Second Session, 1986.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 789. Indefinitely postponed.
LEGISLATIVE BILL 800. Indefinitely postponed.
LEGISLATIVE BILL 914. Indefinitely postponed.
LEGISLATIVE BILL 1061. Indefinitely postponed.
LEGISLATIVE BILL 1193. Indefinitely postponed.
LEGISLATIVE BILL 1194. Indefinitely postponed.

(Signed) Elroy M. Hefner, Vice Chairperson

Agriculture and Environment

LEGISLATIVE BILL 985. Placed on General File.

LEGISLATIVE BILL 1001. Placed on General File as amended.
Standing Committee amendments to LB 1001:
AM2237

1 1. On page 4, line 2, strike "chareae" and
2 insert "clareae".
3 2. Strike original section 11 and insert the
4 following new sections:
5 "Sec. 11. That section 81-2,177.01, Reissue
6 Revised Statutes of Nebraska, 1943, be amended to read
7 as follows:
8 81-2,177.01. Every person owning, leasing, or
9 possessing colonies of bees shall, on or before the
10 first day of July in each calendar year, register ~~each~~
11 such bee colony colonies with the State Apiarist. Every
12 person owning, leasing, or possessing more than four
13 colonies of bees shall pay to the Department of
14 Agriculture an annual registration fee. This fee shall
15 consist of a fixed amount of seven dollars and fifty
16 cents plus a per colony charge. The colony charge shall
17 be set by the director, but shall not exceed twenty
18 cents per colony. The registration fee shall be due
19 July 1 of each year. A person moving colonies of bees
20 into this state after the first day of July in any
21 calendar year shall register such colonies with the
1 State Apiarist within ten days after entering this state
2 and pay the registration fee for such year. If a
3 beekeeper fails to report and submit such fees by July
4 31 of each year, he or she shall pay, in addition to
5 such fees, a penalty of twenty-five per cent of the fees
6 due if such delinquent fees are paid on or before August
7 31 and a penalty of fifty per cent of the fees due if
8 such delinquent fees are paid after August 31. All fees

9 shall be deposited in the State Treasury by the State
10 Treasurer and credited to the State Apiary Cash Fund.

11 Each person registering a bee colony shall; at
12 that time; provide the State Apiarist with the exact
13 locations of the colony, describing the county, quarter
14 section, township, and range wherein the colony is
15 located.

16 Sec. 12. This act shall become operative on
17 May 1, 1986.

18 Sec. 14. Since an emergency exists, this act
19 shall be in full force and take effect, from and after
20 its passage and approval, according to law.”.

21 2. Renumber the remaining section
22 accordingly.

(Signed) Rod Johnson, Chairperson

VISITORS

Visitors to the Chamber were members of the Governor's Council to Keep Nebraska Beautiful; Les, Nancy, and Rob Harding from Hastings; and 51 fourth grade students and teacher from Linden School, Fremont.

ADJOURNMENT

At 11:59 a.m., on a motion by Mr. DeCamp, the Legislature adjourned until 9:00 a.m., Thursday, February 27, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-THIRD DAY - FEBRUARY 27, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

THIRTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 27, 1986

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Harland Johnson.

ROLL CALL

The roll was called and all members were present except Messrs. Lamb and Rogers who were excused; and Messrs. Beutler, Chambers, Hall, Hannibal, V. Johnson, Rupp, Schmit, Withem, Mesdames Labedz, Marsh, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Second Day was approved.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1041A. By Conway, 17th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1041, Eighty-ninth Legislature, Second Session, 1986; and to declare an emergency.

LEGISLATIVE BILL 1195A. By Hartnett, 45th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1195, Eighty-ninth Legislature, Second Session, 1986; to reduce an appropriation; and to declare an emergency.

ATTORNEY GENERAL'S OPINION

Opinion No. 86023

February 26, 1986

To: Senator Vard R. Johnson

Subject: LB 1114 - Amendment to Insurance Premiums Tax

You have requested our opinion on certain questions regarding the constitutionality of LB 1114, as amended, a bill proposing to revise Nebraska's gross premiums tax. Under current Nebraska law, foreign insurance companies pay a tax on their gross premiums from business conducted in the state at a rate of two percent. Neb.Rev.Stat. §77-908 (Supp. 1984). Domestic insurance companies, in contrast, are taxed at a rate of six-tenths of one percent of their gross premiums. Neb.Rev.Stat. §77-909 (Supp. 1984). LB 1114, as amended, would change these statutory provisions by establishing a tax rate of two percent of gross premiums for all insurance companies licensed to do business in the state. In addition, Section 11 of the bill would provide companies with a tax credit equal to the percentage of their noncommission compensation paid in Nebraska. The proposed credit calculation would be based on the ratio of a company's total noncommission compensation paid in Nebraska to its total noncommission compensation paid everywhere, with the resulting percentage being applied to reduce the two percent tax. The credit would be subject to a minimum tax of six-tenths of one percent of the amount of a company's gross premiums.

Your initial question concerns whether the compensation credit provided under Section 11 would, in application, violate the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution by discriminating against foreign insurance companies doing business in Nebraska.

The issue of the constitutionality under the Equal Protection Clause of a state tax statute providing a preference to domestic insurance companies over foreign insurance companies doing business in a state was recently addressed by the United States Supreme Court in Metropolitan Life Insurance Company v. Ward, 470 U.S. ___, 84 L.Ed.2d 751, 105 S.Ct. 1676, rehearing denied ___, U.S. ___, 86 L.Ed.2d 269, 105 S.Ct. 2370 (1985) (Ward). In Ward, Metropolitan

Life and a group of other non-Alabama insurance companies challenged the constitutionality of Alabama's premiums tax. Under the Alabama statute, the gross premiums of domestic companies are taxed at a rate of one percent, while foreign companies are taxed at the rate of three percent for life insurance premiums and four percent for all other insurance premiums. The Alabama taxing statute permits foreign companies to reduce their tax by providing a credit for investments in certain Alabama assets and securities, but foreign companies can never reduce their gross premiums tax rate to the same level paid by domestic companies. *Id.* at ___, 86 L.Ed.2d at 755, 105 S.Ct. at 1678-79.

In a five-four decision, the majority opinion reiterated the Equal Protection Clause test previously articulated by the Court in Western and Southern Life Insurance Company v. State Board of Equalization of California, 451 U.S. 648, 667-68 (1981), regarding a state's authority to grant domestic corporations a tax preference by discriminating between foreign and domestic corporations:

{W}e consider it now established that, whatever the extent of a State's authority to exclude foreign corporations from doing business within its boundaries, that authority does not justify imposition of more onerous taxes or other burdens on foreign corporations than those imposed on domestic corporations, unless the discrimination between foreign and domestic corporations bears a rational relation to a legitimate state purpose. 470 U.S. at ___, 84 L.Ed.2d at 757, 105 S.Ct. at 1680.

The Court considered two purposes advanced by the State of Alabama to justify the disparate tax treatment of foreign insurance companies under the state's domestic preference statute: (1) encouraging the formation of new insurance companies in Alabama; and (2) encouraging capital investment by foreign insurance companies in Alabama assets and government securities. *Id.* at ___, 84 L.Ed.2d at 756, 105 S.Ct. at 1679.

The majority rejected the first purpose, holding that the goal of promoting domestic business within the state by discriminating against foreign corporations was not a legitimate state purpose. *Id.* at ___, 84 L.Ed.2d at 762, 105 S.Ct. at 1684. Similarly, the Court held the encouragement of capital investment in Alabama assets and government securities was not a legitimate state purpose when furthered by discrimination. *Id.* at ___, 84 L.Ed.2d at 762, 105 S.Ct. at 1684. The case was remanded for further proceedings to determine whether any of some 15 additional purposes advanced by the state in support of the Alabama statute are legitimate and whether the discrimination between foreign and domestic companies bears a rational relation to a legitimate state purpose. *Id.* at ___, 84 L.Ed.2d at 758 n. 5, 762, 105 S.Ct. at 1680 n. 5, 1684.

In a dissenting opinion, Justice O'Connor, joined by Justices Brennan, Marshall, and Rehnquist, criticized the majority for "a holding that can only be characterized as astonishing." Id. at ___, 84 L.Ed.2d at 763, 105 S.Ct. at 1684. (O'Connor, J., dissenting). After reviewing a number of previous decisions by the Court affording states broad legislative discretion in determining when discrimination between foreign and domestic corporations is appropriate, and discussing the authority granted to the individual states in the regulation and taxation of the business of insurance within their borders under the McCarran-Ferguson Act, 15 U.S.C. §1011 et seq., the dissent concluded that "{b}ecause Alabama's classification bears a rational relationship to a legitimate purpose, our precedents demand that it be sustained." 470 U.S. at ___, 84 L.Ed.2d at 772, 105 S.Ct. at 1692. (O'Connor, J., dissenting).

Because the Supreme Court did not invalidate Alabama's domestic preference tax statute, there remains some doubt as to the ultimate impact and effect of the decision in Ward. As was noted, the Court, while rejecting two purposes advanced in support of the validity of the Alabama statute, remanded the case for further proceedings to enable the Alabama courts to consider the legitimacy of the numerous other purposes asserted by the state to establish the statutes validity.

Following the issuance of the Supreme Court's decision in Ward, the Supreme Court of North Dakota, in Metropolitan Life Insurance Company v. Commissioner of the Department of Insurance, 373 N.W.2d 399 (N.D. 1985), held invalid North Dakota's domestic preference tax. Under the North Dakota statute, foreign insurance companies were subject to an annual assessment of two and one-half percent on the gross amount of premiums. Domestic insurance companies, in contrast, were subject only to the corporate income tax, privilege tax, and Vietnam bonus surtaxes imposed upon domestic corporations. Id. at 403-04. The evidence in the record established that the North Dakota statutory scheme for taxing insurance companies resulted in the imposition of substantially greater taxes on foreign insurance companies than on domestic insurance companies. Id. at 406. Rejecting 23 purposes advanced by the state in support of the legitimacy of the discriminatory scheme of taxation, the court stated:

The vast majority of the purposes presented by the State, and upon which the State relied most heavily in the district court, relate to promotion of the domestic insurance industry within the state and encouragement of capital investment in the state. Both of these purposes were determined by the Supreme Court in Ward not to be legitimate under the Equal Protection Clause when furthered by discrimination.

Id. at 407.

Nebraska's current gross premiums tax, which assesses taxes on foreign insurers at a higher rate than is applied to domestic insurers, is substantially similar to the Alabama taxing scheme at issue in Ward. Based on the rationale employed by the majority in Ward, as well as the decision in Metropolitan Life Insurance Company v. Commissioner of the Department of Insurance, *supra*, it appears the constitutionality of the present Nebraska gross premiums tax is subject to doubt.

LB 1114, as amended, would eliminate the disparate treatment which presently exists in the tax rates applied to foreign and domestic insurers under §§77-908 and 77-909 by imposing a tax at the rate of two percent of gross premiums for all insurance companies licensed to do business in the state. In addition to this uniform tax rate, the bill would provide a tax credit to all companies based on the percentage of their noncommission compensation paid in Nebraska, subject to a minimum tax rate of six-tenths of one percent of a company's gross premiums. Thus, LB 1114, as amended, does not expressly discriminate against foreign insurance companies with regard to the tax imposed. The taxing scheme created is facially neutral, imposing a rate of two percent on all insurers, and providing all insurance companies the opportunity to seek the benefits of the compensation credit.

The fact that the tax system created by LB 1114 is facially neutral, however, does not render the scheme of taxation proposed under the bill immune from scrutiny under the Equal Protection Clause. It is well established that a statute which is nondiscriminatory or fair on its face may constitute a denial of equal protection if it is unreasonably, unfairly, or arbitrarily discriminatory in either its operation or effect. *E.g., Williams v. Illinois*, 399 U.S. 235, 242 (1970). In judging the constitutionality of a tax system, its validity and purpose is determined by examining the actual operation and effect of the taxing scheme in question. *See, e.g., Wisconsin v. J.C. Penney Company*, 311 U.S. 435, 443-44 (1940); *Lawrence v. State Tax Commission*, 286 U.S. 276, 280 (1932); *Hanover Fire Insurance Company v. Harding*, 272 U.S. 494, 509-10 (1926); *cf. Michigan National Bank v. Michigan*, 365 U.S. 467, 475 (1961) (in determining discriminatory character of state tax on shares of stock in national bank, the determinative factor is its effect, not its rate). The threshold issue, therefore, is whether LB 1114, while it imposes a tax neutral on its face, would, in effect, actually operate to discriminate against foreign insurance companies in a manner prohibited under the Equal Protection Clause.

Initially, we point out that the determination of whether LB 1114 would operate to discriminate against foreign insurance companies with respect to their tax burden would rest, in large part, on certain

facts indicative of the real purpose behind the system of taxation created, as judged by its effect. In particular, the primary factual questions raised in this regard would focus on whether the compensation credit would operate to the benefit solely or primarily of domestic insurers, and, correspondingly, whether the credit would operate in such a manner as to effectively provide no tax benefits to foreign insurers.

While we do not possess sufficient information to specifically address these factual issues, we will nevertheless endeavor to make certain general observations which we believe a court might consider relevant in determining the purpose behind the compensation credit provision, and whether the compensation credit in LB 1114 would, in application, discriminate against foreign insurers in violation of the Equal Protection Clause.

An examination of the tax rate and credit provisions of LB 1114 reveals the minimum tax rate under LB 1114 is the same as the domestic tax rate under current law, and the maximum rate of two percent as identical to the current tax rate applied to foreign insurers. It is conceivable that domestic insurance companies are far more likely to maintain substantial percentages of their work forces in Nebraska, thus enabling domestic companies to enjoy the full benefit of the compensation credit. In contrast, it is conceivable that foreign insurers, whose payrolls may be concentrated in their home states or spread throughout the country, may likely be denied the benefit of any meaningful tax credit. We stress, however, that we are not in possession of the factual information necessary to allow us to definitively conclude that these observations are correct regarding the projected operation and effect of LB 1114.

In summary, with regard to the potentially discriminatory effect of LB 1114, we believe it is conceivable that the amendment proposed would, although facially neutral, operate to continue the present disparate tax treatment between foreign and domestic insurance companies.

Assuming, arguendo, that the requisite discriminatory purpose and effect is found to exist under the operation of the compensation credit in LB 1114, such discrimination may nevertheless not violate the Equal Protection Clause if it is in furtherance of a legitimate state purpose. Ward, supra; Western and Southern, supra. The purpose sought to be advanced through the compensation credit, as stated in Section 11 of LB 1114, is "to stimulate job opportunities by the development and expansion of the business of insurance from within this state by branch, regional, and home offices."

In analyzing the legitimacy of this purpose, we note that the Supreme Court, in considering other constitutional provisions, has cast doubt on the argument that promoting local employment is a

legitimate purpose when achieved through discrimination. See Hicklin v. Orbeck, 437 U.S. 518, 526 (1978) (Privileges and Immunities Clause); cf. Edwards v. California, 314 U.S. 160, 173-74 (1941) (Commerce Clause). Furthermore, the bill provides the stimulation of job opportunities is a means to achieve "the development and expansion of the business of insurance from within this state." The Supreme Court's decision in Ward, supra, clearly demonstrates the promotion of domestic business is not a legitimate state purpose when achieved through the imposition of a discriminatory premiums tax. See also Metropolitan Life Insurance Company v. Commissioner of the Department of Insurance, supra, 373 N.W.2d at 407. Therefore, we believe certain questions exist with respect to the legitimacy of the purpose stated in the bill.

Finally, assuming the compensation credit were determined to serve a legitimate state purpose, the means chosen must still be rationally related to the achievement of that purpose. Ward, supra; Western and Southern, supra. In this regard, we note that the bill, as amended, provides no incentive for companies that presently have more than 70 percent of their payroll in Nebraska to increase their in-state employment, as any further increase would not result in additional tax savings. Presumably, domestic insurers alone will maintain a large percentage of their work force in Nebraska, and the bill therefore does not appear to be rationally related to the goal of motivating such companies to increase their in-state payroll.

By comparison, a large foreign insurance company with a substantial Nebraska payroll may nevertheless receive little or no benefit from the credit, if the insurer's nationwide payroll were so large as to make its ratio of Nebraska compensation to total compensation minimal. Even if such a large foreign insurer were to substantially increase its Nebraska payroll, it may not result in any significant tax savings. The incentive for such insurers to expand their work force in the state would be minimal under these circumstances. These concerns, as well as others, lead us to question whether the calculation of the compensation credit possesses the requisite rational relationship to the goal of increasing job opportunities in Nebraska, in view of the potentially discriminatory operation and effect of its application.

We recognize that, in a case decided subsequent to Ward, the Supreme Court unanimously upheld the validity of a reciprocal regional interstate banking scheme among six New England states which discriminated against bank holding companies domiciled outside of those states. Northeast Bancorp, Inc. v. Board of Governors of the Federal Reserve System, 472 U.S. ___, 86 L.Ed.2d 112, 105 S.Ct. 2545 (1985). In a concurring opinion, Justice O'Connor stated she saw "no meaningful distinction" between the interstate

banking statutes upheld in Northeast Bancorp and the Alabama premiums tax at issue in Ward. Id. at ___, 86 L.Ed.2d at 128, 105 S.Ct. at 2556 (O'Connor, J., concurring).

In spite of the decision in Northeast Bancorp, we cannot ignore the import and effect of the majority opinion in Ward. While it seems to us that the Court in Ward has made a departure from the broad discretion and latitude previously afforded states in enacting discriminatory legislation of this nature, we are not free to disregard the potentially broad implications raised by this decision. Accordingly, based on the foregoing, it is our opinion that serious questions exist as to the constitutionality of LB 1114 under the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution.

Your second question concerns whether the compensation credit provided in LB 1114 would discriminate against nonresidents of the state in violation of the Privileges and Immunities Clause of Article IV, Section 2 of the United States Constitution.

The purpose of the Privileges and Immunities Clause is to place the citizens of each State upon the same footing with citizens of other States, so far as the advantages resulting from citizenship in those States are concerned. It relieves them from the disabilities of alienage in other States; it inhibits discriminating legislation against them by other states;

Paul v. Virginia, 8 Wall. 168, 180 (1869). See also Ward v. Maryland, 12 Wall. 418 (1871); Hicklin v. Orbeck, 437 U.S. 518 (1978).

The credit allowed by LB 1114 is based upon the ratio of the "total amount of compensation paid in this state" to the "total amount of compensation paid everywhere." LB 1114, Section 11. Section 9 of the bill defines "compensation" as "wages, salaries, and any other form of remuneration, except commissions, paid to employees for personal services." Subsections (1)(a) through (c) of Section 9 define the circumstances under which compensation is deemed to be paid in this state. The language employed in Section 9 mirrors the language providing for the payroll factor computation under the unitary business tax contained in Neb.Rev.Stat. §77-2734.13 (Supp. 1984).

In our view, the bill does not create any prohibited discrimination against nonresidents in violation of the Privileges and Immunities Clause. The factor which determines whether compensation is paid within the state is whether the service is performed in the state. No suggestion or inference is made that the salaries and wages of nonresident employees will not be included in computing the credit. As the credit is not based on the state of residence of the employees,

it appears the bill does not violate the Privileges and Immunities Clause.

Finally, you have requested our advice concerning the propriety of the bill's provision of an emergency clause and a retroactive operative date to January 1, 1985. You ask whether retroactive application of the premiums tax formula in LB 1114 would be constitutional.

In Opinion No. 152, dated November 14, 1985, we noted the general rule of law establishing that a tax is not necessarily rendered unconstitutional merely because it has some retroactive effect. The primary constitutional objection to legislation of this nature is that it constitutes a denial of due process. In our previous opinion, we cited the leading case concerning this issue, Welch v. Henry, 305 U.S. 134, 147 (1938), in which the Court stated that, in each case, it is necessary "to consider the nature of the tax and the circumstances in which it is laid before it can be said that its retroactive application is so harsh and oppressive as to transgress the constitutional limitation." Based on the principles enunciated in Welch, supra, we do not believe it would be impermissible for the Legislature to provide for the retroactive application of a change in the premiums tax under the present circumstances.

Very truly yours,
ROBERT M. SPIRE
Attorney General

(Signed) L. Jay Bartel
Assistant Attorney General

LJB/bae

cc: Patrick J. O'Donnell
Clerk of the Legislature

MOTION - Suspend Rules

Mr. Baack moved to suspend the rules, Rule 4, Section 5 and adopt LR 349, 350, and 351.

The motion to suspend the rules and adopt LR 349, 350, and 351 prevailed with 31 ayes, 0 nays, 5 present and not voting, and 13 excused and not voting.

MOTION - Approve Appointment

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following Governor appointment

found in the Journal on page 970: Patricia Kuehl - Director, Department on Aging.

Voting in the affirmative, 25:

Abboud	Chronister	Goodrich	Johnson, L.	Peterson
Baack	Conway	Haberman	Johnson, R.	Remmers
Barrett	DeCamp	Harris	Miller	Sieck
Carsten	Eret	Hartnett	Morehead	Vickers
Chizek	Goll	Higgins	Nelson	Wesely

Voting in the negative, 0.

Present and not voting, 11:

Beyer	Landis	Lynch	Pappas	Smith
Hefner	Lundy	Nichol	Scofield	Warner
Hoagland				

Excused and not voting, 13:

Beutler	Hannibal	Lamb	Rogers	Schmit
Chambers	Johnson, V.	Marsh	Rupp	Withem
Hall	Labeledz	Pirsch		

The appointment was confirmed with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Eret asked unanimous consent to have his name added as co-introducer to LB 1230. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Chronister asked unanimous consent to print the following amendment to LB 926 in the Journal. No objections. So ordered.

AM2271

- 1 1. On page 57, strike beginning with "After"
- 2 in line 6 through the period in line 13 and insert "The
- 3 applicant may complete the twelve-month service as a
- 4 student embalmer in the following manner:
- 5 (1) By registering with the department and
- 6 serving six months of his or her service as a student

7 embalmer, then attending embalming college, as required
8 in section 71-195, and after successfully completing the
9 written examination of embalming required by such
10 section, by completing the final six months of the
11 required service as a student embalmer. Both six-month
12 service periods as a student embalmer shall be under the
13 instruction and supervision of an embalmer licensed and
14 practicing in the State of Nebraska; or

15 (2) By completing embalming college, and
16 successfully passing the written examination on the
17 subject of embalming, as required in section 71-195,
18 then registering with the department as a student
19 embalmer and serving twelve months of service as a
20 student embalmer under the instruction and supervision
21 of an embalmer licensed and practicing in the State of
1 Nebraska.”; and strike beginning with “twenty-four” in
2 line 19 through “embalmer” in line 20 and insert
3 “thirty-six months of the date of registration as a
4 student embalmer if the applicant elects to complete his
5 or her twelve-month service as prescribed in subdivision
6 (1) of this section and twenty-four months if the
7 applicant elects to complete his or her twelve-month
8 service as prescribed in subdivision (2) of this
9 section”.

STANDING COMMITTEE REPORT

Agriculture and Environment

LEGISLATIVE BILL 1007. Placed on General File as amended.
Standing Committee amendments to LB 1007:
AM2262

- 1 1. Insert the following new section:
- 2 “Section 1. That section 75-903, Revised
- 3 Statutes Supplement, 1985, be amended to read as
- 4 follows:
- 5 75-903. All grain dealers doing business in
- 6 this state shall be licensed by the commission. To
- 7 procure and maintain a license, each grain dealer shall:
- 8 (1) Pay an annual fee of thirty dollars which
- 9 shall be due on or before June 30 of each year for each
- 10 license and a registration fee not to exceed twenty
- 11 dollars per year for each vehicle used by such licensee
- 12 to transport grain. Such fees shall be paid to the
- 13 State Treasurer and credited to the state General Fund;
- 14 (2) Equip each vehicle used by the licensee

15 for grain transportation with a commercial license plate
16 registered with the Department of Motor Vehicles, except
17 that a licensee who resides in another state shall
18 license such vehicles according to the laws of his or
19 her state of residence;

20 (3) Affix a grain dealer plate issued by the
21 commission to each vehicle used by the licensee;

1 (4) File security which may be a bond issued
2 by a corporate surety company and payable to the
3 commission, an irrevocable letter of credit, or a
4 certificate of deposit, subject to approval of the
5 commission, for the benefit of persons doing business
6 with grain dealers. The security shall be in the amount
7 of twenty-five thousand dollars or four per cent of
8 grain purchases by the grain dealer in the preceding
9 license year as reported on a form prescribed by the
10 commission, whichever is greater, not to exceed one
11 hundred thousand dollars. Such security shall be
12 furnished on the conditions that (a) the licensee will
13 pay for any grain purchased upon demand, not later than
14 ten days after taking possession of the grain purchased;
15 and (b) the licensee owns, free of liens, any grain
16 which the licensee offers for sale; and

17 (5) File each year a financial statement of
18 the licensee's operations as a grain dealer which is
19 compiled by an independent certified public accountant,
20 ~~or an independent public accountant, or an independent~~
21 accountant not holding a license or permit but meeting
22 one of the following requirements:

23 (a) Possesses a bachelor of science degree in
24 business administration with eighteen or more hours in
1 accounting courses;

2 (b) Possesses a bachelor of science degree in
3 business administration with a major in accounting;

4 (c) Possesses a bachelor of science degree in
5 business administration with an emphasis in accounting;

6 (d) Possesses an associate arts degree with an
7 accounting major or similar such degree;

8 (e) Possesses an associate of applied sciences
9 degree in business administration with an accounting
10 specialty or similar such degree;

11 (f) Has four or more years of experience in
12 the performance of accounting services for the public as
13 a principal or employee of an accounting services firm;

14 (g) Has four or more years of experience in

15 the accounting or bookkeeping department of a private
16 corporation, business, or similar entity;

17 (h) Has three or more years of experience in
18 performance of accounting services for the public and is
19 enrolled to practice before the Internal Revenue Service
20 or has passed the accreditation Council for Accountancy
21 examination in taxation or accounting; or

22 (i) Is employed for at least forty-eight
23 months by the Internal Revenue Service as an internal
24 revenue agent, the State of Nebraska, or a political
1 subdivision of the state in an accounting or auditing
2 position for which an examination in accounting of
3 qualifying education and experience was required, in
4 accordance with generally accepted accounting
5 principles.”.

6 2. On page 2, line 23, strike “section” and
7 insert “sections 75-903 and”; and in line 24 strike “is”
8 and insert “are”.

9 3. Renumber the remaining sections
10 accordingly.

(Signed) Rod Johnson, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 353.

Introduced by Vickers, 38th District; Morehead, 30th District; Baack,
47th District; Barrett, 39th District; R. Johnson, 34th District; Eret,
32nd District; Nelson, 35th District.

WHEREAS, there are approximately twenty-seven thousand
active teachers and a vast number of retired teachers in the State of
Nebraska; and

WHEREAS, teachers, past and present, at the elementary,
secondary, and postsecondary levels strive to open the minds and
instill educational principles in our youth that will benefit them
throughout their lives; and

WHEREAS, teachers in Nebraska have played and will continue
to play an important role in the shaping of the moral fiber of our
children and encouraging them to reach their highest potential; and

WHEREAS, we as citizens of Nebraska wish to express our
gratitude and thanks to the dedicated teachers who have unselfishly
given of themselves by teaching in our schools over the years.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That March 4, 1986, is hereby declared to be Teacher Recognition Day.

2. That the Legislature encourages all citizens in Nebraska to recognize Teacher Recognition Day and urges all Nebraska citizens to show their appreciation by giving their thanks, encouragement, and support to all teachers on March 4 and in the future.

Laid over.

MOTION - Place LB 1029 on General File

Messrs. Wesely, Harris, Warner, Beutler, Landis, and Mrs. Marsh renewed their pending motion found in the Journal on page 899 to place LB 1029 on General File notwithstanding the action of the committee.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. DeCamp requested a record vote on the Wesely et al. motion.

Voting in the affirmative, 14:

Beutler	Eret	Landis	Pappas	Smith
Carsten	Harris	Marsh	Schmit	Wesely
Chizek	Johnson, R.	Morehead	Sieck	

Voting in the negative, 24:

Abboud	Conway	Hannibal	Lundy	Pirsch
Baack	DeCamp	Hefner	Miller	Remmers
Barrett	Goll	Hoagland	Nelson	Rupp
Beyer	Goodrich	Johnson, L.	Nichol	Vickers
Chronister	Haberman	Johnson, V.	Peterson	

Present and not voting, 5:

Hartnett	Higgins	Lynch	Scofield	Warner
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Excused and not voting, 6:

Chambers Labeledz Lamb Rogers Withem
Hall

The Wesely et al. motion lost with 14 ayes, 24 nays, 5 present and not voting, and 6 excused and not voting.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Hannibal asked unanimous consent to print the following amendment to LB 289 in the Journal. No objections. So ordered.

AM1704

- 1 1. Strike the original sections and insert
- 2 the following new sections:
- 3 "Section 1. (1) No suit shall be commenced against any
- 4 employee of a political subdivision for money on account
- 5 of damage to or loss of property or personal injury to
- 6 or the death of any person caused by any negligent or
- 7 wrongful act or omission of the employee while acting in
- 8 the scope of his or her office or employment occurring
- 9 after the effective date of this act, unless a claim has
- 10 been submitted in writing to the governing body of the
- 11 political subdivision within one year after such claim
- 12 accrued in accordance with section 23-2404.
- 13 (2) No suit shall be permitted on a claim
- 14 filed pursuant to this section unless the governing body
- 15 of the political subdivision has made final disposition
- 16 of the claim, except that if the governing body does not
- 17 make final disposition of the claim within six months
- 18 after the claim is filed, the claimant may, by notice in
- 19 writing, withdraw the claim from consideration of the
- 20 governing body and begin suit.
- 21 (3) Except as provided in section 23-2416, any
- 1 suit commenced on any claim filed pursuant to this
- 2 section shall be forever barred unless begun within two
- 3 years after the claim accrued. The time to begin suit
- 4 under this section shall be extended for a period of six
- 5 months (a) from the date of mailing of notice to the
- 6 claimant by the governing body as to the final
- 7 disposition of the claim or (b) from the date of
- 8 withdrawal of the claim from the governing body under
- 9 this section, if the time to begin suit would otherwise

10 expire before the end of such period.

11 Sec. 2. After January 1, 1987, all suits
12 against any employee of a political subdivision for
13 money on account of damage to or loss of property or
14 personal injury to or the death of any person caused by
15 any negligent or wrongful act or omission of the
16 employee while acting within the scope of his or her
17 office or employment and occurring prior to the
18 effective date of this act shall be forever barred,
19 unless the party seeking recovery had, within one year
20 after such claim accrued, submitted a claim in writing
21 to the governing body of the political subdivision in
22 accordance with section 23-2404.

23 Sec. 3. The total amount recoverable against
24 any employee for claims filed pursuant to sections 1 to
1 3 of this act arising out of an occurrence after the
2 effective date of this act shall be limited to: (1) One
3 million dollars for any person for any number of claims
4 arising out of a single occurrence; and (2) five million
5 dollars for all claims arising out of a single
6 occurrence.

7 Sec. 4. That section 23-2420, Revised
8 Statutes Supplement, 1984, as amended by section 1,
9 Legislative Bill 14, Eighty-ninth Legislature, Second
10 Special Session, 1985, be amended to read as follows:

11 23-2420. Sections 23-2401 to 23-2420 and
12 sections 1 to 3 of this act may be cited as the
13 Political Subdivisions Tort Claims Act.

14 Sec. 5. If any section in this act or any
15 part of any section shall be declared invalid or
16 unconstitutional, such declaration shall not affect the
17 validity or constitutionality of the remaining portions
18 thereof.

19 Sec. 6. That original section 23-2420, Revised
20 Statutes Supplement, 1984, as amended by section 1,
21 Legislative Bill 14, Eighty-ninth Legislature, Second
22 Special Session, 1985, is repealed.

23 Sec. 7. Since an emergency exists, this act
24 shall be in full force and take effect, from and after
1 its passage and approval, according to law.”.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 322. Placed on Select File as amended.

E & R amendments to LB 322:

AM5278

- 1 1. In the Standing Committee amendments,
- 2 AM1734, adopted February 21, 1986:
- 3 a. On page 2, line 22, strike the comma;
- 4 b. On page 6, line 20, strike "shall have" and
- 5 insert "has";
- 6 c. On page 7, line 1, strike "effective" and
- 7 insert "operative"; and in line 18 strike "must" and
- 8 insert "shall";
- 9 d. On page 8, line 2, strike the comma;
- 10 e. On page 10, line 7, strike "if";
- 11 f. On page 11, line 10; page 12, lines 9, 12,
- 12 and 23; and page 13, lines 12 and 15, strike all commas;
- 13 g. On page 14, line 8, after "commodities"
- 14 insert a comma; and in line 12 strike "a" and insert
- 15 "any";
- 16 h. On page 16, line 13, strike "the last day
- 17 of"; in line 14 after "January" insert "31", strike "the
- 18 last day of", and after "July" insert "31"; and in line
- 19 19 strike "shall";
- 20 i. On page 18, line 11, strike "by regulation"
- 21 and after "promulgate" insert "as rules and
- 1 regulations";
- 2 j. On page 19, lines 2 and 3, before each
- 3 occurrence of "regulation" insert "rule or"; and in line
- 4 14 strike the comma;
- 5 k. On page 20, line 11, after "premises"
- 6 insert a comma;
- 7 l. On page 21, line 24; and page 23, line 14,
- 8 strike "withdrawal from distribution" and insert
- 9 "withdrawal-from-distribution";
- 10 m. On page 23, line 3, strike "Any" and insert
- 11 "Except as otherwise provided in subsection (6) of this
- 12 section, any"; in line 12 strike the colon and strike
- 13 "Report" and insert "report"; and in line 13 strike the
- 14 semicolons and insert commas;
- 15 n. On page 24, line 3, strike "The" and insert
- 16 "In order to insure compliance with the Commercial Feed
- 17 Act, the"; in line 6 strike "Commercial Feed Act" and
- 18 insert "act"; and in line 8 strike beginning with
- 19 "thereto" through "with" and insert "to"; and
- 20 o. On page 25, strike beginning with "records"
- 21 in line 1 through "processes" in line 2 and insert
- 22 "record, formulation, or process"; and in line 15 after

- 23 "proper" insert a comma.
24 2. On page 1, strike beginning with
1 "contracts" in line 1 through line 3 and insert
2 "agriculture; to adopt the Commercial Feed Act; to
3 create a fund; to provide penalties; to repeal the
4 Nebraska Commercial Feed Law; to eliminate a fund; to
5 provide an operative date; to provide severability; and
6 to repeal sections 54-819 to 54-828, 54-830 to 54-843,
7 54-845, and 54-846, Reissue Revised Statutes of
8 Nebraska, 1943."

LEGISLATIVE BILL 309. Placed on Select File as amended.
E & R amendments to LB 309:

AM5274

- 1 1. In the Standing Committee amendments,
2 AM1681, adopted February 21, 1986:
3 a. On page 2, line 19, strike "amendment to
4 an" and after "application" insert "to amend a permit";
5 b. On page 3, line 14, strike the first comma
6 and show as stricken; and
7 c. On page 4, line 9, strike the comma.
8 2. On page 1, strike beginning with "ground"
9 in line 1 through line 5 and insert "the Industrial
10 Ground Water Regulatory Act; to amend sections 46-684,
11 46-687, and 46-690, Reissue Revised Statutes of
12 Nebraska, 1943, and section 33-105, Revised Statutes
13 Supplement, 1985; to provide a fee; to authorize the
14 amendment of a permit; to change provisions relating to
15 the revocation and enforcement of a permit; to change a
16 penalty; to harmonize provisions; and to repeal the
17 original sections."

LEGISLATIVE BILL 908. Placed on Select File as amended.
E & R amendment to LB 908:

AM5277

- 1 1. On page 1, line 6, strike "and" and after
2 "sections" insert "; and to declare an emergency".

LEGISLATIVE BILL 809. Placed on Select File as amended.
E & R amendments to LB 809:

AM5275

- 1 1. In the Standing Committee amendments,
2 AM1835, adopted February 21, 1986:
3 a. On page 4, line 13, after "Court" insert an
4 underscored comma;

- 5 b. On page 13, line 7, strike the comma and
6 show as stricken; and
7 c. On page 14, line 9, after "determination"
8 insert an underscored comma.
9 2. On page 1, strike beginning with "section"
10 in line 1 through the semicolon in line 2 and insert
11 "sections 48-808, 48-812, 48-816.02, 48-819.01, 48-822,
12 48-823, and 48-838, Reissue Revised Statutes of
13 Nebraska, 1943, and sections 48-801 and 48-816, Revised
14 Statutes Supplement, 1985; to name an act; to harmonize
15 provisions;"; in line 5 after the semicolon insert "to
16 eliminate an obsolete provision relating to substitution
17 of terms;"; and in line 6 strike "section" and insert
18 "sections, and also section 48-839, Reissue Revised
19 Statutes of Nebraska, 1943".
20 3. On page 2, line 7, strike the comma and
21 show as stricken.

LEGISLATIVE BILL 820. Placed on Select File as amended.
E & R amendment to LB 820:

AM5276

- 1 1. On page 1, line 4, strike "to provide a
2 penalty;".

LEGISLATIVE BILL 910. Placed on Select File as amended.
E & R amendment to LB 910:

AM5279

- 1 1. On page 2, line 5; and page 3, line 14,
2 strike the comma and show as stricken.

LEGISLATIVE BILL 816. Placed on Select File as amended.
E & R amendments to LB 816:

AM5280

- 1 1. On page 3, line 4, strike the first and
2 second commas and show as stricken.
3 2. On page 4, line 15, strike the comma and
4 show as stricken.
5 3. On page 5, line 1, after "section" insert
6 an underscored comma; and in line 5 strike "of", show as
7 stricken, and insert "for" and after "student" insert an
8 underscored comma.
9 4. On page 6, lines 8 and 20, strike the
10 comma and show as stricken; and in line 21 after
11 "Commissioner" insert an underscored comma.
12 5. On page 7, line 4, strike the comma and

13 show as stricken; and strike beginning with the
 14 semicolon in line 6 through "tax" in line 7, show as
 15 stricken, and insert "which".

(Signed) Timothy Hall, Chairperson

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 965. Placed on General File as amended.
 (Standing Committee amendments printed separate from the Journal
 and on file in the Clerk's Office - Room 1102 - AM2256.)

(Signed) David Landis, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1004A. By Landis, 46th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out
 the provisions of Legislative Bill 1004, Eighty-ninth Legislature,
 Second Session, 1986; and to reduce certain appropriations.

GENERAL FILE

LEGISLATIVE BILL 105. Mr. Vickers renewed his pending
 amendment found in the Journal on page 944.

The Vickers amendment lost with 6 ayes, 16 nays, 20 present and not
 voting, and 7 excused and not voting.

Mr. Hoagland moved the previous question. The question is, "Shall
 the debate now close?" The motion prevailed with 27 ayes, 0 nays,
 and 22 not voting.

Mr. Vickers requested a record vote on the advancement of the bill.

Voting in the affirmative, 32:

Abboud	Chronister	Goll	Hartnett	Johnson, R.
Barrett	Conway	Goodrich	Higgins	Johnson, V.
Beyer	DeCamp	Hall	Hoagland	Labeledz
Chizek	Eret	Harris	Johnson, L.	Lynch

Marsh	Nelson	Pirsch	Smith	Wesely
Miller	Nichol	Rupp	Warner	Withem
Morehead	Pappas			

Voting in the negative, 9:

Carsten	Landis	Peterson	Scofield	Vickers
Hefner	Lundy	Remmers	Sieck	

Present and not voting, 4:

Baack	Haberman	Hannibal	Schmit
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Excused and not voting, 4:

Beutler	Chambers	Lamb	Rogers
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Advanced to E & R for Review with 32 ayes, 9 nays, 4 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 844 in the Journal. No objections. So ordered.

AM2254

- 1 1. On page 3, lines 5, 7, 11, 14, 17, and 19,
- 2 strike "shall" and insert "may".

STANDING COMMITTEE REPORTS **Agriculture and Environment**

LEGISLATIVE BILL 927. Placed on General File.

LEGISLATIVE BILL 953. Placed on General File.

LEGISLATIVE BILL 1113. Indefinitely postponed.

LEGISLATIVE BILL 1144. Indefinitely postponed.

LEGISLATIVE BILL 1146. Indefinitely postponed.

(Signed) Rod Johnson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 474. Title read. Considered.

Standing Committee amendments, AM1756, printed separate from the Journal and referred to on page 383 for the Eighth Day were considered.

Mr. Schmit offered the following amendment to the Standing Committee amendments:

on page 19, line 4 strike "seventy-five" and insert "ninety"

The Schmit amendment was adopted with 22 ayes, 0 nays, 23 present and not voting, and 4 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 474A. Title read. Considered.

Advanced to E & R for Review with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 318. Title read. Considered.

Standing Committee amendments, AM1813, printed separate from the Journal and referred to on page 582 for the Fifteenth Day were considered.

Mr. Abboud offered the following amendment to the Standing Committee amendments:

AM2272

- 1 1. Insert the following new section:
- 2 "Sec. 149. That section 71-204, Revised
- 3 Statutes Supplement, 1984, be amended to read as
- 4 follows:
- 5 71-204. A person is qualified to receive a
- 6 certificate of registration to practice barbering (1)
- 7 who has a diploma showing graduation from high school or
- 8 an equivalent education as determined by passing a
- 9 general education development test; (2) who is at least
- 10 ~~eighteen~~ seventeen years of age; (3) who has completed
- 11 two thousand one hundred hours of training in a barber
- 12 school or college; (4) who has graduated from a barber
- 13 school or college approved by the Board of Barber

14 Examiners; and (5) who has passed an examination
 15 conducted by the Board of Barber Examiners to determine
 16 his or her fitness to practice barbering, which
 17 examination shall be taken within two years after the
 18 date of entry into barbering school.”.

19 2. On page 93, line 20, after the second
 20 comma insert “and section 71-204, Revised Statutes
 21 Supplement, 1984.”.

1 3. Renumber remaining sections accordingly.

Mr. Conway asked unanimous consent to be excused until he returns.
 No objections. So ordered.

The Abboud amendment was adopted with 13 ayes, 0 nays, 31
 present and not voting, and 5 excused and not voting.

The Standing Committee amendments, as amended, were adopted
 with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and
 not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 16 present and
 not voting, and 5 excused and not voting.

LEGISLATIVE BILL 318A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and
 not voting, and 5 excused and not voting.

LEGISLATIVE BILL 813. Title read. Considered.

Standing Committee amendment, AM2014, found in the Journal on
 page 676 for the Twentieth Day was adopted with 25 ayes, 0 nays,
 19 present and not voting, and 5 excused and not voting.

Mr. Barrett offered the following amendment:
 AM2279

- 1 1. On page 2, line 6, strike “A”, show as
- 2 stricken, and insert “Unless consent or relinquishment
- 3 has been made as provided in sections 43-104 and
- 4 43-104.02 for purposes of adoption, a”.

The Barrett amendment was adopted with 25 ayes, 0 nays, 19 present
 and not voting, and 5 excused and not voting.

Mr. Pappas withdrew his pending amendment found in the Journal on page 789.

Advanced to E & R for Review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 942. Title read. Considered.

Standing Committee amendments, AM2021, printed separate from the Journal and referred to on page 685 for the Twentieth Day were adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 759. Title read. Considered.

Standing Committee amendment, AM1797, found in the Journal on page 540 for the Fourteenth Day was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mrs. Smith asked unanimous consent to print the following amendment to LB 829 in the Journal. No objections. So ordered.

AM1758

- 1 1. On page 2, line 15, after "be" insert
- 2 "developed by the Department of Social Services in
- 3 consultation with the Department on Aging and shall then
- 4 be"; and strike beginning with "after" in line 16
- 5 through "Aging" in line 17.
- 6 2. On page 3, line 23, strike "(1)".
- 7 3. On page 4, strike lines 12 through 19.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 610. Indefinitely postponed.
LEGISLATIVE BILL 982. Indefinitely postponed.
LEGISLATIVE BILL 1053. Indefinitely postponed.
LEGISLATIVE BILL 1141. Indefinitely postponed.
LEGISLATIVE BILL 1218. Indefinitely postponed.
LEGISLATIVE BILL 1245. Indefinitely postponed.

(Signed) Peter Hoagland, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Hoagland asked unanimous consent to have his name added as co-introducer to LB 105. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1027A. By V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1027, Eighty-ninth Legislature, Second Session, 1986.

LEGISLATIVE BILL 1105A. By Goll, 16th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1105, Eighty-ninth Legislature, Second Session, 1986.

LEGISLATIVE BILL 219A. By Haberman, 44th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 219, Eighty-ninth Legislature, Second Session, 1986.

VISITORS

Visitors to the Chamber were Senator Hefner's brother, Wendell Hefner from South Sioux City; members of AM - PM Extension Club and Mrs. Lamb and daughter-in-law, Donalee Lamb; 40 eighth grade students and teacher from St. Mary's School, David City; Dr. Connell Thomas, Ph.D., former Representative from Idaho; and 8 students and teacher from Wayne State College.

ADJOURNMENT

At 12:05 p.m., on a motion by Mr. Sieck, the Legislature adjourned until 9:00 a.m., Friday, February 28, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FOURTH DAY - FEBRUARY 28, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

THIRTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 28, 1986

Pursuant to adjournment, the Legislature met at 9:00 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. Vernon Jacobs, Holy Cross Lutheran Church, Omaha, Nebraska.

PRESENTATION

The choir from the Nebraska School for the Visually Handicapped sang a medley of songs for Statehood Day.

ROLL CALL

The roll was called and all members were present except Messrs. Lamb and Rupp who were excused; and Messrs. Beutler, Chambers, Haberman, Hartnett, V. Johnson, Landis, Schmit, Warner, Mesdames Marsh, Pirsch, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Third Day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 793. Placed on General File.
LEGISLATIVE BILL 1175. Placed on General File.

The Committee on Miscellaneous Subjects desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Secretary of State Appointment:

Robert W. Sim - Accountability and Disclosure Commission

Governor Appointments:

Ted Kooser - Nebraska Arts Council

Robert C. Ripley - Nebraska Arts Council

Voting yes: Conway, Haberman, Hartnett, Hefner, Morehead,
Pappas

Voting no: None

Absent: Higgins, V. Johnson

(Signed) Elroy M. Hefner, Chairperson

CORRECTED STANDING COMMITTEE REPORT
Agriculture and Environment

LEGISLATIVE BILL 953. Indefinitely postponed.

(Signed) Rod Johnson, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 348, LR 349, LR 350, and LR 351.

RESOLUTIONS

LEGISLATIVE RESOLUTION 352. Read. Considered.

LR 352 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 353. Read. Considered.

LR 353 was adopted with 25 ayes, 0 nays, and 24 not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Carsten asked unanimous consent to be excused until he returns.
No objections. So ordered.

STANDING COMMITTEE REPORTS

Business and Labor

LEGISLATIVE BILL 1179. Placed on General File as amended.
Standing Committee amendment to LB 1179:

AM2141

1 1. On page 4, line 5, strike "a" and
2 reinstate "the" and strike "employee" and reinstate
3 "party"; in line 6 after "costs" insert "except that
4 if the prevailing party was the respondent before the
5 commission, the court may allow such party a reasonable
6 attorney's fee if the court determines that the claim of
7 the party, who was the complainant before the
8 commission, was frivolous, unreasonable, or groundless";
9 and strike beginning with "A" in line 6 through the
10 period in line 9.

LEGISLATIVE BILL 720. Indefinitely postponed.

LEGISLATIVE BILL 1043. Indefinitely postponed.

LEGISLATIVE BILL 1094. Indefinitely postponed.

(Signed) Bill Barrett, Chairperson

GENERAL FILE

LEGISLATIVE BILL 788. Title read. Considered.

Standing Committee amendment, AM1881, found in the Journal on page 583 for the Fifteenth Day was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

ANNOUNCEMENT

The Chair announced that Senator Sieck's birthday is February 29.

GENERAL FILE

LEGISLATIVE BILL 890. Title read. Considered.

Mr. Pappas withdrew his pending amendment found in the Journal on page 730.

Mr. Lundy renewed his pending amendment, AM2087, found in the Journal on page 787.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?"

Mr. Hoagland moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The motion to cease debate prevailed with 29 ayes, 6 nays, and 14 not voting.

The Chair declared the call raised.

The Lundy amendment was adopted with 29 ayes, 7 nays, 7 present and not voting, and 6 excused and not voting.

Mrs. Morehead offered the following amendment:
AM2142

- 1 1. Insert the following new section:
- 2 "Sec. 2. That section 77-27,142.03, Reissue
- 3 Revised Statutes of Nebraska, 1943, be amended to read
- 4 as follows:
- 5 77-27,142.03. Whenever, at least forty-five
- 6 days prior to any city, county, or state election, the
- 7 qualified electors of any municipality, equal in number
- 8 to ten per cent of the votes cast at the last preceding
- 9 municipal election, shall petition the governing body to
- 10 submit such question, it shall be the duty of the
- 11 governing body to submit the question at the next ~~city,~~
- 12 ~~county, or state~~ primary, general, or special election.
- 13 The question of imposing a sales and use tax shall not
- 14 be submitted to the electors of an incorporated
- 15 municipality more often than once every ~~two years~~
- 16 twenty-three months."
- 17 2. On page 3, line 10, after "original"
- 18 insert "section 77-27,142.03, Reissue Revised Statutes

19 of Nebraska, 1943, and"; and in line 11 strike "is" and
20 insert "are".

21 3. Renumber remaining section accordingly.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Morehead amendment was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

Advanced to E & R for Review with 29 ayes, 8 nays, 6 present and not voting, and 6 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 310A. By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 310, Eighty-ninth Legislature, Second Session, 1986.

LEGISLATIVE BILL 829A. By Smith, 33rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 829, Eighty-ninth Legislature, Second Session, 1986.

STANDING COMMITTEE REPORTS **Government, Military and Veterans Affairs**

LEGISLATIVE BILL 1100. Placed on General File.

LEGISLATIVE BILL 1158. Placed on General File.

LEGISLATIVE BILL 1227. Placed on General File.

LEGISLATIVE BILL 776. Indefinitely postponed.

LEGISLATIVE BILL 777. Indefinitely postponed.

LEGISLATIVE BILL 932. Indefinitely postponed.

LEGISLATIVE BILL 970. Indefinitely postponed.

LEGISLATIVE BILL 1006. Indefinitely postponed.

(Signed) David Landis, Chairperson

GENERAL FILE

LEGISLATIVE BILL 925. Title read. Considered.

Standing Committee amendment, AM1999, found in the Journal on page 709 for the Twenty-First Day was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Messrs. Abboud and Nichol asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. V. Johnson and Wesely offered the following amendment:
AM2286

- 1 1. Insert the following new sections:
- 2 "Sec. 2. That section 81-645, Revised
- 3 Statutes Supplement, 1984, be amended to read as
- 4 follows:
- 5 81-645. In order to implement the intent and
- 6 purposes of sections 81-642 to 81-650, the department
- 7 shall:
- 8 (1) Adopt and promulgate necessary rules and
- 9 regulations, including rules and regulations for the
- 10 frequency and form of information submitted;
- 11 (2) Execute contracts that the department
- 12 considers necessary;
- 13 (3) Receive and record the data obtained from
- 14 the medical records of persons having cancer;
- 15 (4) Compile and publish a statistical report
- 16 annually or at reasonable intervals containing
- 17 information obtained from patient data pursuant to
- 18 sections 81-642 to 81-650 in order to provide accessible
- 19 information useful to physicians, medical personnel, and
- 20 the public;
- 21 (5) Comply with all necessary requirements in
- 1 order to obtain funds or grants; ~~and~~
- 2 (6) Coordinate with existing statewide cancer
- 3 registry programs to the extent feasible; and
- 4 (7) ~~(6)~~ Consult with medical professionals,
- 5 ~~and~~ hospital tumor registries, ~~registry~~ and medical
- 6 records representatives in formulating the plans and
- 7 policies of the cancer registry program.

8 Sec. 3. That section 81-646, Revised Statutes
9 Supplement, 1984, be amended to read as follows:

10 81-646. (1) On the request of the department
11 or its authorized representative, ~~each hospital within~~
12 ~~the state shall, and~~ each medical doctor, osteopath, or
13 dentist within the state may produce and make available
14 to the department or its authorized representative, in a
15 manner prescribed by the department, data which the
16 department determines is necessary and appropriate from
17 each medical record of cancer under the hospital's,
18 doctor's, osteopath's, or dentist's custody or control.

19 (2) Each hospital within the state shall make
20 available to the department or its authorized
21 representative on presentation of proper identification
22 of the department's representative, a list of names of
23 cancer patients, corresponding medical records numbers,
24 and medical records which document the diagnosis and
1 treatment of cancer on the premises of the hospital,
2 office, or clinic during normal working hours, for the
3 purpose of recording specific data about a patient's
4 cancer.

5 (3) Each hospital that initially diagnoses
6 cancer made reportable by the department for more than
7 fifty patients during a calendar year shall, for the
8 next calendar year, at the request of the department or
9 its authorized representative, produce and make
10 available, in a manner prescribed by the department,
11 data which the department determines is necessary and
12 appropriate from each medical record of cancer under the
13 control of such hospital. Any hospital with fewer than
14 fifty initial diagnoses of cancer may report in the same
15 manner.

16 (4) (3) The data produced pursuant to
17 subsection (1) of this section shall include, but not be
18 limited to the:

19 (a) Patient's name, address, and available
20 social security number;

21 (b) Patient's hospital accession number;

22 (c) Patient's birthdate, race, and sex;

23 (d) Date of diagnosis;

24 (e) Primary site of cancer;

1 (f) Stage of the disease, including in situ,
2 localized, regional, distant, or metastasis;

3 (g) Basis of staging, including clinical
4 diagnostic, surgical evaluative, post surgical treatment

5 pathological, or retreatment; and

6 (h) Diagnostic confirmation.

7 Sec. 4. That section 81-647, Revised Statutes

8 Supplement, 1984, be amended to read as follows:

9 81-647. All data obtained ~~directly~~ from
10 medical records of individual patients is for the
11 confidential use of the department and the private or
12 public persons or entities that the department
13 determines may view such records in order to carry out
14 the intent of sections 81-642 to 81-650. Such
15 information shall be privileged and shall not otherwise
16 be divulged or made public so as to disclose the
17 identity of an individual whose medical records have
18 been used for acquiring data. Statistical information
19 collected pursuant to sections 81-642 to 81-650 shall be
20 open and accessible to the public and such statistical
21 information shall not be considered medical records
22 pursuant to section 84-712.05.”.

23 2. On page 3, line 1, strike “section 81-638”
24 and insert “sections 81-638 and 81-645 to 81-647”.

1 3. Renumber the remaining section
2 accordingly.

The V. Johnson-Wesely amendment was adopted with 25 ayes, 0
nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and
not voting, and 8 excused and not voting.

LEGISLATIVE BILL 925A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and
not voting, and 8 excused and not voting.

LEGISLATIVE BILL 829. Title read. Considered.

Mrs. Smith renewed her pending amendment, AM1758, found in the
Journal on page 1066.

The Smith amendment was adopted with 26 ayes, 0 nays, 16 present
and not voting, and 7 excused and not voting.

Mr. Sieck moved the previous question. The question is, “Shall the
debate now close?” The motion prevailed with 25 ayes, 0 nays, and
24 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of February 27, 1986. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Cutshall, Bruce A. - Lincoln, Nebraska Professional Counselor Association

Jordison, John C. - Council Bluffs, IA (Withdrawn 86/02/25), Peoples Natural Gas Company

McNeil, John P. - South Sioux City, South Sioux City Area Chamber of Commerce

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 817. Placed on Select File as amended.
E & R amendments to LB 817:
AM5287

- 1 1. In the Standing Committee amendments,
- 2 AM1833, adopted February 21, 1986, on page 1, strike
- 3 beginning with the comma in line 4 through the comma in
- 4 line 5.
- 5 2. On page 1, line 5, strike "77-423,"; and
- 6 strike beginning with "what" in line 9 through line 12
- 7 and insert "tax exemptions and review of changes in
- 8 valuations; to change certain penalties; to eliminate a
- 9 reference to repealed statutes; to change requirements
- 10 relating to assessor certification; to redefine a term;
- 11 to change provisions relating to certification of land
- 12 and protests and equalization of assessments; to
- 13 eliminate a filing requirement relating to distress
- 14 warrants; to eliminate provisions relating to tax levy
- 15 certification, listing of certain personal property,
- 16 assessor certification and training, and a penalty for
- 17 car companies;"

- 18 3. On page 2, strike beginning with
19 "redefine" in line 1 through the semicolon in line 7.
- 20 4. On page 6, lines 1, 11, and 15, after
21 "organization" insert "or society"; and in line 22 after
1 "on" insert "an".
- 2 5. On page 7, line 2, strike "This" and
3 insert "Such a"; in line 5 strike "This" and insert
4 "The"; in line 12 strike "ownership or use of the" and
5 "has"; and in line 13 strike "changed and" and "the
6 property".
- 7 6. On page 8, line 17, strike the first comma
8 and show as stricken.
- 9 7. On page 9, in line 4 strike "This" and
10 insert "Such"; underscore beginning with the comma in
11 line 23 through line 25; and in line 25 strike "This"
12 and insert "Such".
- 13 8. On page 10, underscore beginning with
14 "penalty" in line 1 through the period in line 3.
- 15 9. On page 11, line 17, after "the" insert
16 "public service"; and in line 19 strike "This" and
17 insert "Such".
- 18 10. On page 12, line 8, strike "shall bring",
19 show as stricken, and insert "brings"; in line 13 strike
20 "shall show", show as stricken, and insert "shows"; in
21 line 17 strike "said", show as stricken, and insert
22 "the"; and in lines 19 and 20 strike the comma and show
23 as stricken; and in line 24 strike the first comma and
24 show as stricken.
- 1 11. On page 13, line 24, strike "company" and
2 insert "air carrier".
- 3 12. On page 14, line 2, strike "This" and
4 insert "Such"; in line 9 strike "(1)" and show as
5 stricken; in line 14 strike the comma and show as
6 stricken; and in line 19 after "his" insert "or her".
- 7 13. On page 16, line 2, after "certified"
8 insert an underscored comma; and in line 4 after
9 "Revenue" insert an underscored comma.
- 10 14. On page 18, line 19, insert paragraphing
11 before "The".
- 12 15. On page 19, line 2, insert paragraphing
13 before "In"; and in line 13 strike "shall" and show as
14 stricken.
- 15 16. On page 20, line 8, strike the comma and
16 show as stricken; and in line 22 after the comma insert
17 "a".

18 17. On page 21, line 9, strike "77-423,".

LEGISLATIVE BILL 767. Placed on Select File as amended.
E & R amendments to LB 767:

AM5281

1 1. In the Standing Committee amendments,
2 AM1824, adopted on February 21, 1986:

3 (a) On page 1, in lines 3 and 15, strike all
4 commas; and in lines 11 and 18 strike "then"; and

5 (b) On page 2, in line 4 strike "A financial"
6 and insert "Financial"; and in lines 4 and 5, strike "be
7 defined as" and insert "mean".

8 2. On page 1, line 3, strike "an" and insert
9 "a detached"; and in line 4 after the first semicolon
10 insert "to delete obsolete language;".

11 3. On page 9, line 7, strike "or" show as
12 stricken, and insert an underscored comma and after
13 "another" insert an underscored comma.

LEGISLATIVE BILL 895. Placed on Select File as amended.
E & R amendments to LB 895:

AM5282

1 1. On page 1, line 1, after the first "to"
2 insert "insurance; to provide guidelines relating to";
3 in line 3 after the first semicolon insert "and"; and
4 strike beginning with the second semicolon in line 3
5 through "impact" in line 4.

6 2. On page 2, line 2, strike "mandating or
7 offering" and insert "which mandate health coverages or
8 the offering of"; in line 6 strike "these"; in line 7
9 strike "them" and insert "such services"; in line 14
10 strike "cost offsetting" and insert "cost-offsetting";
11 in line 17 after "of" insert "mandating", after
12 "particular" insert "health", and strike "mandate" and
13 insert "or the offering of a particular health
14 coverage"; and in line 21 strike "proposed" and insert
15 "legislation which proposes".

16 3. On page 3, line 2, strike "mandated"; in
17 line 3 strike "coverage"; in line 5 strike "shall" and
18 insert "would"; in line 6 strike "or offer" and insert
19 "a health coverage or the offering of"; in lines 9, 10,
20 and 18 strike the comma; and in line 20 after "service"
21 insert "which would be covered or offered".

1 4. On page 4, in lines 3 and 13, strike
2 "insurance" and insert "health"; in lines 13 and 22

- 3 after "of" insert "the"; in line 16 strike "this" and
4 insert "the"; in line 18 after "charged" insert "for the
5 treatment or service" and strike "a"; in line 19 strike
6 "provider who is" and insert "providers which are"; and
7 strike beginning with "an" in line 19 through "service"
8 in line 20 and insert "institutions, clinics, and
9 hospitals".
- 10 5. On page 5, in line 6, strike "this" and
11 insert "the".

LEGISLATIVE BILL 963. Placed on Select File as amended.
E & R amendments to LB 963:

AM5283

- 1 1. On page 1, line 5, strike "and" and insert
2 "an".
- 3 2. On page 2, lines 11 and 12, strike the
4 comma and show as stricken.

(Signed) Timothy Hall, Chairperson

STANDING COMMITTEE REPORT

Revenue

LEGISLATIVE BILL 1142. Placed on General File as amended.
Standing Committee amendments to LB 1142:

AM2281

- 1 1. On page 3, in lines 10 and 17, strike
2 "adjust" and insert "calculate"; and after line 19
3 insert the following new subsection:
4 "(8) The Tax Commissioner shall adjust the
5 individual income tax rate to the nearest whole per
6 cent, except that the Tax Commissioner shall not change
7 such rate if the total change to the individual income
8 tax receipts caused by the federal changes and indexing
9 is less than two per cent of the current fiscal year's
10 General Fund appropriations.".
- 11 2. On page 4, lines 1, 13, and 20, strike "4"
12 and insert "5"; in line 8 after "Commissioner" insert ",
13 the rate in section 77-2701.01"; in line 10 strike "the"
14 and insert "The" and strike "prescribed"; in line 11
15 after "77-2701.01" insert "as amended"; in line 22
16 strike "the current taxable year," and strike "ensuing"
17 and insert "next"; and in line 23 strike ", or both" and
18 insert "and the current taxable year, if also
19 affected,".

- 20 3. Insert the following new section:
 21 "Sec. 4. (1) At least ten days before the Tax
 1 Commissioner is required to report to the Legislature,
 2 he or she shall schedule a public hearing on the setting
 3 of the income tax rate under sections 1 to 5 of this act
 4 regardless of whether a change in the income tax rate is
 5 proposed.
 6 (2) Notice of the public hearing shall be
 7 published at least ten days prior to the hearing. The
 8 notice shall contain the time and place of the hearing,
 9 the period during which written comments will be
 10 received, the manner in which personal testimony may be
 11 scheduled, and where copies of the calculation for the
 12 proposed income tax rate may be obtained.
 13 (3) At the time of publishing the notice of
 14 the public hearing, the Tax Commissioner shall make
 15 available the rate proposed to be adopted, the
 16 calculations used in computing the rate, and the sources
 17 of the information used in the calculation."
 18 4. On page 5, line 13, strike "4" and insert
 19 "5".
 20 5. On page 6, line 2, strike "and ninety-one
 21 hundredths"; and strike beginning with the comma in line
 22 3 through the period in line 5, show as stricken, and
 23 insert an underscored period.
 24 6. Renumber the remaining sections
 1 accordingly.

(Signed) Vard R. Johnson, Chairperson

CORRECTED STANDING COMMITTEE REPORT
Agriculture and Environment

LEGISLATIVE BILL 927. Indefinitely postponed.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. DeCamp, Schmit, and Pappas asked unanimous consent to print the following amendment to LB 983 in the Journal. No objections. So ordered.

AM2290

- 1 1. Insert the following new section:

- 2 “Section 1. Whenever any examination of a
 3 bank reveals that loan losses have occurred at the bank
 4 to the extent that the capital of the bank is impaired
 5 and additional capitalization is required, such bank
 6 shall, after meeting the following qualification, be
 7 allowed to amortize such loan losses over a period of
 8 five years. In order to meet the amortization
 9 qualification, the bank shall submit a written plan to
 10 the Director of Banking and Finance outlining specific
 11 steps the bank intends to take to avoid further
 12 deterioration and to return to profitability. The
 13 director shall have the authority to accept or reject
 14 such plan for qualification and, if approved, shall
 15 insure that such plan is regularly reviewed.”.
 16 2. Renumber remaining sections accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 286 in the Journal. No objections. So ordered.

AM2282

(Amendments to AM1926)

- 1 1. On page 2, line 9; page 4, lines 21 and
 2 24; page 5, line 11; and page 16, line 10, strike “19”
 3 and insert “20”.
 4 2. On page 5, line 8; and page 8, lines 6 and
 5 19, strike “April” and insert “May”.
 6 3. On page 8, line 17, strike “without
 7 examination”.
 8 4. On page 9, line 21, after “section” insert
 9 “and section 20 of this act”.
 10 5. On page 11, line 6, after “period” insert
 11 “or for the period of time since the license was last
 12 issued”; and in line 11 strike “The licensee holds” and
 13 insert “Holds”.
 14 6. On page 16, line 8, after “tasks” insert
 15 “. When appropriate, certificate shall also mean a
 16 document issued by the department which designates
 17 particular credentials for an individual”.
 18 7. On page 20, line 22, after “biennially”
 19 insert “, except as provided in section 20 of this
 20 act”.
 1 8. On page 21, line 7, strike “, social
 2 work.”; and in line 8 after the first semicolon insert
 3 “May, social work.”.
 4 9. Insert the following new section:

- 5 “Sec. 20. The initial certificates for
 6 certified and registered social workers shall be renewed
 7 on May 1, 1988, and shall thereafter be renewed on May 1
 8 of each even-numbered year. The department, on the
 9 recommendation of the board, shall set the initial
 10 certification fees and the biennial certification fees
 11 for certified and registered social workers pursuant to
 12 section 71-162. The department, on the recommendation
 13 of the board, shall determine the continuing education
 14 requirements for the period May 1, 1987, to May 1,
 15 1988.”.
 16 10. Renumber the remaining sections
 17 accordingly.

UNANIMOUS CONSENT - Members Excused

Mr. Chronister and Mrs. Morehead asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1114. Title read. Considered.

Standing Committee amendments, AM1989, found in the Journal on page 783 for the Twenty-Fifth Day were adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. V. Johnson offered the following amendment:
 AM2313

(Amendments to Standing Committee amendments, AM1989)

- 1 1. On page 1, strike beginning with “17” in
 2 line 4 through the period in line 5 and insert “15” and
 3 insert “14.”; in line 7 strike “15 to 18” and insert
 4 “14 to 17”; in line 17 strike the second “and”; in line
 5 20 after the quotation marks insert “; and in line 25
 6 strike ‘two’, show as stricken, and insert ‘one’”; and
 7 in line 21 after the first comma insert “line 4, strike
 8 ‘six-tenths’ and insert ‘five-tenths’”.
 9 2. On page 2, line 3, after the semicolon
 10 insert “and”; strike beginning with the semicolon in
 11 line 6 through the period in line 8 and insert a period;
 12 strike beginning with “line” in line 12 through “in” in
 13 line 13; in line 18 strike “15 to 18” and insert “14 to
 14 17”; in line 22 strike “17” and insert “15”; and in line
 15 23 strike “18” and insert “14”.

- 16 3. Strike amendment 6 and insert the
 17 following new amendment:
 18 "6. Strike original section 11."
 19 4. On page 3, line 11, strike "Insnace" and
 20 insert "Insurance"; in line 15 strike "17" and insert
 1 "15" and strike "18" and insert "14".
 2 5. On page 5, strike beginning with "strike"
 3 in line 19 through "17 and 18" in line 20 and insert
 4 "before '15' insert '14'"; and in line 21 strike the
 5 first "and" and before the period insert "in line 14
 6 strike the second comma and insert 'and'; and in line 15
 7 strike ', and 77-909,'".
 8 6. Renumber the remaining sections
 9 accordingly.

The V. Johnson amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

MRS. MARSH PRESIDING

Advanced to E & R for Review with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Expedite LB 1114

Mr. DeCamp asked unanimous consent to expedite LB 1114. No objections. So ordered.

UNANIMOUS CONSENT - Member Excused

Mr. Hefner asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 237. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 894. Title read. Considered.

Standing Committee amendments, AM1863, found in the Journal on page 540 for the Fourteenth Day were adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 894A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

CORRECTED STANDING COMMITTEE REPORT
Agriculture and Environment

LEGISLATIVE BILL 1007. Corrected Standing Committee amendments:
AM2314

- 1 1. Insert the following new section:
- 2 "Section 1. That section 75-903, Revised
- 3 Statutes Supplement, 1985, be amended to read as
- 4 follows:
- 5 75-903. All grain dealers doing business in
- 6 this state shall be licensed by the commission. To
- 7 procure and maintain a license, each grain dealer shall:
- 8 (1) Pay an annual fee of thirty dollars which
- 9 shall be due on or before June 30 of each year for each
- 10 license and a registration fee not to exceed twenty
- 11 dollars per year for each vehicle used by such licensee
- 12 to transport grain. Such fees shall be paid to the
- 13 State Treasurer and credited to the state General Fund;
- 14 (2) Equip each vehicle used by the licensee
- 15 for grain transportation with a commercial license plate
- 16 registered with the Department of Motor Vehicles, except
- 17 that a licensee who resides in another state shall
- 18 license such vehicles according to the laws of his or
- 19 her state of residence;
- 20 (3) Affix a grain dealer plate issued by the
- 21 commission to each vehicle used by the licensee;
- 1 (4) File security which may be a bond issued
- 2 by a corporate surety company and payable to the
- 3 commission, an irrevocable letter of credit, or a
- 4 certificate of deposit, subject to approval of the
- 5 commission, for the benefit of persons doing business

6 with grain dealers. The security shall be in the amount
7 of twenty-five thousand dollars or four per cent of
8 grain purchases by the grain dealer in the preceding
9 license year as reported on a form prescribed by the
10 commission, whichever is greater, not to exceed one
11 hundred thousand dollars. Such security shall be
12 furnished on the conditions that (a) the licensee will
13 pay for any grain purchased upon demand, not later than
14 ten days after taking possession of the grain purchased;
15 and (b) the licensee owns, free of liens, any grain
16 which the licensee offers for sale; and

17 (5) File each year a financial statement of
18 the licensee's operations as a grain dealer which is
19 compiled, in accordance with generally accepted
20 accounting principles, by an independent certified
21 public accountant, ~~or~~ an independent public accountant,
22 or an independent accountant not holding a license or
23 permit but meeting one of the following requirements:

24 (a) Possesses a bachelor of science degree in
1 business administration with eighteen or more hours in
2 accounting courses;

3 (b) Possesses a bachelor of science degree in
4 business administration with a major in accounting;

5 (c) Possesses a bachelor of science degree in
6 business administration with an emphasis in accounting;

7 (d) Possesses an associate arts degree with an
8 accounting major or similar such degree;

9 (e) Possesses an associate of applied sciences
10 degree in business administration with an accounting
11 specialty or similar such degree;

12 (f) Has four or more years of experience in
13 the performance of accounting services for the public as
14 a principal or employee of an accounting services firm;

15 (g) Has four or more years of experience in
16 the accounting or bookkeeping department of a private
17 corporation, business, or similar entity;

18 (h) Has three or more years of experience in
19 performance of accounting services for the public and is
20 enrolled to practice before the Internal Revenue Service
21 or has passed the Accreditation Council for Accountancy
22 examination in taxation or accounting; or

23 (i) Is employed for at least forty-eight
24 months by the Internal Revenue Service as an internal
1 revenue agent, the State of Nebraska, or a political
2 subdivision of the state in an accounting or auditing

- 3 position for which an examination in accounting or
 4 qualifying education and experience was required. in
 5 ~~accordance with generally accepted accounting~~
 6 ~~principles."~~
 7 2. On page 2, line 23, strike "section" and
 8 insert "sections 75-903 and"; and in line 24 strike "is"
 9 and insert "are".
 10 3. Renumber the remaining sections
 11 accordingly.

(Signed) Rod Johnson, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 529 in the Journal. No objections. So ordered.

AM2295

(Amendments to AM5208)

- 1 1. Insert the following new sections:
 2 "Sec. 19. That section 25-1062.01, Reissue
 3 Revised Statutes of Nebraska, 1943, be amended to read
 4 as follows:
 5 25-1062.01. (1) The words Director of Water
 6 Resources as used in this section and in sections
 7 25-1064, ~~to 25-1066~~ 25-2159, 25-2160, and 46-230 mean
 8 the Director for the Department of Water Resources,
 9 State of Nebraska; or his or her successor in office; or
 10 any agent, servant, employee, or officer of the State of
 11 Nebraska, now or hereafter exercising any powers or
 12 duties with respect to the administration of the
 13 irrigation water in the state; who may be a party in any
 14 court of the state in an action ~~where~~ when the relief
 15 demanded involves the delivery of irrigation water.
 16 (2) ~~Wherever~~ Whenever notice by either
 17 registered or certified letter to an appropriator is
 18 required in the sections above named, the address of
 19 ~~said~~ the appropriator shall be that recorded in the
 20 office of the Department of Water Resources under ~~the~~
 1 ~~provisions of~~ section 46-230.
 2 Sec. 20. That section 25-1064, Reissue
 3 Revised Statutes of Nebraska, 1943, be amended to read
 4 as follows:
 5 25-1064. (1) The injunction may be granted at
 6 the time of commencing the action; or at any time

7 afterward before judgment; by the Supreme Court or any
8 judge thereof. ~~No ; PROVIDED, no~~ restraining order or
9 temporary injunction should be granted at the time of
10 the commencement of the action; if the relief demanded
11 involves the delivery of irrigation water and the
12 Director of Water Resources, as defined in section
13 25-1062.01, is a party, except in accordance with the
14 procedure as ~~hereinafter provided~~ prescribed in
15 subsection (5) of this section.

16 (2) No temporary injunction may be granted
17 without notice to the adverse party.

18 (3) Any judge of the ~~The district court, or~~
19 ~~any judge thereof, except where~~ when the relief demanded
20 involves the delivery of irrigation water and the
21 director is a party, ~~may upon it appearing~~
22 ~~satisfactorily to the court or judge, by the affidavit~~
23 ~~of the plaintiff or his agent, that the plaintiff is~~
24 ~~entitled thereto, grant a temporary restraining order~~
1 without notice to the adverse party or his or her
2 attorney only if (a) it clearly appears from specific
3 facts shown by affidavit that immediate and irreparable
4 injury, loss, or damage will result to the applicant
5 before the adverse party or his or her attorney can be
6 heard in opposition and (b) the applicant or his or her
7 attorney certifies to the court in writing the efforts,
8 if any, which have been made to give such notice and the
9 reasons supporting the applicant's claim that such
10 notice shall not be required, and direct that a
11 reasonable notice be given to the party against whom
12 said restraining order is issued, to attend for such
13 purpose at a specified time and place before the
14 district court or any judge thereof, to show cause why a
15 temporary injunction should not be issued; said
16 restraining order to remain in full force until such
17 hearing is had by the district court or any judge
18 thereof.

19 Every temporary restraining order granted
20 without notice shall: (a) Be endorsed with the date and
21 hour of issuance; (b) be filed forthwith in the clerk of
22 the district court's office and entered of record; (c)
23 define the injury and state why the injury is
24 irreparable and why the order was granted without
1 notice; and (d) expire by its terms within such time
2 after entry, not to exceed ten days, as the court fixes
3 unless within such fixed time period, the order, for

4 good cause shown, is extended for a like period or
5 unless the party against whom the order is directed
6 consents to an extension for a longer period. The
7 reasons for the extension shall be entered of record.
8 If a temporary restraining order is granted without
9 notice either by the district court or the county court,
10 the motion for a temporary injunction shall be heard at
11 the earliest possible time in the district court and
12 takes precedence over all matters except older matters
13 of the same character. When the motion for a temporary
14 injunction comes up for hearing, the party who obtained
15 the temporary restraining order shall proceed with the
16 application for a temporary injunction, and if he or she
17 does not do so, the district court shall dissolve the
18 temporary restraining order. On two day's notice to the
19 party who obtained the temporary restraining order
20 without notice or on such shorter notice to such party
21 as the district court may prescribe, the adverse party
22 may appear and move for such order's dissolution or
23 modification, and in that event, the court shall proceed
24 to hear and determine such motion as expeditiously as
1 the ends of justice require.

2 (3) (4) In the absence from the county of said
3 the district judges, the county any judge of the county
4 court, thereof, except where when the relief demanded
5 involves the delivery of irrigation water and the
6 director is a party, may, upon it appearing
7 satisfactorily to the court or judge, by the affidavit
8 of the plaintiff or his or her agents, that the
9 plaintiff is entitled thereto, grant a the temporary
10 restraining order without notice to the adverse party or
11 his or her attorney only if (a) it clearly appears from
12 specific facts shown by affidavit that immediate and
13 irreparable injury, loss, or damage will result to the
14 applicant before the adverse party or his or her
15 attorney can be heard in opposition and (b) the
16 applicant or his or her attorney certifies to the court
17 in writing the efforts, if any, which have been made to
18 give such notice and the reasons supporting the
19 applicant's claim that such notice shall not be
20 required, and direct that a reasonable notice be given
21 to the party, against whom said temporary restraining
22 order is issued, to attend for such purpose at a
23 specified time or place before the district court or any
24 judge thereof, to show cause why a temporary injunction

1 should not be issued and may in the meantime restrain
2 such party. Such time of hearing shall not be fixed in
3 the first instance by the county judge more than ten
4 days from the time of granting such temporary
5 restraining order.

6 Every temporary restraining order granted
7 without notice shall: (a) Be endorsed with the date and
8 hour of issuance; (b) be filed forthwith in the clerk of
9 the county court's office and entered of record; (c)
10 define the injury and state why the injury is
11 irreparable and why the order was granted without
12 notice; and (d) expire by its terms within such time
13 after entry, not to exceed ten days, as the county court
14 fixes unless within such fixed time period, the order,
15 for good cause shown, is extended for a like period or
16 unless the party against whom the order is directed
17 consents to an extension for a longer period. The
18 reasons for the extension shall be entered of record.

19 (4) (5) The Supreme Court or any judge
20 thereof, the district court or any judge thereof, or a
21 judge of the county court, the county judge, if and when
22 he or she has jurisdiction, shall have no power, where
23 when the relief demanded involves the delivery of
24 irrigation water and the director is a party, to grant a
1 restraining order or temporary injunction at the time of
2 the commencement of the action, except where when notice
3 by either registered or certified letter has been mailed
4 seventy-two hours prior to the time of hearing to the
5 director and the division engineer in the water division
6 in which said the action is brought and; in the manner
7 provided in section 25-1062.01, to all appropriators
8 whose rights to the delivery of irrigation water might
9 in any manner be affected, of the time and place of said
10 the hearing. At the hearing on the restraining order or
11 temporary injunction, the director, appropriators, or
12 riparian owners are entitled to be heard, in person or
13 by their attorney or attorneys, on the question of
14 whether the restraining order should be granted and; if
15 so, in what amount the bond or undertaking is to be
16 fixed.

17 (5) (6) Any person, natural or artificial,
18 injured; or likely to be injured by the granting of a
19 restraining order may intervene in said the action at
20 any stage of the proceedings and become a party to the
21 litigation if it involves the delivery of irrigation

22 water and the director is a party.

23 Sec. 21. Every order granting an injunction
 24 and every restraining order shall: (1) Set forth the
 1 reasons for its issuance; (2) be specific in terms; (3)
 2 describe in reasonable detail, and not by reference to
 3 the petition or other document, the act or acts sought
 4 to be restrained; and (4) be binding only upon the
 5 parties to the action, their officers, agents, servants,
 6 employees, and attorneys, and upon those persons in
 7 active concert or participation with them who receive
 8 actual notice of the order by personal service or
 9 otherwise.

10 Sec. 22. This act shall in no way affect a
 11 person's right to an injunction or temporary restraining
 12 order if such remedies are authorized by statute."

13 2. On page 53, line 23, strike "22, 23, 32,
 14 33, and 37" and insert "26, 27, 36, 37, and 41".

15 3. On page 54, lines 8 and 22, after
 16 "25-217," insert "25-1062.01, 25-1064,"; and in line 15
 17 strike "and" and after "25-225," insert "25-1068,
 18 25-1070, and 25-1075,".

19 4. On page 55, line 13, after the semicolon
 20 insert "to change provisions relating to injunctions;" ;
 21 and in line 21 strike "and" and after "25-225," insert
 22 "25-1068, 25-1070, and 25-1075,".

23 5. Renumber the remaining sections
 24 accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 354.

Introduced by Rogers, 41st District; Miller, 37th District.

WHEREAS, the Nebraska pork industry is a vital, \$500 million dollar business in the state and red pigs are a great asset to the pork industry; and

WHEREAS, Nebraska pork producers are proud of their association with red pigs; and

WHEREAS, the Nebraska Department of Motor Vehicles has begun the selective recall of certain prestige license plates; and

WHEREAS; the Nebraska Department of Motor Vehicles has determined that the recalled plates are in some way objectionable or obscene in their view; and

WHEREAS, the Nebraska Department of Motor Vehicles in particular has determined that the prestige plate "RED PIG" is insulting to Native Americans, fat people, police officers and Communists.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Department of Motor Vehicles be directed to publish a complete list of all prestige plates accompanied by the criteria used by the departmental review committee.

2. That the Nebraska Department of Motor Vehicles be directed to reissue the prestige plate "RED PIG" to Mr. Kenneth Frerichs of Hildreth.

3. That a copy of this resolution be sent to Mr. Frerichs.

Laid over.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 850A. By Morehead, 30th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 850, Eighty-ninth Legislature, Second Session, 1986.

LEGISLATIVE BILL 898A. By R. Johnson, 34th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 898, Eighty-ninth Legislature, Second Session, 1986.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 1160. Placed on General File.

LEGISLATIVE BILL 1109. Placed on General File as amended.

Standing Committee amendments to LB 1109:

AM2278

- 1 1. On page 3, line 9, strike "(5)" and insert
- 2 "(4)"; and in line 12 after "court" insert "or, in the
- 3 absence of such district judge from the county, any
- 4 judge of the county court".

2. On page 4, strike beginning with "The" in line 3 through line 25, show the old matter as stricken, and insert "Every temporary restraining order granted without notice shall: (a) Be endorsed with the date and hour of issuance; (b) be filed forthwith in the clerk's office and entered of record; (c) define the injury and state why the injury is irreparable and why the order was granted without notice; and (d) expire by its terms within such time after entry, not to exceed ten days, as the court fixes unless within such fixed time period, the order, for good cause shown, is extended for a like period or unless the party against whom the order is directed consents to an extension for a longer period. The reasons for the extension shall be entered of record. If a temporary restraining order is granted without notice, the motion for a temporary injunction shall be heard at the earliest possible time and takes precedence over all matters except older matters of the same character. When the motion for a temporary injunction comes up for hearing, the party who obtained the temporary restraining order shall proceed with the application for a temporary injunction, and if he or she does not do so, the court shall dissolve the temporary restraining order. On two days' notice to the party who obtained the temporary restraining order without notice or on such shorter notice to that party as the court may prescribe, the adverse party may appear and move for such order's dissolution or modification, and in that event, the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.";

3. On page 5, strike lines 1 through 18 and show the old matter as stricken; and in line 19 strike "(S)" and reinstate the stricken matter.

4. On page 6, line 16, strike "(6)" and reinstate the stricken matter; and in line 24 strike "and" and insert a comma and after "25-1066" insert "25-1068, 25-1070, and 25-1075".

5. Insert the following new sections:

"Sec. 3. Every order granting an injunction and every restraining order shall: (1) Set forth the reasons for its issuance; (2) be specific in terms; (3) describe in reasonable detail, and not by reference to the petition or other document, the act or acts sought to be restrained; and (4) be binding only upon the

- 5 parties to the action, their officers, agents, servants,
 6 employees, and attorneys, and upon those persons in
 7 active concert or participation with them who receive
 8 actual notice of the order by personal service or
 9 otherwise.
- 10 Sec. 4. This section shall in no way affect a
 11 person's right to an injunction or temporary restraining
 12 order if such remedies are authorized by statute."
- 13 6. Renumber the remaining section
 14 accordingly.

LEGISLATIVE BILL 1026. Indefinitely postponed.
LEGISLATIVE BILL 1098. Indefinitely postponed.
LEGISLATIVE BILL 1099. Indefinitely postponed.
LEGISLATIVE BILL 1148. Indefinitely postponed.
LEGISLATIVE BILL 1233. Indefinitely postponed.

(Signed) Peter Hoagland, Chairperson

Public Works

LEGISLATIVE BILL 835. Placed on General File as amended.
 (Standing Committee amendments printed separate from the Journal
 and on file in the Clerk's Office - Room 1102 - AM2165.)

LEGISLATIVE BILL 1119. Placed on General File as amended.
 (Standing Committee amendments printed separate from the Journal
 and on file in the Clerk's Office - Room 1102 - AM2164.)

(Signed) Loran Schmit, Chairperson

SELECT COMMITTEE REPORT Enrollment and Review

LEGISLATIVE BILL 839. Placed on Select File as amended.
 E & R amendment to LB 839:
 AM5288

- 1 1. On page 1, line 2, strike "and" and insert
 2 a comma and after "36," insert "49, and 81,,"; in line 3
 3 strike "Sections" and insert "sections 1,,"; in line 4
 4 after "12," insert "13,," after "14," insert "15," after
 5 "17," insert "18," and after "31," insert "35,,"; and in
 6 line 5 after "47," insert "50,,".

(Signed) Timothy Hall, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. DeCamp asked unanimous consent to have his name added as co-introducer to LB 1007. No objections. So ordered.

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 999. Placed on General File as amended.
Standing Committee amendments to LB 999:
AM2283

- 1 On page 2, line 2; and page 3, line 2,
- 2 strike "one hundred twenty" and insert "ninety".
- 3 2. On page 7, line 22, after "homestead"
- 4 insert ", not exceeding in value"; and in line 23 before
- 5 "shall" insert "twenty thousand dollars,".
- 6 3. On page 8, strike beginning with "A" in
- 7 line 6 through the period in line 10.
- 8 4. Strike original sections 3 and 6 and
- 9 insert the following new sections:
- 10 "Sec. 5. In all judicial or nonjudicial
- 11 proceedings to foreclose any mortgage upon agricultural
- 12 land as described in sections 77-1359 and 77-1360 or to
- 13 sell any agricultural land as described in sections
- 14 77-1359 and 77-1360 under the terms of a deed of trust
- 15 or other state law, if the whole or any part of the
- 16 homestead of the debtor shall be included in the real
- 17 estate mortgage, deed of trust, or writ of execution,
- 18 the owners of the real estate may, at any time prior to
- 19 the sale, make partial redemption of the homestead by
- 20 paying into court the current appraised value of the
- 21 owner's homestead, unless an appraisal shows that the
- 1 debtor has an equity in the entire property that equals
- 2 or exceeds the appraised value of the proposed partial
- 3 redemption of the homestead, in which event the payment
- 4 shall be waived by the court. The homestead shall
- 5 include the dwelling house, its appurtenances, the land
- 6 on which the dwelling house is located, and any
- 7 additional real estate which the debtor wishes to
- 8 redeem, not exceeding one hundred and sixty acres of
- 9 land. The owner shall provide the court with the legal
- 10 description of the real estate to be redeemed and a
- 11 current appraisal of such real estate. The mortgagee,
- 12 trustee, or beneficiary of a deed of trust, or judgment

13 creditor may challenge the partial redemption at the
14 confirmation hearing held under section 25-1531 based on
15 the legal description, the current appraised value, or
16 that the partial redemption, would unreasonably affect
17 the value of the remaining property. The court, after a
18 hearing, shall determine the legal description, the
19 current value, and the reasonableness of redemption if
20 disputed or, if undisputed, shall confirm the
21 redemption.

22 Sec. 9. That section 76-1005, Revised
23 Statutes Supplement, 1984, be amended to read as
24 follows:

1 76-1005. (1) A power of sale may be conferred
2 upon the trustee which the trustee may exercise and
3 under which the trust property may be sold in the manner
4 provided in sections 76-1001 to 76-1018 after a breach
5 of an obligation for which the trust property is
6 conveyed as security, ; or at the option of the
7 beneficiary, a trust deed may be foreclosed in the
8 manner provided by law for the foreclosure of mortgages
9 on real property, except that if the trust property
10 conveyed as security is agricultural land as described
11 in sections 77-1359 and 77-1360, a trust deed shall be
12 foreclosed in the manner provided by law for the
13 foreclosure of mortgages on real property. The power of
14 sale must shall be expressly provided for in the trust
15 deed.

16 (2) Prior to the execution of any trust deed
17 which confers a power of sale to the trustee, the
18 beneficiary shall obtain a written acknowledgement from
19 the trustor stating that the trustor understands that
20 (a) the document to be executed is a trust deed and not
21 a mortgage and (b) the power of sale provided for in the
22 trust deed provides substantially different rights and
23 obligations to the trustor than a mortgage in the event
24 of a default or breach of obligation. Failure to obtain
1 such written acknowledgement shall nullify the
2 conferring of or exercising of such power of sale.

3 Sec. 10. That section 76-1012, Reissue
4 Revised Statutes of Nebraska, 1943, be amended to read
5 as follows:

6 76-1012. Whenever all or a portion of the
7 principal sum of any obligation secured by a trust deed
8 has, prior to the maturity date fixed in such
9 obligation, become due or been declared due by reason of

10 a breach or default in the performance of any obligation
11 secured by the trust deed, including a default in the
12 payment of interest or of any installment of principal,
13 or by reason of failure of the trustor to pay, in
14 accordance with the terms of such trust deed, taxes,
15 assessments, premiums for insurance or advances made by
16 the beneficiary in accordance with terms of such
17 obligation or of such trust deed, the trustor or his or
18 her successor in interest in the trust property or any
19 part thereof or any other person having a subordinate
20 lien or encumbrance of record thereon or any beneficiary
21 under a subordinate trust deed, at any time within one
22 month of the filing for record of notice of default
23 under such trust deed, if the power of sale is to be
24 exercised, may pay to the beneficiary or his or her
1 successor in interest the entire amount then due under
2 the terms of such trust deed and the obligation secured
3 thereby, including costs and expenses actually incurred
4 in enforcing the terms of such obligation, or trust
5 deed, and the trustee's fees actually incurred not
6 exceeding in the aggregate fifty dollars or one half of
7 one per cent of the entire unpaid principal sum secured,
8 whichever is greater, other than such portion of the
9 principal as would not then be due had no default
10 occurred, and thereby cure the default theretofore
11 existing and thereupon all proceedings theretofore had
12 or instituted shall be dismissed or discontinued and the
13 obligation and trust deed shall be reinstated and shall
14 be and remain in force and effect the same as if no
15 acceleration had occurred, except that if the property
16 secured by a trust deed is agricultural land as
17 described in sections 77-1359 and 77-1360, section 1 of
18 this act shall apply. If the default is cured and the
19 trust deed reinstated in the manner hereinabove
20 provided, the beneficiary, or his or her assignee,
21 shall, on demand of any person having an interest in the
22 trust property, execute and deliver to him or her a
23 request to the trustee that the trustee execute,
24 acknowledge, and deliver a cancellation of the recorded
1 notice of default under such trust deed, ; and any
2 beneficiary under a trust deed, or his or her assignee,
3 who, for a period of thirty days after such demand,
4 refuses to request the trustee to execute and deliver
5 such cancellation shall be liable to the person entitled
6 to such request for all damages resulting from such

7 refusal. A cancellation of recorded notice of default
 8 under a trust deed shall, when acknowledged, be entitled
 9 to be recorded and shall be sufficient if made and
 10 executed by the trustee in substantially the following
 11 form:

12 Cancellation of Notice of Default

13 The undersigned hereby cancels the notice of
 14 default filed for record, 19....., and recorded
 15 in book, page, Records of
 16 County, Nebraska, which notice of default refers to the
 17 trust deed executed by as trustor, in
 18 which is named as beneficiary and
 19 as trustee, and filed for record
 20, 19....., and recorded in book,
 21 page, Records of County, Nebraska.

22 Signature of trustee".

23 5. On page 9, line 17, strike "25-1530,"
 24 strike "and", and after "40-110," insert "and 76-1012,";
 1 and in line 18 after the second comma insert "and
 2 section 76-1005, Revised Statutes Supplement, 1984,".

3 6. Renumber the remaining sections
 4 accordingly.

(Signed) Peter Hoagland, Chairperson

VISITORS

Visitors to the Chamber were 50 kindergarten students and teachers from Zeman School, Lincoln; Allen and Kathy King from Central City; 53 eighth grade students and teacher from Woodriver Rural High School; 6 students and teacher from Irving Junior High School, Lincoln; Mark Schlachter from Hastings; Audrey Gartner from Hastings; Dr. Lorraine Demarest, Douglas Fortemeyer, and Larry Teal from Concordia College, Seward; 4 students and teachers from Keya Paha County; Jane Hubka and Alice Butt with the Senior Citizens Center, Central City; a group from Agape Christian Academy, Omaha and a group from Calvary Love Christian Academy, Omaha; and Paul Orvis from Imperial.

THIRTY-FOURTH DAY - FEBRUARY 28, 1986 1099

ADJOURNMENT

At 12:07 p.m., on a motion by Mrs. Morehead, the Legislature adjourned until 9:00 a.m., Monday, March 3, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIFTH DAY - MARCH 3, 1986

LEGISLATIVE JOURNAL

THIRTY-FIFTH DAY - MARCH 3, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

THIRTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 3, 1986

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Diaconal Minister Lynn Froning, St. Marks United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Lynch who was excused; and Messrs. Beutler, Chambers, R. Johnson, V. Johnson, Lamb, Schmit, Mesdames Pirsch, Smith, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Fourth Day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

LEGISLATIVE BILL 983. Placed on Select File as amended.
E & R amendments to LB 983:
AM5289

- 1 1. On page 1, line 3, strike "processing" and
- 2 insert "renewal, extension, and servicing".
- 3 2. On page 3, line 6, strike the comma and
- 4 show as stricken; and in line 20 after "section" insert
- 5 an underscored comma.

- 6 3. On page 4, line 3, reinstate the stricken
7 comma.
8 4. On page 5, line 7, after "if" insert "(a)"
9 and strike "extension, renewal" and insert "renewal,
10 extension"; and in line 9 strike the comma and after
11 "or" insert "(b)".

LEGISLATIVE BILL 1025. Placed on Select File as amended.

E & R amendments to LB 1025:

AM5291

- 1 1. On page 3, line 1, strike the comma; in
2 line 11 after "Act" insert a comma; and in line 20
3 strike the third comma.
4 2. On page 4, line 8, strike "shall receive"
5 and insert "receives"; in line 15 strike "shall find"
6 and insert "finds"; in line 21 strike "shall order" and
7 insert "orders"; in line 23 strike "shall"; in line 24
8 strike both commas and strike "file" and insert "files";
9 and in line 25 strike "register" and insert "registers".
10 3. On page 5, line 8, strike "to" and insert
11 "in"; in line 10 after the first "name" insert a comma;
12 and in line 12 strike "any" and insert "the".

LEGISLATIVE BILL 795. Placed on Select File as amended.

E & R amendments to LB 795:

AM5290

- 1 1. On page 2, line 1, strike "Sec." and
2 insert "Section"; in line 14 strike the first comma and
3 insert "and" and strike beginning with the third comma
4 through "81-2,164.01"; and in line 15 after "publicity"
5 insert "may".
6 2. On page 3, line 4, after the first comma
7 insert "through"; in line 21 strike the last comma; and
8 in line 22 strike "81-2,164, and 81-2,164.01" and show
9 the old matter as stricken.

LEGISLATIVE BILL 795A. Placed on Select File.**LEGISLATIVE BILL 898.** Placed on Select File as amended.

E & R amendments to LB 898:

AM5284

- 1 1. On page 4, line 24, strike the first comma
2 and show as stricken.
3 2. On page 9, line 21, reinstate the first
4 "to" and strike the comma and show as stricken.

LEGISLATIVE BILL 899. Placed on Select File as amended.
E & R amendments to LB 899:

AM5285

- 1 1. On page 3, line 5, after "and" insert "may
- 2 be".
- 3 2. On page 6, line 21, before both remaining
- 4 commas insert "the seed".
- 5 3. On page 7, line 24, after "Law" insert an
- 6 underscored comma.
- 7 4. On page 8, line 3, after "hours" insert an
- 8 underscored comma; and in line 18 strike the comma and
- 9 show as stricken.
- 10 5. On page 10, line 17, strike the first
- 11 comma; and in line 20 after "both" and after "purposes"
- 12 insert an underscored comma.

LEGISLATIVE BILL 969. Placed on Select File as amended.
E & R amendments to LB 969:

AM5286

- 1 1. On page 1, line 2, after "sections" insert
- 2 "28-101,."; in line 4 strike "provide for" and insert
- 3 "require"; and in line 5 strike "to purchase certain
- 4 fireworks" and insert "as prescribed".
- 5 2. Insert the following new section:
- 6 "Section 1. That section 28-101, Reissue
- 7 Revised Statutes of Nebraska, 1943, be amended to read
- 8 as follows:
- 9 28-101. Sections 28-101 to 28-1348 and
- 10 section 4 of this act shall be known as the Nebraska
- 11 Criminal Code."
- 12 3. On page 2, line 5, after "28-1252" insert
- 13 "and section 4 of this act".
- 14 4. On page 3, line 12, strike "the provisions
- 15 of"; and in line 15 strike "3" and insert "4".
- 16 5. On page 5, line 9, strike "3" and insert
- 17 "4"; and in line 24 after "sections" insert "28-101,".
- 18 6. Renumber the remaining sections
- 19 accordingly.

(Signed) Timothy Hall, Chairperson

MESSAGE FROM THE GOVERNOR

February 28, 1986

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 258, 125, 374, 379, 483, 558, 640, 1012, 92, 298, 484 and 540 were received in my office on February 25, 1986.

These bills were signed by me on February 28, 1986 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 352 and LR 353.

UNANIMOUS CONSENT - Print in Journal

Mr. Hefner asked unanimous consent to print the following amendment to LB 586 in the Journal. No objections. So ordered.

AM2252

- 1 1. Insert the following new sections:
- 2 "Sec. 30. That section 39-6,138, Reissue
- 3 Revised Statutes of Nebraska, 1943, be amended to read
- 4 as follows:
- 5 39-6,138. (1) Every motor vehicle upon a
- 6 highway within this state during the period from a half
- 7 hour after sunset to a half hour before sunrise, and at
- 8 any other time when there is not sufficient light to
- 9 render clearly discernible persons or vehicles upon the
- 10 highway at a distance of five hundred feet ahead, shall
- 11 be equipped with lighted front and rear lamps as
- 12 respectively required in this section for different
- 13 classes of vehicles.
- 14 (2) Every motor vehicle, other than a
- 15 motorcycle, road roller, road machinery, or farm

16 tractor, shall be equipped with two or more headlamps,
17 at the front of and on opposite sides of the motor
18 vehicle and with a lamp on the rear exhibiting a red
19 light visible, under normal atmospheric conditions, from
20 a distance of at least five hundred feet to the rear of
21 such vehicle, which headlamps shall comply with the
1 requirements and limitations set forth in sections
2 39-6,140 and 39-6,142, and, except as to acetylene
3 headlamps, shall be of a type which has been approved by
4 the Department of Motor Vehicles.

5 (3) Every farm tractor upon a highway within
6 this state during the period from a half hour after
7 sunset to a half hour before sunrise, and at any other
8 time when there is not sufficient light to render
9 clearly discernible persons or vehicles upon the highway
10 at a distance of five hundred feet ahead, shall be
11 equipped with two or more headlamps, at the front or on
12 opposite sides of the tractor, and with a lamp on the
13 rear exhibiting a red light visible, under normal
14 atmospheric conditions, from a distance of at least five
15 hundred feet to the rear of such tractor, which
16 headlamps shall comply with the requirements and
17 limitations set forth in sections 39-6,140 and 39-6,142,
18 and shall be of a type which has been approved by the
19 Department of Motor Vehicles.

20 (4) Every motorcycle shall be equipped with at
21 least one and not more than two headlamps and with a
22 lamp on the rear exhibiting a red light visible, under
23 normal atmospheric conditions, from a distance of at
24 least five hundred feet to the rear of such motor
1 vehicle, which headlamp or lamps shall comply with the
2 requirements and limitations set forth in sections
3 39-6,140 and 39-6,142, and, except as to acetylene
4 headlamps, shall be of a type which has been approved by
5 the department.

6 (5) It shall be unlawful for any owner or
7 operator of any motor vehicle to operate such vehicle
8 upon a highway, unless (a) the condition of the lamps
9 and electric circuit shall be such as to give
10 substantially normal light output; (b) the taillight
11 shall show red directly to the rear, glass therein shall
12 be unbroken, the lamp shall be securely fastened, and
13 its electric circuit free from grounds or shorts; (c) if
14 equipped with spot lamps, the requirements of subsection
15 (1) of section 39-6,139 shall be met; number shall be

16 ~~limited to not more than one spot lamp except for law~~
17 ~~enforcement personnel, government employees, and public~~
18 ~~utility employees; (d) if equipped with auxiliary~~
19 ~~driving lamps, the number shall be limited to not more~~
20 ~~than two auxiliary driving lamps, and such auxiliary~~
21 ~~lamps, if used, must shall be mounted on the front at a~~
22 ~~point not less than fifteen inches above the level~~
23 ~~surface upon which the vehicle stands of such vehicle as~~
24 ~~prescribed in subsection (2) of section 39-6,139, and~~
1 every such auxiliary lamp or lamps shall meet the
2 statutory requirements for headlamps; (e) if equipped
3 with any lighting device, other than headlamps, spot
4 lamp, or auxiliary driving lamps, which projects a beam
5 of light of an intensity greater than twenty-five candle
6 power, such lighting device shall be so directed that no
7 part of the beam therefrom will strike the level of the
8 surface on which the vehicle stands at a distance of
9 more than fifty feet from the vehicle; and (f) if
10 equipped with side cowl or fender lamps, the number
11 shall be limited to two such lamps, and each such side
12 cowl or fender lamp shall emit an amber or white light.

13 Sec. 31. That section 39-6,139, Reissue
14 Revised Statutes of Nebraska, 1943, be amended to read
15 as follows:

16 39-6,139. (1) Any Only motor vehicle vehicles
17 used by public utility employees or any authorized
18 emergency vehicle as defined in section 39-602 may be
19 equipped with spot lamps, as specified in section
20 39-6,138, and every lighted spot lamp shall be so aimed
21 and used upon approaching another vehicle that no part
22 of the beam will be directed to the left of the center
23 of the highway nor more than one hundred feet ahead of
24 the vehicle.

1 (2) Any motor vehicle may be equipped with not
2 to exceed two auxiliary driving lamps mounted on the
3 front at a height not less than twelve inches nor more
4 than forty-two inches above the level surface on which
5 the vehicle stands, and every such auxiliary driving
6 lamp or lamps shall meet the requirements and
7 limitations set forth in section 39-6,140.

8 (3) Whenever a motor vehicle is equipped with
9 a signal lamp, the signal lamp shall be so constructed
10 and located on the vehicle as to give a signal, in such
11 color as designated by the Department of Motor Vehicles,
12 which shall be plainly visible in normal sunlight, from

13 a distance of one hundred feet to the rear of the
 14 vehicle but shall not project a glaring or dazzling
 15 light and shall be of a type approved by the Department
 16 of Motor Vehicles.

17 (4) Any device, other than headlamps, spot
 18 lamps, or auxiliary driving lamps, which projects a beam
 19 of light of an intensity greater than twenty-five candle
 20 power, shall be so directed that no part of the beam
 21 will strike the level of the surface on which the
 22 vehicle stands at a distance of more than fifty feet
 23 from the vehicle.”.

24 2. On page 45, line 12, after “39-6,135,”
 1 insert “39-6,138, 39-6,139,”.

2 3. Renumber remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 354. Read. Considered.

LR 354 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 355.

Introduced by Pappas, 42nd District.

WHEREAS, In 1937 the Legislature provided for a permanent clerk to be elected by the Legislature for a two-year term, and;

WHEREAS, Patrick J. O'Donnell, may not have been here in 1937, it just seems like it, and;

WHEREAS, Patrick J. O'Donnell, Red Head, Carrying a pipe, was born March 3rd, 1949, two years after Jack Benny, and;

WHEREAS, Patrick J. O'Donnell, thought that “permanent” meant that he was hired for life, and;

WHEREAS, Pro Athlete's retire long before thirty-seven, due to owners not renewing their contracts, (Hint-Hint) and;

WHEREAS, Retirement bills, and Pension plans have been given a great deal of attention lately, (Hint-Hint) and;

WHEREAS, Patrick J. O'Donnell has charge of compiling the permanent journals of the legislature and other usual duties of the clerk, and in his old age, he is doing a good job, and;

WHEREAS, Patrick J. O'Donnell's birthday is today and should not go unnoticed or at the very least have his character assaulted.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE SECOND SESSION:

1. That Patrick J. O'Donnell be wished a very happy birthday by the legislature and that someone should read this to him.

LR 355 was adopted with 28 ayes, 0 nays, and 21 not voting.

ANNOUNCEMENT

The Chair announced today is Senator Rupp's birthday.

MOTION - Approve Appointments

Mr. Hefner moved the adoption of the report of the Miscellaneous Subjects Committee for the following Governor appointments and Secretary of State appointment found in the Journal on page 1070:

Governor Appointments:

Ted Kooser - Nebraska Arts Council

Robert C. Ripley - Nebraska Arts Council

Secretary of State Appointment:

Robert W. Sim - Accountability and Disclosure Commission

Voting in the affirmative, 31:

Abboud	Eret	Hefner	Marsh	Rogers
Baack	Haberman	Hoagland	Miller	Rupp
Beyer	Hall	Johnson, L.	Nelson	Scofield
Carsten	Hannibal	Labeledz	Nichol	Warner
Chronister	Harris	Landis	Pappas	Wesely
Conway	Hartnett	Lundy	Remmers	Withem
DeCamp				

Voting in the negative, 0.

Present and not voting, 10:

Barrett	Goll	Higgins	Peterson	Smith
Chizek	Goodrich	Morehead	Sieck	Vickers

Excused and not voting, 8:

Beutler	Johnson, R.	Lamb	Pirsch	Schmit
Chambers	Johnson, V.	Lynch		

These appointments were confirmed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 839. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Member Excused

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 325. Considered.

Mr. DeCamp withdrew his pending amendment, AM2204, found in the Journal on page 928.

Mr. DeCamp renewed his pending amendment, AM2241, found in the Journal on page 1001.

Mr. Hefner requested a record vote on the DeCamp amendment.

Voting in the affirmative, 25:

Beyer	Goodrich	Johnson, R.	Nelson	Rupp
Carsten	Haberman	Labeledz	Nichol	Scofield
Chizek	Hall	Lundy	Pappas	Smith
Chronister	Hoagland	Marsh	Peterson	Warner
DeCamp	Johnson, L.	Morehead	Rogers	Wesely

Voting in the negative, 8:

Harris	Hefner	Miller	Vickers	Withem
Hartnett	Higgins	Remmers		

Present and not voting, 8:

Baack	Conway	Goll	Landis	Sieck
Barrett	Eret	Hannibal		

Excused and not voting, 8:

Abboud	Beutler	Chambers	Johnson, V.	Lamb
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Lynch Pirsch Schmit

The DeCamp amendment was adopted with 25 ayes, 8 nays, 8 present and not voting, and 8 excused and not voting.

Mr. Wesely requested a machine vote on the advancement of the bill.

Mr. Wesely requested a record vote on the advancement of the bill.

Voting in the affirmative, 28:

Baack	Conway	Hartnett	Marsh	Remmers
Barrett	DeCamp	Higgins	Morehead	Rogers
Beyer	Eret	Hoagland	Nelson	Rupp
Carsten	Goll	Johnson, L.	Nichol	Sieck
Chizek	Goodrich	Johnson, R.	Pappas	Smith
Chronister	Haberman	Labedz		

Voting in the negative, 10:

Abboud	Hannibal	Landis	Miller	Warner
Hall	Hefner	Lundy	Scofield	Wesely

Present and not voting, 4:

Harris Peterson Vickers Withem

Excused and not voting, 7:

Beutler	Johnson, V.	Lynch	Pirsch	Schmit
Chambers	Lamb			

Advanced to E & R for Engrossment with 28 ayes, 10 nays, 4 present and not voting, and 7 excused and not voting.

STANDING COMMITTEE REPORT

Government, Military and Veterans Affairs

The Committee on Government, Military and Veterans Affairs desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Steve Torrence - Director, Department of Personnel

Voting aye: Senators Abboud, Hoagland, Landis, Peterson and Rogers.

Voting nay: None.

Absent: Senators Chambers, Chronister and Withem.

(Signed) David Landis, Chairperson

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

Governor Appt. Thursday, March 6, 1986 (cancelled) 1:30 P.M.
Steve Torrence - Director, State Personnel

(Signed) David Landis, Chairperson

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 761. Indefinitely postponed.
LEGISLATIVE BILL 879. Indefinitely postponed.
LEGISLATIVE BILL 954. Indefinitely postponed.
LEGISLATIVE BILL 1162. Indefinitely postponed.
LEGISLATIVE BILL 1165. Indefinitely postponed.
LEGISLATIVE BILL 1205. Indefinitely postponed.

(Signed) Ron Withem, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 1056. Placed on General File.

LEGISLATIVE BILL 1170. Placed on General File as amended.
Standing Committee amendment to LB 1170:
AM2302

- 1 1. Strike the original sections and insert
- 2 the following new section:
- 3 "Section 1. That section 32-554, Reissue
- 4 Revised Statutes of Nebraska, 1943, is repealed."

LEGISLATIVE BILL 785. Indefinitely postponed.

(Signed) David Landis, Chairperson

SELECT FILE

LEGISLATIVE BILL 529. E & R amendments, AM5208, printed separate from the Journal and referred to on page 521 for the Thirteenth Day were adopted.

Mr. Warner withdrew his pending amendment, AM2072, printed separate from the Journal and referred to on page 801.

Mr. Hoagland renewed his pending amendment, AM2103, printed separate from the Journal and referred to on page 832.

The Hoagland amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Hoagland withdrew his pending amendment, AM2145, found in the Journal on page 843.

Mr. Hefner renewed the Lamb pending amendment, AM2157, found in the Journal on page 846.

Mr. Hefner moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Hefner requested a roll call vote on the Lamb amendment.

Voting in the affirmative, 14:

Beyer	Hartnett	Landis	Peterson	Sieck
Eret	Hefner	Miller	Remmers	Smith
Haberman	Higgins	Morehead	Schmit	

Voting in the negative, 20:

Baack	Chronister	Hoagland	Marsh	Rupp
Barrett	Conway	Johnson, L.	Nichol	Scofield
Carsten	Hall	Johnson, R.	Pappas	Warner
Chizek	Harris	Labeledz	Rogers	Withem

Present and not voting, 8:

Abboud	Goodrich	Lundy	Vickers	Wesely
Goll	Hannibal	Nelson		

Absent and not voting, 1:

DeCamp

Excused and not voting, 6:

Beutler Johnson, V. Lamb Lynch Pirsch
Chambers

The Lamb amendment lost with 14 ayes, 20 nays, 8 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Messrs. Warner and Hoagland renewed their pending amendment, AM2138, printed separate from the Journal and referred to on page 884.

The Warner-Hoagland amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Messrs. Hoagland, Lamb, and Ms. Scofield renewed their pending amendment, AM2197, found in the Journal on page 903.

The Hoagland-Lamb-Scofield amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Hoagland withdrew his pending amendment, AM2222, printed separate from the Journal and referred to on page 968.

Mr. Hoagland renewed his pending amendment, AM2295, found in the Journal on page 1087.

Mr. Hoagland withdrew his pending amendment, AM2295, found in the Journal on page 1087.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Higgins requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 26 ayes, 1 nay, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 796. Considered.

Mr. Vickers offered the following amendment:

On page 2 lines 13 and 24 strike "1988" and insert "1992"

The Vickers amendment was adopted with 26 ayes, 1 nay, 16 present and not voting, and 6 excused and not voting.

Mrs. Nelson moved the previous question. The question is, "Shall the debate now close?" The motion lost with 5 ayes, 9 nays, and 35 not voting.

Mr. Peterson offered the following amendment:

Add a new section:

The provision of this act shall become effective only upon voter approval at a primary or general election.

Mr. Harris asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Peterson moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Peterson requested a roll call vote on his amendment.

Voting in the affirmative, 12:

Abboud	DeCamp	Haberman	Lamb	Pirsch
Barrett	Goll	Hefner	Peterson	Rogers
Beyer	Goodrich			

Voting in the negative, 31:

Baack	Hartnett	Labeledz	Nichol	Sieck
Carsten	Higgins	Landis	Pappas	Smith
Chambers	Hoagland	Marsh	Remmers	Vickers
Chizek	Johnson, L.	Miller	Rupp	Warner
Eret	Johnson, R.	Morehead	Schmit	Wesely
Hall	Johnson, V.	Nelson	Scofield	Withem
Hannibal				

Present and not voting, 3:

Chronister Conway Lundy

Excused and not voting, 3:

Beutler Harris Lynch

The Peterson amendment lost with 12 ayes, 31 nays, 3 present and not voting, and 3 excused and not voting.

Pending.

The Chair declared the call raised.

LEGISLATIVE BILL 124. E & R amendment, AM5233, found in the Journal on page 637 for the Nineteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 781. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 869. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 831. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 886. E & R amendments, AM5235, found in the Journal on page 655 for the Nineteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 819. E & R amendments, AM5236, found in the Journal on page 656 for the Nineteenth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 780. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 864. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 904. E & R amendment, AM5240, found in the Journal on page 726 for the Twenty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 871. E & R amendments, AM5241, found in the Journal on page 726 for the Twenty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 512. E & R amendments, AM5242, found in the Journal on page 743 for the Twenty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 811. E & R amendments, AM5235, found in the Journal on page 756 for the Twenty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 774. E & R amendments, AM5246, found in the Journal on page 925 for the Twenty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 550. E & R amendments, AM5247, found in the Journal on page 962 for the Thirtieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 137. E & R amendment, AM5248, found in the Journal on page 962 for the Thirtieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 380. E & R amendments, AM5249, found in the Journal on page 962 for the Thirtieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 530. E & R amendments, AM5252, found in the Journal on page 970 for the Thirty-First Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 491. E & R amendment, AM5250, found in the Journal on page 970 for the Thirty-First Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 448. E & R amendments, AM5257, found in the Journal on page 994 for the Thirty-First Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 504. E & R amendments, AM5254, found in the Journal on page 994 for the Thirty-First Day were adopted.

Pending.

LEGISLATIVE BILL 433. E & R amendments, AM5258, found in the Journal on page 994 for the Thirty-First Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 573. E & R amendments, AM5265, found in the Journal on page 1025 for the Thirty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 561. E & R amendments, AM5259, printed separate from the Journal and referred to on page 1027 for the Thirty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 84. E & R amendments, AM5270, found in the Journal on page 1028 for the Thirty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 534. E & R amendment, AM5261, found in the Journal on page 1028 for the Thirty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 642. E & R amendments, AM5255, found in the Journal on page 1029 for the Thirty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 674. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 481. E & R amendment, AM5264, found in the Journal on page 1029 for the Thirty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 305. E & R amendments, AM5266, found in the Journal on page 1029 for the Thirty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 79. E & R amendments, AM5261, found in the Journal on page 1031 for the Thirty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 543. E & R amendments, AM5272, found in the Journal on page 1033 for the Thirty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 322. E & R amendments, AM5278, found in the Journal on page 1058 for the Thirty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 908. E & R amendment, AM5277, found in the Journal on page 1060 for the Thirty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 809. E & R amendments, AM5275, found in the Journal on page 1060 for the Thirty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 820. E & R amendment, AM5276, found in the Journal on page 1061 for the Thirty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 910. E & R amendment, AM5279, found in the Journal on page 1061 for the Thirty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 816. E & R amendments, AM5280, found in the Journal on page 1061 for the Thirty-Third Day were adopted.

Advanced to E & R for Engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 356.

Introduced by Marsh, 29th District; Abboud, 12th District; Baack, 47th District; Barrett, 39th District; Beyer, 3rd District; Carsten, 2nd District; Chizek, 31st District; Chronister, 18th District; Conway, 17th District; DeCamp, 40th District; Eret, 32nd District; Goll, 16th District; Goodrich, 20th District; Haberman, 44th District; Hall, 7th District; Hannibal, 4th District; Harris, 27th District; Hartnett, 45th District; Hefner, 19th District; Higgins, 9th District; Hoagland, 6th District; L. Johnson, 15th District; R. Johnson, 34th District; V. Johnson, 8th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Lundy, 36th District; Lynch, 13th District; Miller, 37th District; Morehead, 30th District; Nelson, 35th District; Nichol, 48th District; Pappas, 42nd District; Peterson, 21st District; Pirsch, 10th District; Remmers, 1st District; Rogers, 41st District; Rupp, 22nd District; Schmit, 23rd District; Scofield, 49th District; Sieck, 24th District; Smith, 33rd District; Vickers, 38th District; Warner, 25th District; Wesely, 26th District; Withem, 14th District.

WHEREAS, Senator Chris Beutler has served the 28th Legislative District of the State of Nebraska since his election in 1978; and

WHEREAS, He has served two years as chairperson of the Judiciary Committee; and

WHEREAS, he has served as chairperson of the Executive Board of the Legislative Council since January 1985; and

WHEREAS, Senator Beutler has decided to resign from the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature thank Senator Beutler for his distinguished service and dedicated leadership.

2. That a copy of this resolution be presented to Senator Beutler as a token of the Legislature's appreciation.

Mrs. Marsh moved to suspend the rules, Rule 4 Section 6 to permit consideration of LR 356.

The motion to suspend the rules prevailed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LR 356 was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Messrs. DeCamp and R. Johnson asked unanimous consent to print the following amendment to LB 137 in the Journal. No objections. So ordered.

AM2334

1 1. Insert the following new section:

2 "Sec. 2. That section 75-903, Revised
3 Statutes Supplement, 1985, be amended to read as
4 follows:

5 75-903. All grain dealers doing business in
6 this state shall be licensed by the commission. To
7 procure and maintain a license, each grain dealer shall:

8 (1) Pay an annual fee of thirty dollars which
9 shall be due on or before June 30 of each year for each
10 license and a registration fee not to exceed twenty
11 dollars per year for each vehicle used by such licensee
12 to transport grain. Such fees shall be paid to the
13 State Treasurer and credited to the ~~state~~ General Fund;

14 (2) Equip each vehicle used by the licensee
15 for grain transportation with a commercial license plate
16 registered with the Department of Motor Vehicles, except
17 that a licensee who resides in another state shall
18 license such vehicles according to the laws of his or
19 her state of residence;

20 (3) Affix a grain dealer plate issued by the
21 commission to each vehicle used by the licensee;

1 (4) File security which may be a bond issued
2 by a corporate surety company and payable to the
3 commission, an irrevocable letter of credit, or a
4 certificate of deposit, subject to approval of the
5 commission, for the benefit of persons doing business
6 with grain dealers. The security shall be in the amount
7 of twenty-five thousand dollars or four per cent of
8 grain purchases by the grain dealer in the preceding
9 license year as reported on a form prescribed by the
10 commission, whichever is greater, not to exceed one
11 hundred thousand dollars. Such security shall be
12 furnished on the conditions that (a) the licensee will
13 pay for any grain purchased upon demand, not later than
14 ten days after taking possession of the grain purchased,
15 and (b) the licensee owns, free of liens, any grain
16 which the licensee offers for sale; and

17 (5) File each year a financial statement of
18 the licensee's operations as a grain dealer which is
19 compiled, in accordance with generally accepted

20 accounting principles, by an independent certified
21 public accountant, or an independent public accountant,
22 or an independent accountant not holding a license or
23 permit but meeting one of the following requirements:

24 (a) Possesses a bachelor of science degree in
1 business administration with eighteen or more hours in
2 accounting courses;

3 (b) Possesses a bachelor of science degree in
4 business administration with a major in accounting;

5 (c) Possesses a bachelor of science degree in
6 business administration with an emphasis in accounting;

7 (d) Possesses an associate arts degree with an
8 accounting major or similar such degree;

9 (e) Possesses an associate of applied sciences
10 degree in business administration with an accounting
11 specialty or similar such degree;

12 (f) Has four or more years of experience in
13 the performance of accounting services for the public as
14 a principal or employee of an accounting services firm;

15 (g) Has four or more years of experience in
16 the accounting or bookkeeping department of a private
17 corporation, business, or similar entity;

18 (h) Has three or more years of experience in
19 performance of accounting services for the public and is
20 enrolled to practice before the Internal Revenue Service
21 or has passed the Accreditation Council for Accountancy
22 examination in taxation or accounting; or

23 (i) Is employed for at least forty-eight
24 months by the Internal Revenue Service as an internal
1 revenue agent, the State of Nebraska, or a political
2 subdivision of the state in an accounting or auditing
3 position for which an examination in accounting or
4 qualifying education and experience is required. in
5 accordance with generally accepted accounting
6 principles.”.

7 2. On page 3, line 27, strike “and”.

8 3. On page 4, line 1, after “1984” insert “,
9 and section 75-903, Revised Statutes Supplement, 1985”.

10 4. Renumber the remaining section
11 accordingly.

Mr. Landis asked unanimous consent to print the following amendment to LB 635 in the Journal. No objections. So ordered.

Sec. 44-371 ANNUITY CONTRACT, INSURANCE PROCEEDS AND BENEFITS; EXEMPT FROM CLAIMS OF CREDITORS; EXCEPTION.

Last Sentence of Section:

The provisions of this Section shall not apply to any loan value or cash value in excess of five thousand dollars of an unmatured life insurance contract or to any proceeds, cash value or benefits accruing under any annuity contract in excess of five thousand dollars.

Mr. Schmit asked unanimous consent to print the following amendment to LB 963 in the Journal. No objections. So ordered.

AM2297

- 1 1. Insert the following new sections:
- 2 "Section 1. That section 21-1773, Reissue
- 3 Revised Statutes of Nebraska, 1943, be amended to read
- 4 as follows:
- 5 21-1773. A credit union shall have power to
- 6 (1) make contracts; (2) sue and be sued; (3) adopt and
- 7 use a common seal and alter the same at pleasure; (4)
- 8 purchase, hold, and dispose of property necessary and
- 9 incidental to its operations; (5) receive from its
- 10 members payments on shares, including the right to
- 11 conduct Christmas clubs, vacation clubs, and other such
- 12 thrift organizations within the membership; (6) receive
- 13 from its members, from other credit unions, or an
- 14 officer, employee, or agent of the nonmember units of
- 15 federal, Indian tribal, state, or local governments and
- 16 political subdivisions or agencies thereof, payments on
- 17 (a) deposits which may be issued at varying interest
- 18 rates, (b) deposit certificates which may be issued at
- 19 varying interest rates and maturities, or (c) checking
- 20 accounts, subject to such terms, rates, and conditions
- 21 as may be established by the board of directors of the
- 1 credit union; (7) lend its funds to its members for
- 2 provident or productive purposes at rates of interest of
- 3 not to exceed eighteen per cent per annum on the unpaid
- 4 balance of the loan, or less, as determined by the board
- 5 of directors of the credit union; (7) (8) borrow from
- 6 any source in an aggregate amount not exceeding forty
- 7 per cent of its paid-in and outstanding shares; (8) (9)
- 8 invest its funds in (a) loans to members but not to
- 9 exceed ten per cent of the total assets or five hundred
- 10 dollars, whichever is greater, to any one member, (b)
- 11 obligations of or securities fully guaranteed as to

12 principal and interest by the United States of America
13 or agencies thereof, bonds, notes, and warrants of the
14 State of Nebraska or any political subdivision thereof,
15 or in other securities approved by the Department of
16 Banking and Finance, (c) the shares or accounts of
17 savings and loan associations organized within this
18 state to the extent that such shares or accounts are
19 insured, or, with the approval of the Department of
20 Banking and Finance, in (i) the shares or accounts of
21 savings and loan associations organized in the State of
22 Nebraska which are uninsured up to the insured limit, or
23 (ii) the shares or accounts of savings and loan
24 associations organized outside the State of Nebraska to
1 the extent that such shares or accounts are insured, and
2 (d) the shares of or loans to other credit unions
3 organized in this state, either under the laws of this
4 state or under the Federal Credit Union Act, ~~except ;~~
5 ~~PROVIDED~~, that no credit union organized under sections
6 21-1760 to 21-17,126, except a credit union organized
7 under section 21-17,117, shall (i) invest in the shares
8 of other credit unions more than fifteen per cent of the
9 sum of its share balances ; ~~AND PROVIDED FURTHER, no such~~
10 ~~credit union, except a credit union organized under~~
11 ~~section 21-17,117, shall~~ and (ii) have an aggregate of
12 loans from any source and shares issued to other credit
13 unions in an amount in excess of forty per cent of its
14 paid-in and outstanding shares; ~~(9)~~ (10) make deposits
15 in national and state banks operating in accordance with
16 the laws of the United States or the State of Nebraska;
17 ~~(40)~~ (11) insure the loans made by the credit union to
18 members and share balances of members in the credit
19 union; ~~(44)~~ (12) make a minimum loan or use charge on
20 loans on which the interest rate charged does not exceed
21 ten dollars, ~~except ; PROVIDED~~, that such loan or use
22 charge including the interest on such loan shall not
23 exceed ten dollars; ~~(42)~~ (13) sell and assign loans to
24 the central credit union or other financial institutions
1 without recourse; ~~(43)~~ (14) establish, operate, and
2 maintain, or participate by agreement in the
3 establishment, operation, and maintenance of electronic
4 transmission terminals and systems for the purpose of
5 transmitting credit union transactions authorized by
6 this section for its members and terminating within the
7 State of Nebraska, except that loans may not be

8 initiated by electronic transmission transactions
 9 without specific prior approval of the credit unions
 10 involved; and ~~(14)~~ (15) have and exercise such
 11 incidental powers as shall be necessary or convenient to
 12 enable it to effectively carry on its activities.

13 Sec. 2. The treasurer or ex officio treasurer
 14 of any city, town, village, township, county, or school
 15 district in Nebraska may deposit the funds received and
 16 held by him or her by virtue of such office with a state
 17 or federal credit union if such credit union performs
 18 all the conditions precedent required by the laws of
 19 this state of commercial state and national banks to
 20 qualify them to receive deposits of such public funds.
 21 It shall not be necessary for any such political
 22 subdivision, when making a deposit of public funds, to
 23 purchase shares in such a credit union or become a
 24 member thereof, and the credit union is duly authorized
 1 and empowered to receive such public money under such
 2 conditions. The credit union receiving such deposit
 3 shall maintain insurance of shares, savings, or deposits
 4 in accordance with section 21-17,120.02."

5 2. On page 2, line 17, after "original"
 6 insert "section 21-1773, Reissue Revised Statutes of
 7 Nebraska, 1943, and"; and in line 18 strike "is" and
 8 insert "are".

9 3. Renumber the remaining sections
 10 accordingly.

Mr. Lamb asked unanimous consent to print the following amendment to LB 1062 in the Journal. No objections. So ordered.

AM2323

(Amendments to Standing Committee amendments)

- 1 1. On page 1, strike beginning with "at" in
- 2 line 10 through "Education" in line 13 and insert
- 3 "fourteen members. Seven members shall be appointed by
- 4 the Governor and seven members shall be appointed by the
- 5 Executive Board of the Legislative Council".

Mr. Hoagland asked unanimous consent to print the following amendment to LB 464 in the Journal. No objections. So ordered.

AM2321

- 1 1. Insert the following new sections:
- 2 "Section 1. (1) A person commits terroristic

3 threats if:

4 (a) He or she threatens to commit any crime of
5 violence with purpose to terrorize another; or

6 (b) He or she intentionally makes false
7 statements with the intent of causing the evacuation of
8 a building, place of assembly, or facility of public
9 transportation.

10 (2) Terroristic threats is a Class IV felony.

11 Sec. 2. That section 28-101, Revised Statutes
12 Supplement, 1985, be amended to read as follows:

13 28-101. Sections 28-101 to 28-1348 and
14 section 1 of this act shall be known as the Nebraska
15 Criminal Code.

16 Sec. 4. That section 28-933, Revised Statutes
17 Supplement, 1984, be amended to read as follows:

18 28-933. (1) Any person who is legally
19 confined in a jail or correctional or penal institution
20 and who commits (a) assault in the first, second, or
21 third degree as defined in sections 28-308 to 28-310,
1 (b) terroristic threats as defined in section ~~28-311~~ 1
2 of this act, (c) kidnapping as defined in section
3 28-313, or (d) false imprisonment in the first or second
4 degree as defined in sections 28-314 and 28-315, against
5 any person for the purpose of compelling or inducing the
6 performance of any act by such person or any other
7 person shall be guilty of a Class II felony.

8 (2) Sentences imposed under subsection (1) of
9 this section shall be served consecutive to any sentence
10 or sentences imposed for violations committed prior to
11 the violation of subsection (1) of this section and
12 shall not include any credit for time spent in custody
13 prior to sentencing unless the time in custody is solely
14 related to the offense for which the sentence is being
15 imposed under this section.”.

16 2. On page 4, line 10, strike “section
17 28-515” and insert “sections 28-515 and 28-933”; and in
18 line 11 strike “is” and insert “and section 28-101,
19 Revised Statutes Supplement, 1985, and also section
20 28-311, Reissue Revised Statutes of Nebraska, 1943,
21 are”.

22 3. Renumber the remaining sections
23 accordingly.

LEGISLATIVE BILL 1114. Placed on Select File as amended.
(E & R amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM5292.)

(Signed) Timothy Hall, Chairperson

MOTION - Suspend Rules

Mrs. Labeledz moved to suspend Rule 1, Section 1(b)(1) and in lieu thereof proceed to the election of a chairperson of the Executive Board by secret ballot on the floor of the Legislature.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1001A. By Peterson, 21st District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1001, Eighty-ninth Legislature, Second Session, 1986; and to declare an emergency.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 1207. Indefinitely postponed.

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Print in Journal

Messrs. Hoagland, Chizek, and Mrs. Pirsch asked unanimous consent to print the following amendment to LB 631 in the Journal. No objections. So ordered.

AM2319

- 1 1. On page 22, line 5, strike "section" and
- 2 insert "sections 39-669.20 and".

Mr. Chizek asked unanimous consent to print the following amendment to LB 1051 in the Journal. No objections. So ordered.

AM2196

- 1 1. On page 2, line 7, after "the" insert
2 "actual physical", after "removal" insert "
3 enclosure,"; and after "asbestos" insert ", except that
4 asbestos project shall not include any consulting
5 activity"; in line 9 before "or" insert "public
6 entity,"; and in line 10 after "other" insert "public or
7 private".
- 8 2. On page 3, line 17, after "the" insert
9 "inspections and the"; and in line 19 after "of" insert
10 "inspections,".
- 11 3. On page 4, line 4, after "removing" insert
12 ", enclosing,"; and after line 4 insert the following
13 new subsection:
14 "(5) The department may enter into agreements
15 or contracts with public agencies or private contractors
16 to conduct any inspections required under this act".
- 17 4. On page 5, line 9, after "removal" insert
18 ", enclosure,"; and in lines 17 and 18 strike "after
19 completion of".
- 20 5. On page 6, line 23, strike "six" and
21 insert "twenty".
- 1 6. On page 7, line 7, after "removal" insert
2 ", enclosure,"; and in line 16 after "renewal" insert
3 "of".
- 4 7. On page 8, line 5, strike "Chapter 84,
5 article 9" and insert "section 14 of this act".
- 6 8. On page 9, line 17, after "renewal" insert
7 "of"; and in line 23 strike "Chapter 84, article 9" and
8 insert "section 14 of this act".
- 9 9. On page 10, line 7, strike "certificate
10 or"; in lines 8 and 9 strike "not more than"; after line
11 9 insert the following new subsections:
12 "(2) A person who engages in an asbestos
13 project without a valid certificate, except as otherwise
14 provided in this act, shall be assessed a civil penalty
15 of one thousand dollars for the first offense.
16 (3) Every person or business entity against
17 whom a civil penalty is proposed to be assessed shall be
18 entitled to notice and hearing pursuant to section 14 of
19 this act."; and in line 10 strike "(2)" and insert
20 "(4)".
- 21 10. Insert the following new section:
22 "Sec. 14. (1) Whenever the department
23 proposes to subject a person to the provisions of

24 section 12 of this act or intends to deny, refuse
1 renewal of, suspend, or revoke a license or certificate,
2 it shall notify the person in writing: (a) Setting
3 forth the date, facts, and nature of each act or
4 omission with which the person is charged; (b)
5 specifically identifying the particular provision or
6 provisions of the section, rule, or regulation involved
7 in the violation; (c) notifying the person of the time,
8 date, and place at which a full and fair hearing shall
9 be had on such charge; and (d) notifying the person that
10 the department may deny, refuse renewal of, suspend, or
11 revoke a license or certificate or impose a civil
12 penalty for engaging in a project without a license or
13 certificate. The notice shall also advise such person
14 that upon failure to pay the civil penalty, if any,
15 subsequently determined by the department, the penalty
16 may be collected by civil action. The notice shall be
17 delivered to each alleged violator not less than ten
18 days before the time set for the hearing by personal
19 service, by certified or registered mail to his or her
20 last-known address, or by publication. Notice by
21 publication shall only be made if personal service or
22 service by mail cannot be effectuated.

23 (2) Hearings held pursuant to subsection (1)
24 of this section shall be held in accordance with rules
1 and regulations adopted and promulgated by the
2 department and shall provide for the alleged violator to
3 present such evidence as may be proper. Witnesses may
4 be subpoenaed by either party and shall be allowed fees
5 at a rate prescribed by the rules and regulations of the
6 department. A full and complete record shall be kept of
7 the proceedings.

8 (3) Following the hearing, the director shall
9 determine whether or not the charges are true, and if
10 true, the director may (a) issue a declaratory order
11 finding the charges to be true or (b) deny, refuse
12 renewal of, suspend, or revoke a license or certificate
13 or impose a civil penalty prescribed in section 12 of
14 this act. A copy of such decision, setting forth the
15 finding of facts and the particular reasons upon which
16 it is based, shall be sent by either registered or
17 certified mail to the alleged violator. The decision
18 shall become final thirty days after a copy thereof is
19 mailed, unless the alleged violator, within such
20 thirty-day period, appeals the decision as provided in

21 Chapter 84, article 9.

22 (4) Any civil penalty assessed and unpaid
23 under this act shall constitute a debt to the State of
24 Nebraska which may be collected in the manner of a lien
1 foreclosure or sued for and recovered in any proper form
2 of action in the name of the State of Nebraska in the
3 district court of the county in which the violator
4 resides or owns property. The department shall, within
5 thirty days of receipt, transmit any collected civil
6 penalty to the State Treasurer for deposit in the
7 Permanent School Fund.”.

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 898 in the Journal. No objections. So ordered.

(Amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2310.)

UNANIMOUS CONSENT - Add Co-Introducers

Mrs. Morehead asked unanimous consent to have her name added as co-introducer to LB 850. No objections. So ordered.

Mrs. Nelson asked unanimous consent to have her name added as co-introducer to LB 461. No objections. So ordered.

VISITOR

Visitor to the Chamber was Dr. Carlson from Verdigre.

ADJOURNMENT

At 11:56 a.m., on a motion by Mr. Sieck, the Legislature adjourned until 9:00 a.m., Tuesday, March 4, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SIXTH DAY - MARCH 4, 1986**LEGISLATIVE JOURNAL****EIGHTY-NINTH LEGISLATURE
SECOND SESSION****THIRTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 4, 1986

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Rev. Charles L. Wildman, Vine Congregational Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Baack, Chambers, Hall, Hannibal, Harris, R. Johnson, Landis, Lynch, Peterson, Schmit, Sieck, Withem, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1108, line 5, insert, "E & R amendments, AM5288, found in the Journal on page 1094 for the Thirty-Fourth Day were adopted."

Page 1115, line 5, strike "5235" and insert "5238".

Page 1116, line 18, strike "5261" and insert "5263".

The Journal for the Thirty-Fifth Day was approved as corrected.

SELECT COMMITTEE REPORTS**Enrollment and Review**

LEGISLATIVE BILL 975. Placed on Select File as amended.

E & R amendments to LB 975:

AM5293

- 1 1. On page 1, line 3, strike "eliminate an";

- 2 and in line 4 strike "exception" and insert "change
3 provisions".
- 4 2. On page 2, line 6, strike the comma, show
5 as stricken, and insert "and" and strike "shall" and
6 show as stricken; in line 7 strike "possess or store",
7 show as stricken, and insert "possesses or stores" and
8 strike the comma and show as stricken; in line 23 strike
9 "shall" and show as stricken; and in line 24 strike
10 "sell, transfer, issue, or give", show as stricken, and
11 insert "sells, transfers, issues, or gives".

LEGISLATIVE BILL 924. Placed on Select File as amended.
E & R amendment to LB 924:

AM5294

- 1 1. On page 18, line 17, reinstate the
2 stricken "and".

LEGISLATIVE BILL 1047. Placed on Select File as amended.
E & R amendments to LB 1047:

AM5295

- 1 1. On page 1, strike beginning with "provide"
2 in line 6 through "tests" in line 8 and insert
3 "authorize the Department of Health to establish certain
4 fees"; and in line 9 strike "fees" and insert "fund".
- 5 2. On page 3, line 10, strike "sections",
6 show as stricken, and insert "section"; in line 11
7 strike "to 42-128," show as stricken, and insert an
8 underscored comma; and in line 23 strike "shall", show
9 as stricken, and insert "will".
- 10 3. On page 4, line 4, strike the comma and
11 show as stricken; and in line 10 after "practice" insert
12 "either" and strike the first comma, show as stricken,
13 and insert "or".
- 14 4. On page 5, in lines 4 and 22, strike all
15 commas and show as stricken; and in line 12 after "made"
16 insert an underscored comma.
- 17 5. On page 6, lines 14 and 15, strike the
18 underscored comma and insert an underscored semicolon.
- 19 6. On page 7, line 3, strike "to" and show as
20 stricken.
- 21 7. On page 11, line 9, strike "for"; in line
1 10 strike "shall defray" and insert "defrays"; in line
2 13 strike "a"; and in line 24 strike the comma and show
3 as stricken.
- 4 8. On page 12, line 19, strike "for"; in line

- 5 20 strike "shall defray" and insert "defrays"; and in
 6 line 23 strike "a".
- 7 9. On page 13, in lines 4 to 5 and 11, strike
 8 "sections 71-4621 to 71-4634", show as stricken, and
 9 insert "the Uniform Standard Code for Mobile Home
 10 Parks"; in line 10 reinstate the stricken matter; and in
 11 line 15 strike "is", show as stricken, and insert "shall
 12 be".
- 13 10. On page 13, line 21; page 14, lines 11 to
 14 12 and 24; and page 15, lines 9 to 10, strike "sections
 15 71-5301 to 71-5313", show as stricken, and insert "the
 16 Nebraska Safe Drinking Water Act".
- 17 11. On page 14, line 11, strike the comma and
 18 show as stricken.
- 19 12. On page 15, line 25, strike "sections".
- 20 13. On page 16, line 1, strike "71-5301 to
 21 71-5313" and insert "the Nebraska Safe Drinking Water
 22 Act".

LEGISLATIVE BILL 967. Placed on Select File as amended.
 E & R amendments to LB 967:
 AM5297

- 1 1. On page 1, line 5, lowercase
 2 "Legislative".
- 3 2. On page 2, line 5, strike "6, and 7" and
 4 insert "7, and 8".
- 5 3. On page 3, line 2, strike "to".
- 6 4. On page 5, in lines 5 and 6, strike
 7 "Nebraska at Lincoln" and insert "Nebraska-Lincoln".
- 8 5. On page 6, strike beginning with "Small"
 9 in line 9 through "Authority" in line 10 and insert
 10 "authority".

LEGISLATIVE BILL 973. Placed on Select File as amended.
 E & R amendments to LB 973:
 AM5296

- 1 1. On page 1, lines 1 and 11, strike
 2 "section" and insert "sections"; and in line 2 after
 3 "21-1777" insert "and 21-17,118".
- 4 2. On page 2, line 14, strike "shall appear,
 5 ", show as stricken, and insert "appears"; and in line
 6 15 strike the first comma and show as stricken.
- 7 3. On page 3, line 2, strike "shall order",
 8 show as stricken, and insert "orders"; in line 4 after
 9 "manner" insert an underscored comma; and in line 6

10 strike “3 to 7” and insert “4 to 8”.

11 4. On page 6, line 4, strike “of” and insert
12 “by”; in lines 7, 14, and 15 strike “Department of
13 Banking and Finance” and insert “department”; in line 10
14 strike “shall fail” and insert “fails”; in line 22
15 insert an underscored comma after “union” and after
16 “appointment”; and in line 25 strike the comma and
17 insert “and”.

18 5. On page 7, line 1, after the second “and”
19 insert “shall”; in line 8 after “to” insert “section
20 21-1777 and sections 4 to 8 of”; and in line 17 strike
21 the second “of” and insert “as”.

1 6. On page 8, line 7, strike “section” and
2 insert “sections” and after “21-1777” insert “and
3 21-17,118”.

4 7. Insert the following new section:

5 “Sec. 2. That section 21-17,118, Reissue
6 Revised Statutes of Nebraska, 1943, be amended to read
7 as follows:

8 21-17,118. Sections 21-1760 to ~~21-17,120~~
9 21-17,126 and sections 4 to 8 of this act shall be known
10 and styled may be cited as the Credit Union Act.”.

11 8. Renumber sections 2 to 7 as sections 3 to
12 8, respectively, the first section 8 as section 9, and
13 the second section 8 as section 10.

LEGISLATIVE BILL 888. Placed on Select File.

LEGISLATIVE BILL 1028. Placed on Select File as amended.
E & R amendment to LB 1028:

AM5298

1 1. On page 1, line 3, strike “what” and
2 insert “the term”; and in line 4 strike “means”.

LEGISLATIVE BILL 1028A. Placed on Select File.

LEGISLATIVE BILL 887. Placed on Select File as amended.
E & R amendment to LB 887:

AM5299

1 1. On page 2, strike beginning with “in” in
2 line 7 through “of” in line 8 and insert “when”; and in
3 line 8 after “member” insert “is absent”.

LEGISLATIVE BILL 901. Placed on Select File.

LEGISLATIVE BILL 896. Placed on Select File as amended.
E & R amendments to LB 896:

AM5300

- 1 1. On page 1, strike beginning with
- 2 "provisions" in line 3 through "highways" in line 4 and
- 3 insert "the applicability of the rules of the road to
- 4 certain persons and equipment".
- 5 2. On page 2, line 8, after "drugs" insert an
- 6 underscored comma.

LEGISLATIVE BILL 948. Placed on Select File.

LEGISLATIVE BILL 877. Placed on Select File as amended.
E & R amendment to LB 877:

AM5301

- 1 1. On page 1, line 1, strike "cause of
- 2 action" and insert "civil actions" and after "eliminate"
- 3 insert "causes of action for".

LEGISLATIVE BILL 1045. Placed on Select File.

LEGISLATIVE BILL 1052. Placed on Select File.

LEGISLATIVE BILL 1208. Placed on Select File as amended.
E & R amendments to LB 1208:

AM5302

- 1 1. On page 2, line 17, strike the comma and
- 2 show as stricken.
- 3 2. On page 4, line 23; and page 5, line 8,
- 4 strike the first comma, show as stricken, and insert
- 5 "or".
- 6 3. On page 5, line 12, strike the comma and
- 7 show as stricken.

LEGISLATIVE BILL 891. Placed on Select File as amended.
E & R amendments to LB 891:

AM5303

- 1 1. On page 1, line 1, strike "county court"
- 2 and after "clerks" insert "of the county court".
- 3 2. On page 2, line 10, after "be" insert
- 4 "deposited".

LEGISLATIVE BILL 756. Placed on Select File as amended.
E & R amendment to LB 756:

AM5304

- 1 1. On page 2, line 2, lowercase "City"; and

2 in lines 17 and 19, before “a” insert a comma.

LEGISLATIVE BILL 762. Placed on Select File as amended.

E & R amendment to LB 762:

AM5305

1 1. On page 5, line 6, reinstate the comma.

LEGISLATIVE BILL 1036. Placed on Select File.

LEGISLATIVE BILL 1036A. Placed on Select File.

LEGISLATIVE BILL 1037. Placed on Select File as amended.

E & R amendments to LB 1037:

AM5306

1 1. On page 4, line 18, strike “direct
2 writing”, show as stricken, and insert “direct-writing”;
3 and in line 24 strike the comma and show as stricken.

4 2. On page 5, line 9, strike “the provisions
5 of” and show as stricken.

6 3. On page 8, line 7, strike “said”, show as
7 stricken, and insert “the”; in line 11 strike “such” and
8 insert “the compensation”; and in lines 11, 14, and 23
9 strike “where”, show as stricken, and insert “when”.

LEGISLATIVE BILL 1037A. Placed on Select File as amended.

E & R amendment to LB 1037A:

AM5307

1 1. On page 2, lines 2, 4, and 12, after
2 “Compensation” insert “Court”.

LEGISLATIVE BILL 1035. Placed on Select File as amended.

E & R amendments to LB 1035:

AM5308

1 1. On page 1, line 3, strike “provide for”
2 and insert “change requirements relating to”.

3 2. On page 2, line 11, strike “must”, show as
4 stricken, and insert “shall”; in line 17 strike “shall
5 apply”, show as stricken, and insert “applies”; and in
6 line 18 strike “obtain”, show as stricken, and insert
7 “obtains”.

LEGISLATIVE BILL 1123. Placed on Select File as amended.

E & R amendment to LB 1123:

AM5309

1 1. On page 2, line 21, strike “formed under
2 this act”.

(Signed) Timothy Hall, Chairperson

RESIGNATION

March 3, 1986

Governor Robert Kerrey
2nd Floor
State Capitol
Lincoln, NE 68509

Dear Governor Kerrey:

I hereby formally submit to you my resignation as the 28th District representative to the Nebraska Legislature effective at 5:00 p.m. today. It is with mixed feelings that I resign my position but I feel it is necessary at this time for me to do so.

It is my hope that you will expedite your appointment of my successor so that the people of the 28th District will continue to be represented in the legislature without interruption.

Very truly yours,
(Signed) Chris Beutler

CB/pu

ATTORNEY GENERAL'S OPINION

Opinion No. 86026
February 28, 1986

To: Senator D. Paul Hartnett

Subject: LB 949 Classification of Public Power Districts and Apportionment by Population or Number of Electors.

The proposed amendments to LB 949 permitting public power districts that serve 50 or less counties to establish election districts at the discretion of the board of directors, based on either population or numbers of electors are constitutionally impermissible. Article I Section 22 of the Nebraska Constitution does not apply to public corporations exercising only proprietary functions. Wittler v. Baumgartner, 180 Neb. 446, 144 N.W.2d 62 (1966). However, legislative classification, to be valid, must be based on a difference

of situation or circumstance that reasonably necessitates diverse legislation between the classes. In Wittler the Nebraska Supreme Court invalidated a law establishing a grid system for all public power districts operating in more than 15 counties, because there was no basis for treating the electors of some counties differently than other counties similarly situated. Unless the Public Works Committee can point to a rational basis for drawing the dividing line at 50 counties the proposed classification is unconstitutionally arbitrary.

The delegation to the board of directors of the district to provide the subdivision from which directors are to be elected or appointed violates Article III Section 1 of the state constitution. The fixing of boundaries of a political subdivision for public purposes is a legislative function. The Legislature may authorize the organization of districts to other governmental bodies. Nickel v. School Board of Axtell, 157 Neb. 813, 61 N.W.2d 566 (1953). Yet, when the Legislature delegates such power it must provide reasonable guidelines and standards. Williams v. County of Buffalo, 181 Neb. 233, 147 N.W.2d 776 (1967). The question of how far the Legislature should go in providing the details are issues of policy in which the Legislature has wide discretion. But those guidelines “. . . must be adequate, sufficient and definite for the guidance of the agency in the exercise of the power conferred upon it and must be sufficient to enable those affected to know their rights and obligations.” State v. Nebraska Mortgage Finance Fund, 204 Neb. 444, 465, 283 N.W.2d 12 (1979). LB 949 as amended grants legislative authority to the board of directors to be exercised upon a finding that “it is in the best interest of the district and its customers” to provide for subdivisions based on the number of electors rather than population. The Legislature has established no standards nor any basis for such a determination. The board is not given any factors which should or must be considered. Unbridled delegation of legislative power is contrary to state law.

Establishing districts on the basis of electors is as valid as districts based on population when there is a legitimate reason for such action. Likewise the frequency of redistricting is a matter of legislative prerogative that only needs to satisfy the rational basis test.

Sincerely,
ROBERT M. SPIRE
Attorney General

(Signed) Yvonne E. Gates
Assistant Attorney General

YEG/bae

cc: Patrick J. O'Donnell
Clerk of the Legislature

REPORT

Received annual report of the Board of Examiners for County Highway and City Street Superintendents pursuant to 39-2301 to 39-2311.

UNANIMOUS CONSENT - Bracket LB 529

Mr. Hoagland asked unanimous consent to bracket LB 529 on E & R for Engrossment. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 354 and LR 356.

MOTION - Approve Appointments

Mr. Abboud moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following Governor appointment found in the Journal on page 1109: Steve Torrence - Director, Department of Personnel.

Voting in the affirmative, 25:

Abboud	Conway	Johnson, L.	Miller	Rogers
Barrett	Goodrich	Johnson, V.	Nichol	Smith
Beyer	Hefner	Lamb	Pappas	Vickers
Carsten	Higgins	Lundy	Pirsch	Warner
Chronister	Hoagland	Marsh	Remmers	Wesely

Voting in the negative, 0.

Present and not voting, 10:

Chizek	Eret	Haberman	Labeledz	Nelson
DeCamp	Goll	Hartnett	Morehead	Rupp

Excused and not voting, 13:

Baack	Hannibal	Landis	Schmit	Sieck
Chambers	Harris	Lynch	Scofield	Withem
Hall	Johnson, R.	Peterson		

The appointment was confirmed with 25 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

MOTION - Suspend Rules

Mrs. Labedz renewed her pending motion found in the Journal on page 1125 to suspend Rule 1, Section 1(b)(1) and in lieu thereof proceed to the election of a chairperson of the Executive Board by secret ballot on the floor of the Legislature.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 22 not voting.

Mrs. Marsh requested a record vote on the Labedz motion to suspend the rules.

Voting in the affirmative, 32:

Abboud	Conway	Hartnett	Pappas	Schmit
Baack	DeCamp	Hefner	Peterson	Scofield
Barrett	Goll	Higgins	Pirsch	Sieck
Beyer	Goodrich	Johnson, L.	Remmers	Vickers
Chambers	Haberman	Johnson, R.	Rogers	Warner
Chizek	Hall	Labedz	Rupp	Withem
Chronister	Hannibal			

Voting in the negative, 10:

Eret	Hoagland	Landis	Miller	Nelson
Harris	Johnson, V.	Marsh	Morehead	Wesely

Present and not voting, 6:

Carsten	Lundy	Lynch	Nichol	Smith
Lamb				

The Labedz motion prevailed with 32 ayes, 10 nays, and 6 present and not voting.

CHAIRPERSON - Executive Board

Mrs. Marsh nominated Mr. Carsten.

Mr. Chambers placed his name in nomination.

Mr. Hoagland moved the nominations be closed. The motion prevailed.

The Chair appointed Messrs. L. Johnson, Hartnett, and Mrs. Smith as tellers.

Carsten	37
Chambers	<u>9</u>
	46

Mr. Carsten was duly elected Chairperson of the Executive Board.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 839.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 839

The following changes, required to be reported for publication in the Journal, have been made:

ER0142

1. In the E & R amendments, AM5288, adopted March 3, 1986, on page 1, line 1, "the first" has been inserted after "strike".

2. In the Standing Committee amendments, AM2134, adopted February 26, 1986:

a. On page 4, lines 1 and 2, "1,437,224" has been struck and "1,437,244" inserted; and

b. On page 14, line 6, ", show as stricken," has been inserted after the last quotation marks.

3. On page 2, line 18, "\$" has been inserted before "1,036,317".

4. On page 40, line 11, "Court" has been inserted after "Compensation".

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 999 in the Journal. No objections. So ordered.

AM2322

(Amendments to AM2283)

- 1 1. Insert the following new amendment:
- 2 "2. On page 5, line 8, strike the new matter
- 3 and reinstate the stricken matter."
- 4 2. Renumber the remaining amendments
- 5 accordingly.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 1072. Indefinitely postponed.

LEGISLATIVE BILL 1076. Indefinitely postponed.

LEGISLATIVE BILL 1153. Indefinitely postponed.

(Signed) Vard R. Johnson, Chairperson

Agriculture and Environment

LEGISLATIVE BILL 1211. Placed on General File as amended.

Standing Committee amendments to LB 1211:

AM2309

- 1 1. On page 2, line 5, after "responsibility"
- 2 insert "to cooperate and coordinate with the Central
- 3 Interstate Low-level Radioactive Waste Compact
- 4 Commission and"; in line 9 before "disposal" insert
- 5 "commercial"; in line 10 after "state" insert "at
- 6 commercial low-level radioactive waste disposal
- 7 facilities as designated by the Central Interstate
- 8 Low-level Radioactive Waste Compact Commission"; and in
- 9 line 16 after "for" insert "commercial" and after
- 10 "waste" insert "at such facilities".
- 11 2. On page 3, strike beginning with
- 12 "byproduct" in line 1 through "materials" in line 3 and
- 13 insert "low-level radioactive waste"; and after line 3
- 14 insert the following new paragraph:
- 15 "Nothing in the Low-level Radioactive Waste
- 16 Disposal Act shall be intended to establish any other
- 17 regulatory responsibilities pertaining to radioactive
- 18 materials except for the licensing and regulation of a
- 19 land disposal facility."

- 20 3. On page 4, line 9, after "isolation"
21 insert "and final disposition"; in line 24 after
1 "wastes" insert a period; and strike beginning with
2 "into" in line 24 through line 25.
- 3 4. On page 5, line 3, strike "transuranic
4 waste,"; and in line 4 after "material" insert "as
5 defined in subdivision (2) of section 5 of this act".
- 6 5. On page 6, line 1, after "233" insert "
7 but does not include source material,"; in line 14 after
8 "waste" insert a period; strike beginning with "or" in
9 line 14 through line 15; and strike beginning with "No"
10 in line 18 through line 23.
- 11 6. On page 7, line 4, after "revoke" insert
12 "licenses or".
- 13 7. On page 9, strike beginning with "and" in
14 line 18 through line 19.
- 15 8. On page 11, line 20, strike "appropriated
16 by the Legislature".
- 17 9. On page 13, strike beginning with "any" in
18 line 5 through "agency" in line 6 and insert "the
19 Department of Health"; in line 11 after "fees" insert
20 "or surcharges"; in line 13 after "Act" insert "and the
21 Central Interstate Low-level Radioactive Waste Compact"
22 and after "fees" insert "or surcharges"; in line 15
23 strike "radioactive materials" and insert "land disposal
24 facilities"; in line 16 strike "and"; and in line 18
1 after "licensees" insert ", and (d) the budget of the
2 Central Interstate Low-level Radioactive Waste Compact
3 Commission pursuant to Article IV, Section (h)(2) of the
4 compact".
- 5 10. On page 14, line 3, after "fee" insert
6 "or surcharge"; and after line 4 insert the following
7 new subsection:
8 "(4) Any fees or surcharges collected pursuant
9 to this section shall be deposited in the department's
10 Low-level Radioactive Waste Cash Fund, which is hereby
11 created. All money in the fund available for investment
12 shall be invested by the state investment officer
13 pursuant to sections 72-1237 to 72-1269."
- 14 11. On page 15, line 2, strike "major".
- 15 12. On page 16, line 4, after "emergency"
16 insert "including, but not limited to, closure of the
17 site"; and strike beginning with "The" in line 11
18 through line 17.
- 19 13. On page 17, line 7, strike "receive,

20 possess, or"; and in line 12 strike "of the department".

21 14. Insert the following new sections:

22 "Sec. 36. The state's annual contribution to
23 the Central Interstate Low-level Radioactive Waste
24 Compact Commission's budget shall be paid by generators
1 of low-level radioactive waste in this state which
2 dispose of such waste in low-level radioactive waste
3 disposal facilities through fees assessed by the
4 department. Fees may be reasonably assessed on the
5 basis of volume of the waste shipped and shall be
6 deposited in the Low-level Radioactive Waste Cash Fund.
7 Such fees shall be due the first of July beginning in
8 1986 and shall continue until surcharges are collected
9 pursuant to Article IV, Section (h)(2) of the compact.

10 Sec. 37. Any person who violates any
11 provision of the Central Interstate Low-level
12 Radioactive Waste Compact shall be subject to a civil
13 penalty of not more than ten thousand dollars per day of
14 violation.

15 Sec. 38. Any person violating the provisions
16 of the Central Interstate Low-level Radioactive Waste
17 Compact may be enjoined from continuing such violation.
18 An action may also be brought to compel performance of
19 an obligation created by the compact. The court may
20 require any person who is adjudged responsible to do and
21 perform any and all things within his or her power which
22 are reasonably necessary to fulfill the obligation.

23 Sec. 39. Any action for a violation of the
24 Central Interstate Low-level Radioactive Waste Compact
1 or an action to enjoin a violation or to compel
2 performance under the compact shall be brought by the
3 Attorney General in the name of the state.

4 Sec. 40. Since an emergency exists, this act
5 shall be in full force and take effect, from and after
6 its passage and approval, according to law."

(Signed) Rod Johnson, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 1188. Placed on General File as amended.

Standing Committee amendments to LB 1188:

AM2338

- 1 1. On page 6, in line 24 and 25, strike the
- 2 new matter.

3 2. On page 7, reinstate the stricken matter
 4 beginning with "construction" in line 1 through
 5 "hospital" in line 15; and in line 15 after the
 6 reinstated "hospital" insert "Such sinking fund shall
 7 exist only until the completion of a project authorized
 8 in this section.".

LEGISLATIVE BILL 1223. Placed on General File as amended.
 Standing Committee amendment to LB 1223:
 AM2337

1 1. On page 2, line 20, strike "shall have the
 2 power to" and insert "may".

(Signed) David Landis, Chairperson

GENERAL FILE

LEGISLATIVE BILL 131. Title read. Considered.

Standing Committee amendments, AM1963, found in the Journal on page 635 for the Eighteenth Day were adopted with 27 ayes, 0 nays, and 21 present and not voting.

Messrs. Abboud and Barrett asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hartnett moved the previous question. The question is, "Shall the debate now close?" The motion lost with 14 ayes, 6 nays, and 28 not voting.

Mr. Chambers offered the following amendment:

P. 2, lines 12, 13, strike "or refer for consultation or treatment"; and

In line 12, after "diagnose", strike comma, insert "and".

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 7:

Baack	Conway	Hall	Johnson, V.	Lynch
Chambers	Goll			

Voting in the negative, 22:

Abboud	Barrett	Carsten	Chizek	Chronister
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DeCamp	Hartnett	Pappas	Rogers	Smith
Goodrich	Johnson, R.	Pirsch	Rupp	Vickers
Haberman	Landis	Remmers	Sieck	Wesely
Harris	Morehead			

Present and not voting, 19:

Beyer	Higgins	Lamb	Nelson	Scofield
Eret	Hoagland	Lundy	Nichol	Warner
Hannibal	Johnson, L.	Marsh	Peterson	Withem
Hefner	Labeledz	Miller	Schmit	

The Chambers amendment lost with 7 ayes, 22 nays, and 19 present and not voting.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 9 nays, and 14 not voting.

Mr. Chronister requested a record vote on the advancement of the bill.

Voting in the affirmative, 29:

Barrett	DeCamp	Hartnett	Morehead	Schmit
Beyer	Eret	Hefner	Pappas	Sieck
Carsten	Goodrich	Johnson, R.	Pirsch	Smith
Chizek	Haberman	Labeledz	Remmers	Vickers
Chronister	Hannibal	Lamb	Rogers	Warner
Conway	Harris	Landis	Rupp	

Voting in the negative, 14:

Abboud	Goll	Johnson, V.	Nelson	Wesely
Baack	Hall	Lundy	Peterson	Withem
Chambers	Hoagland	Lynch	Scofield	

Present and not voting, 5:

Higgins	Johnson, L.	Marsh	Miller	Nichol
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Advanced to E & R for Review with 29 ayes, 14 nays, and 5 present and not voting.

LEGISLATIVE BILL 131A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, and 22 present and not voting.

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 1110. Placed on General File.

(Signed) Bill Harris, Chairperson

Health and Human Services

LEGISLATIVE BILL 1009. Placed on General File.

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Member Excused

Mrs. Morehead asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 310. Title read. Considered.

Standing Committee amendments, AM1798, printed separate from the Journal and referred to on page 540 for the Fourteenth Day were adopted with 25 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 310A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 796. Considered.

Mr. V. Johnson withdrew his pending amendment found in the Journal on page 688.

Mr. V. Johnson offered the following amendment:

1. Page 2, line 7, and page 3, line 2, strike “seven” and insert “nine”.
2. Page 2, lines 13 and 24 strike “1992” and insert “1990”.
3. Page 3, lines 10 through 12 strike the new matter and reinstate the stricken matter.
4. Page 3, line 15, strike “five” and insert “two and one-half”.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Hoagland moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 26 ayes, 5 nays, and 17 not voting.

The V. Johnson amendment was adopted with 29 ayes, 7 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment with 29 ayes, 7 nays, 10 present and not voting, and 2 excused and not voting.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1246. Placed on Select File as amended.

E & R amendments to LB 1246:

AM5320

- 1 1. On page 2, line 7, strike the comma and
- 2 show as stricken and after the first “and” insert “in”;
- 3 in line 23 after the second comma insert “or”; in line
- 4 24 after the last comma insert “or”; and in line 25
- 5 after the first “or” insert “of any”.
- 6 2. On page 3, line 4, after the second “or”
- 7 insert “of”; in line 5 reinstate the stricken comma; and
- 8 in line 10 strike “if”, show as stricken, and insert
- 9 “of” and strike “where”, show as stricken, and insert
- 10 “when”.
- 11 3. On page 4, line 3, strike “certificate”,
- 12 show as stricken, and insert “certificates”.
- 13 4. On page 6, lines 5, 14, and 16, strike
- 14 “where”, show as stricken, and insert “when”; and in
- 15 line 24 reinstate the stricken comma.
- 16 5. On page 7, line 8, after the last comma
- 17 insert “or”; in line 9 strike the comma and show as

18 stricken; in line 12 strike "Where", show as stricken,
19 and insert "When"; in line 19 before "(a)" insert "(5)";
20 and in line 20 strike "in this subdivision (5)", show as
21 stricken, and insert "of this section".

1 6. On page 8, line 1, reinstate the stricken
2 comma; in line 3 strike "wherein", show as stricken, and
3 insert "in which case"; in line 16 strike "wherein",
4 show as stricken, and insert "in which"; and in line 25
5 strike "where", show as stricken, and insert "when".

6 7. On page 9, line 10, strike "where", show
7 as stricken, and insert "when"; in line 13 before "(c)"
8 insert "(5)"; in line 14 strike "this subdivision (5)"
9 of" and show as stricken; in line 19 strike the comma
10 and show as stricken; and in line 22 strike "said" and
11 show as stricken.

12 8. On page 10, lines 1, 5, and 20, strike the
13 comma and show as stricken; in line 3 after "liens"
14 insert "either"; in line 13 strike the semicolon, show
15 as stricken, and insert ", subject to the following
16 conditions"; in line 14 strike "provided," and show the
17 comma as stricken and strike "no", show as stricken, and
18 insert "No"; and in lines 17 and 19 after "assuming"
19 insert an underscored comma.

20 9. On page 11, line 1, after "assuming"
21 insert an underscored comma; in lines 15 and 19 strike
22 "herein", show as stricken, and insert "in this
23 subdivision"; in line 17 reinstate the stricken comma;
24 and in line 25 strike "said", show as stricken, and
1 insert "such".

2 10. On page 12, line 21, strike "provided,
3 that", show the old matter as stricken, and insert "if";
4 and in line 24 strike "shall", show as stricken, and
5 insert "will".

6 11. On page 13, lines 15 and 20, strike
7 "shall", show as stricken, and insert "will"; in line 16
8 strike the semicolon, show as stricken, and insert ",
9 except"; and in line 17 strike the new matter and the
10 comma and show the comma as stricken.

11 12. On page 14, line 5 after "district"
12 insert an underscored comma; in lines 8 and 10 reinstate
13 the stricken commas; in line 14 before "(b)" insert
14 "(6)" and strike "of subdivision (6)" and show as
15 stricken; in line 16 before "(b)" insert "(5)" and
16 strike "of subdivision (5)" and show as stricken; and in
17 line 21 strike the semicolon, show a stricken, and

18 insert "if" and strike "provided," and show the comma
19 as stricken.

20 13. On page 15, line 2, before "(a)" insert
21 "(5)" and strike "of subdivision (5)" and show as
22 stricken; in lines 6 and 23, strike "take or pay", show
23 as stricken, and insert "take-or-pay" and strike
24 "shall", show as stricken, and insert "will"; in lines
1 12 and 15 reinstate the stricken comma; and in line 20
2 strike the semicolon, show as stricken, and insert "if
3 if" and strike "provided, that" and show the old matter
4 as stricken.

5 14. On page 16, lines 2 and 12, strike "take
6 or pay", show as stricken, and insert "take-or-pay"; in
7 line 3 strike the semicolon and show as stricken; and in
8 lines 22 and 23 reinstate the stricken comma.

9 15. On page 17, lines 1 and 5, reinstate the
10 stricken comma; and in line 9 strike the comma.

11 16. On page 18, line 7, strike the comma and
12 show as stricken and after "if" insert "(i)"; in line 10
13 strike the semicolon, show as stricken, and insert "(ii)
14 (ii)" and strike "provided, that" and show the old
15 matter as stricken; in line 12 strike "shall", show as
16 stricken, and insert "will"; in line 15 strike "said"
17 and show as stricken; in line 18 strike "agrees or" and
18 show as stricken; in line 19 strike the semicolon, show
19 as stricken, and insert "and (iii)"; in line 20 strike
20 beginning with "and" through "that" and show the old
21 matter as stricken and strike "shall have", show as
22 stricken, and insert "has"; and in line 22 strike
23 "said", show as stricken, and insert "such".

24 17. On page 19, line 5, strike the semicolon
1 and show as stricken; in line 6 strike "provided, that",
2 show the old matter as stricken, and insert "if (i)"; in
3 line 7 strike "that" and show as stricken; in lines 11
4 and 18 strike "shall", show as stricken, and insert
5 "will"; in line 16 strike the semicolon and the matter
6 beginning with "and" through "that", show the old matter
7 as stricken, and insert "and (ii)"; in line 19 strike
8 "herein", show as stricken, and insert "in this
9 subdivision"; and in line 21 before "(a)" insert "(7)"
10 and strike the second "subdivision", show as stricken,
11 and insert "section".

12 18. On page 20, line 20, strike "said", show
13 as stricken, and insert "such".

14 19. On page 21, line 16, strike the

15 semicolon, show a stricken, and insert “if (i)” and
 16 strike “provided, that” and show the old matter as
 17 stricken; in line 17 strike “shall”, show as stricken,
 18 and insert “will”; in line 18 strike the semicolon and
 19 show a stricken; in line 19 strike beginning with “and”
 20 through “that”, show the old matter as stricken, and
 21 insert “and (ii)”; in line 20 strike “any”, show as
 22 stricken, and insert “the”; and in line 21 strike “may”,
 23 show as stricken, and insert “will”.

24 20. On page 22, line 1, strike the semicolon
 1 and show as stricken and strike “provided, that”, show
 2 the old matter as stricken, and insert “if (i)”; in
 3 lines 3, 7, and 9 strike “shall”, show as stricken, and
 4 insert “will”; in line 6 strike the semicolon and show
 5 as stricken; strike beginning with “and” in line 6
 6 through “that” in line 7, show the old matter as
 7 stricken, and insert “and (ii)”; and in line 25 after
 8 “liens” insert “either”.

9 21. On page 23, line 2, strike the comma and
 10 show as stricken; and in line 12 reinstate the stricken
 11 comma.

12 22. On page 25, line 24, reinstate the
 13 stricken comma.

14 23. On page 26, line 4, after “acquisition”
 15 insert an underscored comma and strike the last comma
 16 and show as stricken.

LEGISLATIVE BILL 675. Placed on Select File as amended.
 E & R amendments to LB 675:

AM5315

1 1. On page 1, strike beginning with “create”
 2 in line 3 through “Committee” in line 4 and insert
 3 “rename an advisory committee”; and in line 4 after
 4 “provide” insert “powers and”.

5 2. On page 4, strike beginning with
 6 “provisions” in line 1 through “71-5014” in line 2, show
 7 as stricken, and insert “Nebraska Comprehensive
 8 Community Mental Health Services Act”.

LEGISLATIVE BILL 1051. Placed on Select File as amended.
 E & R amendments to LB 1051:

AM5316

1 1. On page 1, line 3, after the semicolon
 2 insert “to create a fund;”.

3 2. On page 5, line 24, strike “expire” and

- 4 insert "shall expire".
 5 3. On page 7, line 16; page 8, line 4; and
 6 page 9, line 17, strike "renewal" and insert "to renew".
 7 4. On page 8, line 3, strike "of".
 8 5. On page 9, line 4, after "standards"
 9 insert a comma.
 10 6. On page 10, lines 5 and 10, strike "who"
 11 and insert "which".

LEGISLATIVE BILL 1051A. Placed on Select File.

LEGISLATIVE BILL 1228. Placed on Select File.

LEGISLATIVE BILL 971. Placed on Select File as amended.

E & R amendment to LB 971:

AM5310

- 1 1. On page 2, line 6, strike "In case" and
 2 insert "When"; in line 7 strike "be" and insert "is";
 3 and in line 16 strike "in" and insert "by", and strike
 4 "Register of Deeds" and insert "register of deeds".

LEGISLATIVE BILL 992. Placed on Select File as amended.

E & R amendments to LB 992:

AM5311

- 1 1. On page 1, line 7, after "the" insert
 2 "office and"; and in line 13 after the semicolon insert
 3 "and".
 4 2. On page 3, line 18, after "procedure"
 5 insert an underscored comma; in line 21 strike the comma
 6 and show as stricken; and in line 25 strike "this act",
 7 show as stricken, and insert "sections 84-901 to
 8 84-906".
 9 3. On page 7, line 9, strike "this act", show
 10 as stricken, and insert "sections 84-901 to 84-906"; in
 11 line 14 strike the comma and show as stricken; and in
 12 line 25 strike "this act", show as stricken, and insert
 13 "sections 84-901 to 84-906.03".
 14 4. On page 10, line 18, strike the comma and
 15 show as stricken; and in line 24 strike "the provisions
 16 of" and show as stricken.
 17 5. On page 12, line 5, after "section" insert
 18 an underscored comma; and in line 18 after "waived"
 19 insert an underscored comma.
 20 6. On page 13, line 13, strike "the
 21 provisions of" and show as stricken.

LEGISLATIVE BILL 995. Placed on Select File as amended.
E & R amendments to LB 995:

AM5312

- 1 1. On page 3, lines 9 and 20 to 21; and page
- 2 5, line 8, strike "shall have", show as stricken, and
- 3 insert "has".
- 4 2. On page 4, line 3, strike the comma and
- 5 show as stricken.

LEGISLATIVE BILL 1108. Placed on Select File as amended.
E & R amendment to LB 1108:

AM5313

- 1 1. On page 1, line 4, strike "eliminate a
- 2 definition" and insert "change a defined term"; and in
- 3 line 5 after "to" insert "prohibited" and strike
- 4 "prohibited".

LEGISLATIVE BILL 757. Placed on Select File.

LEGISLATIVE BILL 757A. Placed on Select File.

LEGISLATIVE BILL 912. Placed on Select File as amended.
E & R amendment to LB 912:

AM5321

- 1 1. On page 1, line 5, after the semicolon
- 2 insert "to change provisions relating to certificates
- 3 for expenditures".

LEGISLATIVE BILL 1049. Placed on Select File as amended.
E & R amendments to LB 1049:

AM5317

- 1 1. On page 1, line 6, strike "termination"
- 2 and insert "dissolution of the commission".
- 3 2. On page 2, line 16, strike "the States
- 4 of"; in line 19 after the comma insert "the"; and in
- 5 line 20 after "designees" insert a comma.
- 6 3. On page 3, line 3, after "position" insert
- 7 "which is vacant"; and in line 7 strike the comma.

LEGISLATIVE BILL 1049A. Placed on Select File.

LEGISLATIVE BILL 1129. Placed on Select File.

LEGISLATIVE BILL 804. Placed on Select File as amended.
E & R amendments to LB 804:

AM5318

- 1 1. On page 1, line 2, strike "and"; and in

- 2 line 3 after "duties" insert "; and to provide for
3 termination of the task force".
4 2. On page 2, line 16, after "from" insert
5 "(1)", and after the comma insert "(2)"; and in line 17
6 after "and" insert "(3)".

LEGISLATIVE BILL 1159. Placed on Select File as amended.
E & R amendment to LB 1159:

AM5319

- 1 1. On page 1, line 2, strike "certain peace
2 bonds" and insert "provisions relating to complaints to
3 keep the peace".

LEGISLATIVE BILL 1229. Placed on Select File as amended.
E & R amendment to LB 1229:

AM5314

- 1 1. On page 1, line 2, strike "give" and
2 insert "provide"; and in line 3 after "courts" insert
3 "with".

(Signed) Timothy Hall, Chairperson

STANDING COMMITTEE REPORTS

Constitutional Revision and Recreation

LEGISLATIVE RESOLUTION 311CA. Placed on General File.

(Signed) Lee Rupp, Chairperson

Judiciary

LEGISLATIVE BILL 923. Placed on General File as amended.
Standing Committee amendments to LB 923:

AM2324

- 1 1. Strike original sections 2 through 7.
2 2. Remove the underscoring from the remaining
3 section.

LEGISLATIVE BILL 956. Placed on General File as amended.
Standing Committee amendment to LB 956:

AM2296

- 1 1. Strike the original sections and insert
2 the following new sections:
3 "Section 1. A sentencing court may order the
4 defendant to make restitution to any victim of any

5 offense as a condition of probation. Whenever the court
6 believes that restitution may be a proper sentence or
7 the victim of any offense or the prosecuting attorney
8 requests, the court shall order that the presentence
9 report include documentation regarding the nature and
10 amount of the actual damages sustained by the victim.

11 Sec. 2. To determine the amount of
12 restitution, the court may hold a hearing at the time of
13 sentencing. The amount of restitution shall be based on
14 the actual damages sustained by the victim and shall be
15 supported by evidence which shall become a part of the
16 court record. The court shall consider the defendant's
17 earning ability, employment status, financial resources,
18 and family or other legal obligations and shall balance
19 such considerations against the obligation to the
20 victim. The court may order that restitution be made
21 immediately, in specified installments, or within a
1 specified period of time, not to exceed five years after
2 the defendant's final release date from imprisonment.

3 Sec. 3. In determining restitution, if the
4 offense results in damage, destruction, or loss of
5 property, the court may require: (1) Return of the
6 property to the victim, if possible; (2) payment of the
7 reasonable value of repairing the property, including
8 property returned by the defendant; or (3) payment of
9 the reasonable replacement value of the property if
10 return or repair is impossible, impractical, or
11 inadequate. If the offense results in bodily injury,
12 the court may require payment of necessary medical care,
13 including, but not limited to, physical or psychological
14 treatment and therapy, and payment for income lost due
15 to such bodily injury. If the offense results in the
16 death of the victim, the court may require payment to be
17 made to the estate of the victim for the cost of any
18 medical care prior to death and for funeral and burial
19 expenses.

20 Sec. 4. The court shall not impose
21 restitution for a loss for which the victim has received
22 compensation, except that the court may order payment by
23 the defendant to any person who has compensated the
24 victim to the extent that such compensation has been
1 provided. Any amount paid to a victim pursuant to an
2 order of restitution shall be set off against any amount
3 later recovered as compensatory damages in a civil
4 action.

5 Sec. 5. The court may revoke probation if the
6 defendant fails to comply with the restitution order.
7 In determining whether to revoke probation, the court
8 shall consider the defendant's earning ability and
9 financial resources, the willfulness of the defendant's
10 failure to pay, and any special circumstances affecting
11 the defendant's ability to pay.

12 Sec. 6. A defendant, victim, or the personal
13 representative of the victim's estate may petition the
14 sentencing court to adjust or otherwise waive payment or
15 performance of any ordered restitution or any unpaid or
16 unperformed portion thereof. The court may schedule a
17 hearing and give the parties notice of the hearing,
18 date, place, and time and inform the parties that he or
19 she will have an opportunity to be heard. If the court
20 finds that the circumstances upon which it based the
21 imposition or amount and method of payment or other
22 restitution ordered no longer exist or that it otherwise
23 would be unjust to require payment or other restitution
24 as imposed, the court may adjust or waive payment of the
1 unpaid portion thereof or other restitution or modify
2 the time or method of making restitution.

3 Sec. 7. An order of restitution may be
4 enforced by a victim named in the order to receive the
5 restitution or the personal representative of the
6 victim's estate in the same manner as a judgment in a
7 civil action. If the victim is deceased and no claim is
8 filed by the personal representative of the estate or if
9 the victim cannot be found, the Attorney General may
10 enforce such order of restitution for the benefit of the
11 Victim's Compensation Fund.

12 Sec. 8. (1) Sections 1 to 10 of this act
13 shall not limit or impair the right of a victim to sue
14 and recover damages from the defendant in a civil
15 action.

16 (2) The findings in the sentencing hearing and
17 the fact that restitution was required or paid is not
18 admissible as evidence in a civil action and has no
19 legal effect on the merits of a civil action.

20 (3) Any restitution paid by the defendant to
21 the victim shall be set off against any judgment in
22 favor of the victim in a civil action arising out of the
23 facts or events which were the basis for the
24 restitution. The court trying the civil action shall
1 hold a separate hearing to determine the validity and

2 amount of any set off asserted by the defendant.

3 Sec. 9. If restitution is imposed on an
4 organization, it shall be the duty of any person
5 authorized to order the disbursement of assets of the
6 organization, and his or her superiors, to pay the
7 restitution from assets of the organization under his or
8 her control. Failure to do so renders a person subject
9 to an order to show cause why he or she should not be
10 held in contempt of court.

11 Sec. 10. (1) Whenever a victim is paid by the
12 Victim's Compensation Fund for loss arising out of a
13 criminal act, the fund is subrogated to the rights of
14 the victim to any restitution ordered by the court.

15 (2) The rights of the Victim's Compensation
16 Fund are subordinate to the claims of victims who have
17 suffered loss arising out of the offenses or any
18 transaction which is part of the same continuous scheme
19 of criminal activity.

20 Sec. 11. That section 29-2262, Reissue
21 Revised Statutes of Nebraska, 1943, be amended to read
22 as follows:

23 29-2262. (1) When a court sentences an
24 offender to probation, it shall attach such reasonable
1 conditions as it deems necessary or likely to insure
2 that the offender will lead a law-abiding life.

3 (2) The court, as a condition of its sentence,
4 may require the offender:

5 (a) To refrain from unlawful conduct;

6 (b) To be confined periodically in the county
7 jail or to return to custody after specified hours, but
8 not to exceed ninety days;

9 (c) To meet his or her family
10 responsibilities;

11 (d) To devote himself or herself to a specific
12 employment or occupation;

13 (e) To undergo medical or psychiatric
14 treatment and to enter and remain in a specified
15 institution for ~~that~~ such purpose;

16 (f) To pursue a prescribed secular course of
17 study or vocational training;

18 (g) To attend or reside in a facility
19 established for the instruction, recreation, or
20 residence of persons on probation;

21 (h) To refrain from frequenting unlawful or
22 disreputable places or consorting with disreputable

23 persons;

24 (i) To have in his or her possession no
1 firearm or other dangerous weapon unless granted written
2 permission;

3 ~~(j) To make restitution of the fruits of his~~
4 ~~crime or to make such reparation as the court determines~~
5 ~~to be appropriate for the loss or damage caused thereby;~~

6 ~~(k)~~ (j) To remain within the jurisdiction of
7 the court and to notify the court or the probation
8 officer of any change in his or her address or his or
9 her employment;

10 ~~(l)~~ (k) To report as directed to the court or
11 a probation officer and to permit the officer to visit
12 his or her home;

13 ~~(m)~~ (l) To pay a fine in one or more payments,
14 as ordered;

15 ~~(n)~~ (m) To work, in lieu of or in addition to
16 any fine, on public streets, parks, or other public
17 property for a period not exceeding twenty working days.
18 Such work shall be under the supervision of the
19 probation officer or a law enforcement officer in the
20 jurisdiction in which the work is performed;

21 ~~(o)~~ (n) To pay for blood, urine, or breath
22 alcohol tests, psychological evaluations, and
23 rehabilitative services required in the identification,
24 evaluation, and treatment of offenders if such offender
1 has the financial ability to pay for such services; or

2 ~~(p)~~ (o) To satisfy any other conditions
3 reasonably related to the rehabilitation of the
4 offender.

5 (3) In all cases in which the offender is
6 guilty of assault or battery and the victim is the
7 offender's spouse, a condition of probation shall be
8 mandatory counseling as provided by sections 42-901 to
9 42-927.

10 Sec. 12. That original section 29-2262,
11 Reissue Revised Statutes of Nebraska, 1943, is
12 repealed.”.

LEGISLATIVE BILL 1011. Placed on General File as amended.
Standing Committee amendment to LB 1011:

AM2216

- 1 1. On page 4, line 4, strike “ninety”, show
- 2 as stricken, and insert “sixty”; in line 5 strike
- 3 “shall”, show as stricken, and insert “may”; in line 6

- 4 strike "unless", show as stricken, and insert "if", and
5 strike beginning with "has" through "ninety", show as
6 stricken, and insert "receives a report from the State
7 Patrol within sixty"; strike beginning with "a" in line
8 7 through "Patrol" in line 8 and show the old matter as
9 stricken; and in line 9 strike "not of the", show as
10 stricken, and insert "of".

LEGISLATIVE BILL 73. Indefinitely postponed.

LEGISLATIVE BILL 170. Indefinitely postponed.

(Signed) Peter Hoagland, Chairperson

Constitutional Revision and Recreation

The Committee on Constitutional Revision and Recreation desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Bruce Wright - Nebraska Game and Parks Commission

Voting aye: Senators Rupp, Labedz, Baack, Hall, Miller and Wesely.

Voting nay: None. Absent: Senator Beutler.

(Signed) Lee Rupp, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 494 in the Journal. No objections. So ordered.

AM2333

(Amendments to Second Final Reading Copy)

- 1 1. On page 1, line 2, strike "section" and
2 insert "sections" and after "18-414" insert "and
3 18-415"; and in line 5 strike "section" and insert
4 "sections".
5 2. On page 2, line 4, strike "heretofore have
6 been", show as stricken, and insert "be"; in line 6
7 after "ordinance" insert "providing for a shorter time
8 period than is set forth in this section"; in line 11
9 after the period insert "Nothing contained in this
10 section shall affect the right of a public utility to
11 collect any proposed increased rates, subject to a

12 refund pursuant to section 18-415, if the city council
13 or village board has not taken final action to allow
14 such increase within ninety days of the application for
15 the rate increase, and such rates shall become final and
16 no longer subject to refund if the city council or
17 village board has not taken final action within one
18 hundred eighty days of the application.”; strike
19 beginning with “does” in line 16 through “period” in
20 line 19 and show as stricken; and strike beginning with
1 “in” in line 22 through line 25, show the old matter as
2 stricken, and insert “or decreases in the cost of
3 purchased gas or wholesale rates.”.

4 3. On page 3, strike lines 1 through 4 and
5 show the old matter as stricken; in line 5 strike
6 “section” and insert “sections” and after “18-414”
7 insert “and 18-415”; and in line 6 strike “is” and
8 insert “are”.

9 4. Insert the following new section:
10 “Sec. 2. That section 18-415, Reissue Revised
11 Statutes of Nebraska, 1943, be amended to read as
12 follows:

13 18-415. In any case ~~where~~ when a rate
14 increase has been imposed by a court or put into effect
15 by the franchisee and such increase has been set aside
16 or reduced by action of a court or the franchisee
17 accepts a rate less than the rate imposed or put into
18 effect and refunds are required, such refunds shall be
19 made within ninety days from the date of the final order
20 of the court; or the acceptance of a lesser rate by the
21 franchisee and shall bear interest at the rate of nine
22 per cent per annum from the date of the final order of
23 the court or the acceptance of a lesser rate by the
24 franchisee, if the refund is not made within such
1 ninety-day period.”.

2 5. Renumber the remaining section
3 accordingly.

Mr. Hoagland asked unanimous consent to print the following amendment to LB 528 in the Journal. No objections. So ordered.

AM2353

1 1. On page 2, line 12, after “to” insert “a”;
2 and in line 13 after the second comma insert “or in lieu
3 of incarceration if he or she fails to pay a fine as
4 ordered.”.

Messrs. Hoagland, Barrett, and Baack asked unanimous consent to print the following amendment to LB 516 in the Journal. No objections. So ordered.

AM2354

(Amendments to AM2326)

1 1. Strike sections 2 and 4 and insert the
2 following new sections:

3 "Sec. 2. That section 24-312, Reissue Revised
4 Statutes of Nebraska, 1943, be amended to read as
5 follows:

6 24-312. The district judges may interchange;
7 and hold each other's court. ~~Whenever ; and whenever~~ it
8 shall appear by affidavit, to the satisfaction of any
9 district judge in the state, that the judge of any other
10 district is unable to act, on account of sickness,
11 interest, or absence from the district; or from any
12 other cause, the judge to whom application may be made
13 shall have power to make any order; or do any act
14 relative to any suit, judicial matter, or proceeding, or
15 to any special matter arising within the district where
16 such vacancy or disability exists; which the judge of
17 such district court could make or do. ~~The ; and the~~
18 order or act shall have the same effect as if made or
19 done by the judge of such district.

20 A district judge may appoint by order a
1 consenting county judge residing in the district to act
2 as a district judge in specific instances on any matter
3 over which the district court has determined that it has
4 jurisdiction over the parties and subject matter, except
5 appeals from the county court. The appointed county
6 judge shall have power to make any order or do any act
7 relative to any suit, judicial matter, or proceeding or
8 to any special matter which the district judge of such
9 district could make or do if (1) all parties have
10 consented to the appointment or (2) no party has
11 objected to the appointment within ten days after
12 service of the order of appointment upon him or her.
13 Such order or act shall have the same effect as if made
14 or done by the district judge of such district. A copy
15 of the order of appointment shall be filed in each
16 action in which a county judge acts as a district judge.

17 Sec. 4. That section 24-516, Reissue Revised
18 Statutes of Nebraska, 1943, be amended to read as

19 follows:

20 24-516. In the event of a vacancy in the
 21 office of county judge; or the disqualification,
 22 absence, or the temporary incapacity of a county judge,
 23 the Chief Justice of the Supreme Court may designate a
 24 county judge from another district to temporarily
 1 perform the duties of the office. The Chief Justice
 2 also may assign a county judge to temporarily perform
 3 duties in another district when in his or her opinion
 4 such assignment would be beneficial to the
 5 administration of justice.

6 A county judge may appoint by order a
 7 consenting district judge residing in the district to
 8 act as county judge in specific instances on any matter
 9 over which the county court has determined that it has
 10 jurisdiction over the parties and subject matter. The
 11 appointed district judge shall have power to make any
 12 order or do any act relative to any suit, judicial
 13 matter, or proceeding or to any special matter which the
 14 county judge of such county could make or do. Such
 15 order or act shall have the same effect as if made or
 16 done by the county judge of such county. A district
 17 judge shall not hear any appeals of matters in which he
 18 or she acted as a county judge. A copy of the order of
 19 appointment shall be filed in each action in which a
 20 district judge acts as a county judge.”.

Messrs. Hoagland, DeCamp, Chizek, and V. Johnson asked unanimous consent to print the following amendment to LB 772 in the Journal. No objections. So ordered.

AM2317

- 1 1. On page 3, line 3, strike “, or any”; in
- 2 line 4 strike “technique”; in line 12 strike “, or
- 3 technique”; and in line 14 strike “persons intend” and
- 4 insert “person intends”.
- 5 2. On page 4, strike lines 8 through 21.
- 6 3. Renumber remaining sections accordingly.

Mr. Sieck asked unanimous consent to print the following amendment to LB 1152 in the Journal. No objections. So ordered.

AM2023

- 1 1. Insert the following new section:
- 2 “Sec. 2. All traps used for the taking or

- 3 trapping of any fur-bearing animal, including coyote and
4 fox, shall have a metal tag attached to such trap. Such
5 tag shall be plainly labeled with the owner's name and
6 address. All traps, except those which are placed
7 entirely under water, shall be checked at least once
8 every twenty-four hours."
9 2. Renumber original section 2 as section 3.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1211A. By R. Johnson, 34th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1211, Eighty-ninth Legislature, Second Session, 1986.

VISITORS

Visitors to the Chamber were Jan Gippo from St. Louis; Mr. Abe Lopez from Lincoln; 25 fourth grade students and teacher from Wildewood School, Ralston; Dr. Michael Green from Scottsbluff; 5 students and teachers from Westbrook Junior High School, Omaha; 11 members of Davenport Women's Club; 10 senior citizens from Lyons; 14 seniors and teacher from Hampton High School; John and Jan McBride and Robert Snelling from Hastings; and John and P.H. Crotty from Auburn and Joe Williams from Falls City.

Visitors to the Chamber on the Thirtieth Day were a group of fifth grade students and teacher from Belmont School, Lincoln.

ADJOURNMENT

At 11:57 a.m., on a motion by Mrs. Pirsch, the Legislature adjourned until 9:00 a.m., Wednesday, March 5, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SEVENTH DAY - MARCH 5, 1986

LEGISLATIVE JOURNAL

THIRTY-SEVENTH DAY - MARCH 5, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

THIRTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 5, 1986

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Rogers who was excused; and Messrs. Hannibal, R. Johnson, V. Johnson, Landis, Peterson, Schmit, Mrs. Labedz, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Sixth Day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

LEGISLATIVE BILL 997. Placed on Select File as amended.
E & R amendments to LB 997:
AM5322

- 1 1. On page 1, strike beginning with "for" in
- 2 line 5 through "funds" in line 6 and insert "a date for
- 3 the distribution of funds; to change dates for certain
- 4 duties of the State Board of Education and the State
- 5 Department of Education;" in line 7 strike beginning

- 6 with "change" through "to"; in line 8 strike "eliminate"
7 a certain" and insert "change provisions relating to";
8 and in line 9 strike "requirement for".
9 2. On page 15, line 4, after "Education"
10 insert ", held any Nebraska teaching certificate.".

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 494.

Correctly Engrossed

The following bill was correctly engrossed: 122.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 122

The following changes, required to be reported for publication in the Journal, have been made:
ER0139

1. In the E & R amendment, AM5196, adopted February 24, 1986, on page 1, line 9, "certain" has been struck; and in line 10 "and length" has been inserted after "weight".

2. On page 6, line 3, "(a)" has been inserted after "that"; in line 6 the period and "The" have been struck and "and (b) the" inserted; in line 8 "and the permits" has been struck and ". Permits issued pursuant to subdivision (1)(c) of this section" inserted; in line 9 ". Such permits" has been struck and "and" inserted; and in line 10 the underscoring has been removed from the period.

(Signed) Mary E. Sommermeyer
E & R Attorney

ATTORNEY GENERAL'S OPINION

Opinion No. 86027
March 3, 1986

To: Senator Rod Johnson

Subject: Constitutionality of LB 953 -- The Imposition of the State's Police Power

This is in response to your opinion request of February 10, 1986, in which you ask us about the constitutionality of LB 953. LB 953 would eventually require all retailers of gasoline in this state to make gasohol available for sale. Failure to comply with this section would constitute a Class V misdemeanor.

The Fourteenth Amendment to the Constitution of the United States provides in part that "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction equal protection of the laws."

Article I, Section 1 of the Constitution of the State of Nebraska provides "All persons are by nature free and independent, and have certain inherent and inalienable rights; among these are life, liberty and the pursuit of happiness. To secure these rights, and the protection of property, governments are instituted among people, deriving their just powers from the consent of the governed." Article I, Section 3 of the Constitution of the State of Nebraska further provides "No person shall be deprived of life, liberty, or property, without due process of law."

Since LB 953 imposes a requirement on retailers of gasoline as to the conduct of their business, and in particular without regard to the consequences of this requirement in terms of potential losses, and because it makes failure to comply with this provision a criminal offense, it infringes upon those individuals' liberty and property interests guaranteed by the Constitution. "Liberty within the constitutional meaning includes absence of arbitrary and unreasonable restraint upon a person in the conduct of his business and handling of his property." McGraw Electric Company v. Lewis & Smith Drug Co., Inc., 159 Neb. 703 at 717, 68 N.W.2d 608 (1955). Such an infringement could be considered as

... an unwarranted interference with the individual liberty which is guaranteed to every citizen, both by our state constitution and also by the fourteenth amendment to the constitution of the United States. * * * This inalienable right is trespassed upon and impaired whenever the legislature prohibits a man from carrying on his business in his own way, provided always, of course, that the business and the mode of carrying it on are not injurious to the public, and provided also that it is not a business which is affected with the public use or interest.

State v. Sperry & Hutchinson Company, 94 Neb. 785 at 790, 144 N.W. 795 (1913).

These individual rights are not absolute, however, and may be curtailed by a proper exercise of the state's police power.

A police regulation, obviously intended as such, and not operating unreasonably beyond occasions of its enactment, is not invalid simply because it may affect incidentally the exercise of some right guaranteed by the Constitution. In all matters within the police power some compromise between the exigencies of public health and safety and the free exercise of their rights by individuals must be reached. The test in such cases is whether the regulation in question is a bona fide exercise of the police power or an arbitrary and unreasonable interference with the rights of individuals under the guise of police regulation.

Burns Baking Co. v. McKelvie, 108 Neb. 674 at 678, 199 N.W. 383, 26 LR 24, error dismissed 261 U.S. 625, reversed, Jay Burns Baking Company v. Bryan, 264 U.S. 504 (1922).

In addition our courts have stated that "The question of whether or not legislation is in the public interest is ordinarily one for legislative determination, however it may not under the guise of regulation in the public interest impose conditions which are on their face unreasonable, arbitrary, discriminatory, or confiscatory." McGraw Electric Co., supra, at 720.

The test of whether an exercise of the police power is appropriate is essentially one of a reasonable relationship to the public welfare.

Measures adopted by the Legislature to protect the public health and secure the public safety and welfare must have some reasonable relation to those proposed ends. A citizen has a constitutional right to own, acquire, and sell property; and if it is apparent that a statute under the guise of a police regulation does not tend to preserve the public health, safety, or welfare but tends to stifle legitimate business by creating a monopoly or trade barrier, it is unconstitutional as an invasion of the property rights of the individual. (Omission of citations).

The exercise of the police power must be directed toward and have a rational relation to the basic interest of society rather than the mere advantage of particular individuals. (Omission of citations). A police regulation cannot arbitrarily invade private property or personal rights. There must be some clear and real connection between the assumed purpose of the law and its actual provisions. United States Brewers' Assn., Inc. v. State, 192 Neb. 328 at 333, 220 N.W.2d 544, (1974).

The issue raised here is whether there is a rational and reasonable relationship between the exercise of this police power and the public welfare. This purpose is obviously not spelled out in the statute itself, but we presume it to be one concerned with the general economic welfare of the state premised on the theory that this requirement will provide additional markets for growers of agricultural products and producers of gasohol which will, in turn, generally benefit the state's

economy. The first question that must be asked then is whether this statute has a rational relationship to the basic interest of society or merely would act to the advantage of those individuals who would sell the agricultural products to be turned into gasohol, and to the advantage of the producers of that gasohol. We are not convinced that a court would necessarily find the benefits of this provision to run to society at large as opposed to the special interests of a particular group of individuals. Likewise, we are not convinced that a court would necessarily conclude that a requirement that all gasoline retailers make gasohol available for sale regardless of any economic detriment to them was reasonably related to the preservation of the general public welfare of the State of Nebraska. The logic is simply too tenuous and the facts too speculative to support such a proposition in view of the substantial invasion of individual rights imposed by this purported exercise of the police power. "There must be a clear, real, and substantial connection between the assumed purpose of the enactment and its actual provisions." Eckstein v. City of Lincoln, 202 Neb. 741 at 744, 277 N.W.2d 91 (1979). Consequently, given the tendency of our courts to strike down attempted exercises of the police power where there is not a clear and substantial relationship to the promotion of the public welfare, we do not believe that this provision could be successfully defended against a determined constitutional challenge.

You further ask, that if in our judgment LB 953 imposes an unconstitutional burden on retailers, whether this could be overcome by adding a statement of public purpose and economic policy to the bill. As we have indicated above, a statute under the guise of a police regulation, which does not in fact preserve or promote the public's health, safety, and welfare is nevertheless an unconstitutional invasion of personal and property rights of the individual. Thus, mere statements as to a public or economic purpose would not sustain the statute if, in fact, there cannot be demonstrated a real and clear connection between the purported purpose of the law and its actual operation. As we have implied above, we doubt whether such a statement would be sufficient in this case.

Finally, we would point out one other constitutional defect with this piece of legislation. Section 1 of the bill provides that "A retailer who makes more than one type of gasoline available for sale shall make gasohol for sale by January 1, 1990. A retailer who makes one type of gasoline available for sale shall make gasohol available by January 1, 1992."

The question is whether this is a reasonable classification or a violation of the equal protection requirement. In this regard our court has stated that

A legislative classification, in order to be valid, must be based upon some reason of public policy, some substantial difference of situation or circumstances, that would naturally suggest the justice or expediency of diverse legislation with respect to the objects to be classified. Classifications for the purpose of legislation must be real and not illusive; they cannot be based on distinctions without a substantial difference. (Omission of citations).

Classification is proper if the special class has some reasonable distinction from other subjects of a like general character, which distinction bears some reasonable relation to the legitimate objectives and purposes of the legislation. The question is always whether the things or persons classified by the act form by themselves a proper and legitimate class with reference to the purpose of the act.

State ex rel. Douglas v. Marsh, 207 Neb. 598 at 609, 300 N.W.2d 181 (1980).

The primary burden in implementing this legislation would appear to be essentially the same for all current retailers of gasoline, regardless of whether or not they presently offer more than one type of gasoline for sale. That would, in essence, require them to obtain facilities to provide yet an additional product, which burden would reasonably appear to be the same for all current retailers of gasoline regardless of the number of product lines they now carry. Consequently, we see no valid distinction, and thus it would appear that this bill in addition creates an invalid classification under the Constitution.

Sincerely,

ROBERT M. SPIRE

Attorney General

(Signed)

John Boehm

Assistant Attorney General

JB:jem

cc: Patrick J. O'Donnell
Clerk of the Legislature

1/25

MESSAGE FROM THE GOVERNOR

March 3, 1986

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the position of Director, Department of Roads - State Engineer, requiring legislative confirmation:

Appointee:

Ray Hogrefe, Lincoln, Nebraska

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Staff Assistant to the Governor
Accountability and Disclosure Commission
Department of Administrative Services
Department of Roads

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 355.

RESOLUTION

LEGISLATIVE RESOLUTION 357.

Introduced by Wesely, 26th District.

WHEREAS, the majority of Nebraskans participate in recreational or athletic activities that contribute to the physical fitness and general well-being of our citizens, and active healthy life styles should be encouraged as a part of Nebraska's Good Life; and

WHEREAS, educational programs should be provided for Nebraska citizens involved in sports in order to help such citizens acquire expertise and additional knowledge in sports, and generally improve the quality of sportsmanlike competition, and should be provided for physical fitness, not only for athletic competition but also for the personal health and well-being for all Nebraska citizens; and

WHEREAS, Nebraska citizens have represented the state with dignity and honor in the Olympic Games, the ultimate example of the

virtues of sportsmanship and competitive excellence, thereby serving as models for other Nebraskans who participate in and benefit from amateur athletics.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That Nebraska join with other states in conducting an amateur sports festival open to all of its citizens, patterned after the Olympic Games, and embodying the Olympic ideals.

2. That such festival be known as THE CORNHUSKER STATE GAMES, with responsibility for its organization and conduct to be given to the Nebraska Sports Council, Inc., a private, nonprofit corporation, run by Nebraska citizens.

3. That such statewide festival should provide educational programs for participation in recreational and athletic activity that improves the individual well-being of Nebraska citizens, and benefits the economy of the state.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Hartnett asked unanimous consent to print the following amendment to LB 949 in the Journal. No objections. So ordered.

To Amend the Committee Amendment to LB 949 by striking all of the Committee Amendment except the following:

On page 26, in line 9, after "is" insert "(1)"; in line 10 strike "primarily"; in line 11, strike "to", show as stricken, insert "and more than fifty per cent of its customers are", and after "or" insert "(2)".

MOTION - Approve Appointments

Mr. Rupp moved the adoption of the report of the Constitutional Revision and Recreation Committee for the following Governor appointment found in the Journal on page 1157: Bruce Wright - Nebraska Game and Parks Commission.

Voting in the affirmative, 27:

Abboud	Chronister	Harris	Johnson, L.	Nichol
Baack	Conway	Hartnett	Lundy	Pirsch
Barrett	DeCamp	Hefner	Marsh	Remmers
Beyer	Haberman	Higgins	Miller	Rupp
Carsten	Hall	Hoagland	Morehead	Sieck

Warner Wesely

Voting in the negative, 0.

Present and not voting, 14:

Chambers	Goll	Landis	Pappas	Vickers
Chizek	Goodrich	Lynch	Peterson	Withem
Eret	Lamb	Nelson	Smith	

Excused and not voting, 7:

Hannibal	Johnson, V.	Rogers	Schmit	Scofield
Johnson, R.	Labeled			

The appointment was confirmed with 27 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 516. E & R amendments, AM5168, found in the Journal on page 2289 for the Seventy-Eighth Day, First Session, were adopted.

Mr. Lamb withdrew his pending amendment, AM1477, found in the Journal on page 2355, First Session.

Messrs. Hoagland, Barrett, and Baack offered the following amendment:

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2326.)

The Hoagland-Barrett-Baack amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Mr. Barrett offered the following amendment:

The Judicial Resources Commission shall designate for each district or county judge vacancy a county seat as his or her primary service location. In designating primary service locations, the Commission shall locate judges so as to provide maximum service to all areas of the judicial district. No reimbursement shall be allowed for travel from the home of an individual judge to his or her primary service location or from such location to his or her home.

The Barrett amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Messrs. Hoagland, Barrett, and Baack renewed their pending amendment, AM2354, found in the Journal on page 1159.

The Hoagland-Barrett-Baack amendment was adopted with 27 ayes, 1 nay, 15 present and not voting, and 5 excused and not voting.

Mr. V. Johnson offered the following amendment:
(Amendments to AM2326)

- 1 1. Insert the following new section:
- 2 "Sec. . That section 43-2,125, Reissue
- 3 Revised Statutes of Nebraska, 1943, be amended to read
- 4 as follows:
- 5 43-2,125. Whenever any judge of a separate
- 6 juvenile court shall be disabled or disqualified to act
- 7 in any cause before him or her, or shall be temporarily
- 8 absent from the county or whenever it would be
- 9 beneficial to the administration of justice, the
- 10 presiding judge of the district court may designate and
- 11 appoint a judge of the district court to serve during
- 12 such absence or disqualification any period as
- 13 necessary; or the Chief Justice of the Supreme Court, ~~in~~
- 14 ~~the same matter as described~~ for the reasons set out in
- 15 section 24-516, may designate and appoint a judge of the
- 16 county court any juvenile court as defined in
- 17 subdivision (4) of section 43-245 to serve as judge of
- 18 the separate juvenile court during such ~~absence or~~
- 19 disqualification period."
- 5 4. Renumber the remaining sections
- 6 accordingly.

Mr. Abboud offered the following amendment to the V. Johnson amendment:

To amend the V. Johnson amendment by striking the new language on lines 8 & 9.

The Abboud amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Abboud offered the following amendment to the V. Johnson amendment:

To amend the V. Johnson amendment by reinstating the stricken language on line 12, and by striking the new language in line 12 through the word "necessary" in line 13.

Mr. Chizek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 23 not voting.

Mr. Abboud moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 36 not voting.

Mr. Abboud requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Abboud	Hall	Labeledz	Nichol	Smith
Eret	Hartnett	Lamb	Pappas	Withem
Goodrich	Higgins	Morehead	Peterson	

Voting in the negative, 27:

Baack	Conway	Johnson, V.	Miller	Scofield
Barrett	Goll	Landis	Nelson	Sieck
Beyer	Hannibal	Lundy	Pirsch	Vickers
Carsten	Hefner	Lynch	Remmers	Warner
Chizek	Hoagland	Marsh	Rupp	Wesely
Chronister	Johnson, L.			

Present and not voting, 3:

Chambers Haberman Harris

Absent and not voting, 2:

DeCamp Johnson, R.

Excused and not voting, 2:

Rogers Schmit

The Abboud amendment lost with 14 ayes, 27 nays, 3 present and not voting, 2 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Messrs. Vickers and Eret asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. V. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 15 ayes, 1 nay, and 32 not voting.

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Withem requested a record vote on the V. Johnson amendment.

Voting in the affirmative, 29:

Baack	DeCamp	Hoagland	Marsh	Rupp
Barrett	Goll	Johnson, R.	Miller	Sieck
Beyer	Haberman	Johnson, V.	Nelson	Smith
Carsten	Hannibal	Lamb	Nichol	Warner
Chronister	Harris	Landis	Pirsch	Wesely
Conway	Hefner	Lynch	Remmers	

Voting in the negative, 8:

Abboud	Hall	Higgins	Peterson	Withem
Goodrich	Hartnett	Labedz		

Present and not voting, 6:

Chambers	Johnson, L.	Lundy	Morehead	Scofield
Chizek				

Excused and not voting, 5:

Eret	Pappas	Rogers	Schmit	Vickers
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The V. Johnson amendment, as amended, was adopted with 29 ayes, 8 nays, 6 present and not voting, and 5 excused and not voting.

Mr. V. Johnson offered the following amendment:
AM2362

(Amendments to AM1408)

- 1 1. Insert the following new sections:
- 2 "Sec. 18. That section 25-1062.01, Reissue
- 3 Revised Statutes of Nebraska, 1943, be amended to read
- 4 as follows:

5 25-1062.01. (1) The words Director of Water
6 Resources as used in this section and in sections
7 25-1064, ~~to 25-1066~~ 25-2159, 25-2160, and 46-230 mean
8 the Director for the Department of Water Resources,
9 State of Nebraska; or his or her successor in office; or
10 any agent, servant, employee, or officer of the State of
11 Nebraska, now or hereafter exercising any powers or
12 duties with respect to the administration of the
13 irrigation water in the state; who may be a party in any
14 court of the state in an action ~~where~~ when the relief
15 demanded involves the delivery of irrigation water.

16 (2) ~~Wherever~~ Whenever notice by either
17 registered or certified letter to an appropriator is
18 required in the sections above named, the address of
19 ~~said~~ the appropriator shall be that recorded in the
20 office of the Department of Water Resources under ~~the~~
1 ~~provisions of~~ section 46-230.

2 Sec. 19. That section 25-1064, Reissue
3 Revised Statutes of Nebraska, 1943, be amended to read
4 as follows:

5 25-1064. (1) The injunction may be granted at
6 the time of commencing the action; or at any time
7 afterward before judgment; by the Supreme Court or any
8 judge thereof. ~~No ; PROVIDED, no~~ restraining order or
9 temporary injunction should be granted at the time of
10 the commencement of the action; if the relief demanded
11 involves the delivery of irrigation water and the
12 Director of Water Resources, as defined in section
13 25-1062.01, is a party, except in accordance with the
14 procedure as ~~hereinafter provided~~ prescribed in
15 subsection (5) of this section.

16 (2) No temporary injunction may be granted
17 without notice to the adverse party.

18 (3) Any judge of the ~~The~~ district court, ~~or~~
19 ~~any judge thereof,~~ except ~~where~~ when the relief demanded
20 involves the delivery of irrigation water and the
21 director is a party, ~~may upon it appearing~~
22 ~~satisfactorily to the court or judge, by the affidavit~~
23 ~~of the plaintiff or his agent, that the plaintiff is~~
24 ~~entitled thereto,~~ grant a temporary restraining order
1 without notice to the adverse party or his or her
2 attorney only if (a) it clearly appears from specific
3 facts shown by affidavit that immediate and irreparable
4 injury, loss, or damage will result to the applicant
5 before the adverse party or his or her attorney can be

6 heard in opposition and (b) the applicant or his or her
7 attorney certifies to the court in writing the efforts,
8 if any, which have been made to give such notice and the
9 reasons supporting the applicant's claim that such
10 notice shall not be required, and direct that a
11 reasonable notice be given to the party against whom
12 said restraining order is issued, to attend for such
13 purpose at a specified time and place before the
14 district court or any judge thereof, to show cause why a
15 temporary injunction should not be issued; said
16 restraining order to remain in full force until such
17 hearing is had by the district court or any judge
18 thereof.

19 Every temporary restraining order granted
20 without notice shall: (a) Be endorsed with the date and
21 hour of issuance; (b) be filed forthwith in the clerk of
22 the district court's office and entered of record; (c)
23 define the injury and state why the injury is
24 irreparable and why the order was granted without
1 notice; and (d) expire by its terms within such time
2 after entry, not to exceed ten days, as the court fixes
3 unless within such fixed time period, the order, for
4 good cause shown, is extended for a like period or
5 unless the party against whom the order is directed
6 consents to an extension for a longer period. The
7 reasons for the extension shall be entered of record.
8 If a temporary restraining order is granted without
9 notice either by the district court or the county court,
10 the motion for a temporary injunction shall be heard at
11 the earliest possible time in the district court and
12 takes precedence over all matters except older matters
13 of the same character. When the motion for a temporary
14 injunction comes up for hearing, the party who obtained
15 the temporary restraining order shall proceed with the
16 application for a temporary injunction, and if he or she
17 does not do so, the district court shall dissolve the
18 temporary restraining order. On two day's notice to the
19 party who obtained the temporary restraining order
20 without notice or on such shorter notice to such party
21 as the district court may prescribe, the adverse party
22 may appear and move for such order's dissolution or
23 modification, and in that event, the court shall proceed
24 to hear and determine such motion as expeditiously as
1 the ends of justice require.

2 (3) (4) In the absence from the county of said

3 ~~the district judges, the county~~ any judge of the county
4 court, thereof, except where when the relief demanded
5 involves the delivery of irrigation water and the
6 director is a party, may, upon it appearing
7 satisfactorily to the court or judge, by the affidavit
8 of the plaintiff or his or her agents, that the
9 plaintiff is entitled thereto, grant a the temporary
10 restraining order without notice to the adverse party or
11 his or her attorney only if (a) it clearly appears from
12 specific facts shown by affidavit that immediate and
13 irreparable injury, loss, or damage will result to the
14 applicant before the adverse party or his or her
15 attorney can be heard in opposition and (b) the
16 applicant or his or her attorney certifies to the court
17 in writing the efforts, if any, which have been made to
18 give such notice and the reasons supporting the
19 applicant's claim that such notice shall not be
20 required. The judge of the county court shall and
21 direct that a reasonable notice be given to the party,
22 against whom the said temporary restraining order is
23 issued, to attend for such purpose at a specified time
1 or place before the district court or any judge thereof,
2 to show cause why a temporary injunction should not be
3 issued, and may in the meantime restrain such party.
4 Such time of hearing shall not be fixed in the first
5 instance by the county judge more than ten days from the
6 time of granting such temporary restraining order.

7 Every temporary restraining order granted
8 without notice shall: (a) Be endorsed with the date and
9 hour of issuance; (b) be filed forthwith in the clerk of
10 the county court's office and entered of record; (c)
11 define the injury and state why the injury is
12 irreparable and why the order was granted without
13 notice; and (d) expire by its terms within such time
14 after entry, not to exceed ten days, as the county court
15 fixes unless within such fixed time period, the order,
16 for good cause shown, is extended by the district court
17 for a like period or unless the party against whom the
18 order is directed consents to an extension for a longer
19 period. The reasons for the extension shall be entered
20 of record.

21 (4) (5) The Supreme Court or any judge
22 thereof, the district court or any judge thereof, or a
23 judge of the county court, the county judge, if and when
1 he or she has jurisdiction, shall have no power, where

24 when the relief demanded involves the delivery of
1 irrigation water and the director is a party, to grant a
2 restraining order or temporary injunction at the time of
3 the commencement of the action, except ~~where~~ when notice
4 by either registered or certified letter has been mailed
5 seventy-two hours prior to the time of hearing to the
6 director and the division engineer in the water division
7 in which ~~said~~ the action is brought and, in the manner
8 provided in section 25-1062.01, to all appropriators
9 whose rights to the delivery of irrigation water might
10 in any manner be affected, of the time and place of ~~said~~
11 the hearing. At the hearing on the restraining order or
12 temporary injunction, the director, appropriators, or
13 riparian owners are entitled to be heard, in person or
14 by their attorney or attorneys, on the question of
15 whether the restraining order should be granted and, if
16 so, in what amount the bond or undertaking is to be
17 fixed.

18 (5) (6) Any person, natural or artificial,
19 injured, or likely to be injured by the granting of a
20 restraining order may intervene in ~~said~~ the action at
21 any stage of the proceedings and become a party to the
22 litigation if it involves the delivery of irrigation
23 water and the director is a party.

24 Sec. 20. Every order granting an injunction
1 and every restraining order shall: (1) Set forth the
2 reasons for its issuance; (2) be specific in terms; (3)
3 describe in reasonable detail, and not by reference to
4 the petition or other document, the act or acts sought
5 to be restrained; and (4) be binding only upon the
6 parties to the action, their officers, agents, servants,
7 employees, and attorneys, and upon those persons in
8 active concert or participation with them who receive
9 actual notice of the order by personal service or
10 otherwise.

11 Sec. 21. This act shall in no way affect a
12 person's right to an injunction or temporary restraining
13 order if such remedies are authorized by statute."

14 2. On page 19, line 11, strike "and" and
15 after "24-516" insert ", 25-1062.01, and 25-1064".

16 3. Renumber the remaining sections
17 accordingly.

The V. Johnson amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment with 25 ayes, 6 nays, 12 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 635 in the Journal. No objections. So ordered.

AM2380

- 1 1. Insert the following new sections:
- 2 "Sec. 2. That section 44-371, Reissue Revised
- 3 Statutes of Nebraska, 1943, be amended to read as
- 4 follows:
- 5 44-371. All proceeds, cash values, and
- 6 benefits accruing under any annuity contract, ~~or~~ under
- 7 any policy or certificate of life insurance payable upon
- 8 the death of the insured to a beneficiary other than the
- 9 estate of the insured, ~~and~~ or under any accident or
- 10 health insurance policy; issued before, on, or after
- 11 August 30, 1981, shall be exempt from attachment,
- 12 garnishment, or other legal or equitable process; and
- 13 from all claims of creditors of the insured; and of the
- 14 beneficiary if related to the insured by blood or
- 15 marriage, unless a written assignment to the contrary
- 16 has been obtained by the claimant. ~~The provisions of~~
- 17 ~~this~~ This section shall not apply to any loan value or
- 18 cash value in excess of five thousand dollars of an
- 19 unmatured life insurance contract or to any proceeds,
- 20 cash value, or benefits accruing under any annuity
- 21 contract in excess of five thousand dollars.
- 1 Sec. 4. Since an emergency exists, this act
- 2 shall be in full force and take effect, from and after
- 3 its passage and approval, according to law."
- 4 2. On page 2, line 10, strike "section
- 5 44-320" and insert "sections 44-320 and 44-371"; and in
- 6 line 11 strike "is" and insert "are".
- 7 3. Renumber the remaining section
- 8 accordingly.

Mr. Landis asked unanimous consent to print the following amendment to LB 68 in the Journal. No objections. So ordered.

AM2381

- 1 1. Insert the following new section:

2 "Sec. 2. That section 79-902.01, Revised
3 Statutes Supplement, 1985, be amended to read as
4 follows:
5 79-902.01. The board of education of a Class
6 IV school district shall consist of seven members and
7 also may include a nonvoting student member or members
8 selected pursuant to section 79-547.02. Except as
9 otherwise provided in this section, voting members shall
10 be elected for four years. Voting members of the board
11 shall enter upon the duties of their office on the third
12 Monday of the month in which they are elected.
13 Vacancies in office shall occur as set forth in section
14 32-1037 or when a member elected from a district no
15 longer resides in such election district. Whenever any
16 vacancy occurs on the board, the remaining members shall
17 appoint an individual residing within the geographical
18 boundaries of the school district and within the
19 geographical boundaries of the election district of the
20 member whose term has become vacant in the manner
21 prescribed in section 79-464. Nonstudent candidates for
1 the board of education shall be nominated and elected at
2 the same time as members of the city council. No filing
3 fee shall be required of such candidates. After the
4 next federal decennial census, the election commissioner
5 of the county in which the greater part of the district
6 is situated shall, subject to review by the school
7 board, divide the school district into seven numbered
8 districts, substantially equal in population as
9 determined by the most recent federal census. The
10 election commissioner shall consider the location of
11 schools within the district and their boundaries. A
12 member of the board shall be elected from each such
13 district, except that a student member may be selected
14 pursuant to section 79-547.02. Candidates shall be
15 nominated from the district at the primary election upon
16 a nonpolitical ballot. The names of the two candidates
17 receiving the highest number of votes at such primary
18 election in each district designated by the election
19 commissioner shall be placed upon an official ballot for
20 the board of education to be elected at large at the
21 general city election. Members of the board of
22 education shall serve until the expiration of their
23 terms. At the general city election in 1979 and each
24 four years thereafter, one member shall be elected from
1 each of the even-numbered districts. At the general

- 2 city election in 1981 and each four years thereafter,
 3 one member shall be elected from each of the
 4 odd-numbered districts. A seventh member of the board
 5 shall be elected ~~at large~~ by district in ~~1987~~ 1991 for a
 6 two-year term. ~~In 1989, a seventh member of the board~~
 7 ~~shall be elected at large for a four-year term.~~
 8 Commencing in 1993, ~~all seven members~~ the seventh member
 9 of the board shall be elected ~~by district~~ for four-year
 10 terms. The election commissioner shall adjust the
 11 boundaries of the election districts, subject to final
 12 review and adjustment by the school board, to conform to
 13 changes in the territory and population of the school
 14 district and also following each federal decennial
 15 census. Except when specific procedures are otherwise
 16 provided, section 5-108 shall apply to all Class IV
 17 school districts.”.
- 18 2. On page 3, line 18, strike “is” and insert
 19 “and section 79-902.01, Revised Statutes Supplement,
 20 1985, are”.
- 21 3. Renumber the remaining section
 22 accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 890 in the Journal. No objections. So ordered.

AM2315

- 1 1. In AM2087, beginning on page 787 of the
 2 1986 Journal:
 3 a. On page 3, line 16, strike “or second”; in
 4 lines 16 and 17 strike “or village”; and in lines 21 and
 5 22 strike “or village”; and
 6 b. On page 4, lines 1 and 2, strike “or
 7 village board”.

Mr. Haberman asked unanimous consent to print the following amendment to LB 525 in the Journal. No objections. So ordered.

AM2078

(Amendments to Final Reading Copy)

- 1 1. On page 1, line 7, after “clerks” insert
 2 “in certain counties”.
 3 2. On page 2, lines 7 and 8, reinstate
 4 language and after the reinstated “judge” insert “in
 5 counties of less than fifty thousand population”.
 6 3. On page 3, line 8, after “clerks” insert

7 "in counties having a population of fifty thousand or
8 more".

9 4. On page 4, line 1, strike "and"; and in
10 line 2 after "dollars" insert "; and in counties having
11 a population of fifty thousand or more, for issuing
12 marriage license, administering oath, and recording
13 certificate, ten dollars".

14 5. On page 5, line 8, after "from" insert
15 "(a) a county court in counties of less than fifty
16 thousand population or (b)" and after "in" insert
17 "counties having a population of fifty thousand or more
18 in".

19 6. On page 6, line 16, after "county" insert
20 "judge or the county" and after "clerk" insert “, as the
1 case may be.”.

2 7. On page 7, line 2, reinstate "judge",
3 after the reinstated "judge" insert "or the county", and
4 after the comma insert "as the case may be.”; in line 7
5 reinstate "judge", after the reinstated "judge" insert
6 "in counties of less than fifty thousand population or
7 the county", and after "clerk" insert "in counties
8 having a population of fifty thousand or more"; and in
9 line 21 reinstate "judge", after the reinstated "judge"
10 insert "or the", and after "clerk" insert “, as the case
11 may be.”.

12 8. On page 8, lines 10 and 19, reinstate
13 "judge", after the reinstated "judge" insert "in
14 counties of less than fifty thousand population or the
15 county", and after "clerk" insert "in counties having a
16 population of fifty thousand or more"; in line 13
17 reinstate "judge", after the reinstated "judge" insert
18 "or the county", and after "clerk" insert “, as the case
19 may be.”; and in lines 19 and 20 strike "of each county
20 in the state" and show as stricken.

21 9. On page 9, line 3, reinstate "judge",
22 after the reinstated "judge" insert "or the county", and
23 after "clerk" insert “, as the case may be.”; and in
24 lines 4, 11, and 12, reinstate "judge", and after the
1 reinstated "judge" insert "or the county".

2 10. On page 10, line 3, strike "of the
3 county" and show as stricken; and in lines 3 and 9,
4 reinstate "judge", after the reinstated "judge" insert
5 "or the county", and after "clerk" insert “, as the case
6 may be.”.

7 11. On page 11, line 11, strike "of each

8 county” and show as stricken; and in lines 11 and 20,
9 reinstate “judge”, after the reinstated “judge” insert
10 “or the county”, and after “clerk” insert “, as the case
11 may be.”.

Mr. Remmers asked unanimous consent to print the following amendment to LB 504 in the Journal. No objections. So ordered.

- 1 1. On page 3, line 23, strike “subsection
- 2 (4), (5), or (6) of”.
- 3 2. On page 6, line 21, strike “subsection (5)
- 4 or (6) of”.

Mr. Wesely asked unanimous consent to print the following amendment to LB 924 in the Journal. No objections. So ordered.

AM2336

- 1 1. On page 12, line 19, strike “are
- 2 developmentally disabled” and insert “have developmental
- 3 disabilities”; and strike lines 20 through 25.
- 4 2. On page 14, line 16, strike “are
- 5 developmentally disabled”, show as stricken, and insert
- 6 “have developmental disabilities” and reinstate the
- 7 stricken semicolon; and strike lines 17 through 23 and
- 8 show the old matter as stricken.
- 9 3. On page 18, line 7, after “home” insert “;
- 10 (22) Developmental disability shall mean a
- 11 severe, chronic disability of a person which (a) is
- 12 attributable to a mental or physical impairment or
- 13 combination of mental and physical impairment, (b) is
- 14 manifested before the person attains the age twenty-two,
- 15 (c) is likely to continue indefinitely, (d) results in
- 16 substantial functional limitations in three or more of
- 17 the following areas of major life activity: Self-care,
- 18 receptive and expressive language, learning, mobility,
- 19 self-direction, capacity for independent living, and
- 20 economic self-sufficiency, and (e) reflects the person’s
- 21 need for a combination and sequence of special
- 1 interdisciplinary or generic care, treatment, or other
- 2 services which are of lifelong or extended duration and
- 3 are individually planned and coordinated; and
- 4 (23) Director of Nursing Services shall mean
- 5 the supervisor of health services in skilled care
- 6 facilities and intermediate care facilities. The
- 7 supervisor of health services in an intermediate health

8 care facility may provide nursing care and when
9 providing the nursing care, such care may be counted
10 toward meeting the patient care requirements”.

Mr. Wesely asked unanimous consent to print the following amendment to LB 925 in the Journal. No objections. So ordered.

AM2378

(Amendments to Standing Committee Amendments)

1 1. On page 1, line 2, after the first “of”
2 insert “the remainder of the amount generated by”; and
3 in line 3 after the second comma insert “reduced by the
4 amount appropriated from such amount for the University
5 of Nebraska Eppley Institute for Research in Cancer and
6 Allied Diseases.”.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 978. Placed on General File as amended.
Standing Committee amendment to LB 978:

AM2341

1 1. Strike the original sections and insert
2 the following new section:
3 “Section 1. (1) The State Board of Education
4 shall establish minimum certification requirements which
5 shall be met by all individuals teaching driver
6 education in the public, private, and parochial schools
7 of this state. Such requirements shall include
8 successful completion of: (a) A minimum of three hours
9 of coursework in driver education; (b) a minimum of
10 three hours of coursework in general safety; and (c) a
11 course in first aide.
12 (2) The State Board of Education shall
13 establish minimum course requirements for driver
14 education classes offered by the public, private, or
15 parochial schools in this state. Such requirements
16 shall include a minimum of thirty hours of classroom
17 instruction and the equivalent of six hours of
18 behind-the-wheel instruction.”.

(Signed) Tom Vickers, Chairperson

Revenue

LEGISLATIVE BILL 1124. Placed on General File as amended.

Standing Committee amendment to LB 1124:

AM2372

1 1. Strike the original sections and insert
2 the following new sections:

3 "Section 1. This act shall be known and may be
4 cited as the Employment Expansion and Investment
5 Incentive Act.

6 Sec. 2. (1)(a) There shall be allowed a
7 nonrefundable credit against the income tax imposed by
8 the Nebraska Revenue Act of 1967 to any taxpayer engaged
9 in a qualifying business as described in section 3 of
10 this act who increases the employment of such business
11 in this state by the equivalent of two full-time
12 employees and who makes an investment in this state of
13 at least one hundred thousand dollars during a taxable
14 year.

15 (b) Any taxpayer who has been allowed a credit
16 under subdivision (1)(a) of this section during the
17 preceding five taxable years, not counting carryovers,
18 shall be allowed a credit for an increase in employment
19 in this state by the equivalent of two full-time
20 employees.

21 (2) The amount of the credit shall be five
1 hundred dollars for each new employee and five hundred
2 dollars for each one hundred thousand dollars of
3 investment.

4 (3) The amount of the credit, including
5 amounts carried over from preceding taxable years, used
6 in any taxable year shall not exceed fifty per cent of
7 the taxpayer's income tax liability to this state. The
8 credit shall be applied after all other nonrefundable
9 credits have been applied and before the application of
10 any refundable credits.

11 (4) Any amount of the credit that is not used
12 during the taxable year in which such credit was first
13 allowable may be carried over for five immediately
14 succeeding taxable years. A credit carried over shall
15 be used before any additional credit allowed in a
16 current taxable year may be used.

17 Sec. 3. (1) A qualifying business shall
18 include a business engaged in the following:

19 (a) The assembly, fabrication, manufacture, or
20 processing of tangible personal property;

21 (b) The storage, warehousing, distribution,

22 transportation, or sale of tangible personal property;

23 (c) The feeding of livestock at a feedlot;

24 (d) The conducting of research, development,

1 or testing for scientific, agricultural, animal
2 husbandry, or industrial purposes;

3 (e) The performance of data processing,
4 telecommunication, insurance, or financial services;

5 (f) The administrative management of any of
6 the activities listed in subdivisions (a) to (e) of this
7 subsection; or

8 (g) Any combination of the activities listed
9 in this subsection.

10 (2) A qualifying business shall not include
11 any business in which eighty per cent or more of the
12 total sales of the business are sales of tangible
13 personal property to the ultimate user of the property
14 for use in activities other than the activities listed
15 in subsection (1) of this section.

16 Sec. 4. (1) A taxpayer shall be deemed to
17 have a new employee when the average number of employees
18 during a taxable year exceeds the average number of
19 employees during any of the three preceding taxable
20 years.

21 (2) The average number of employees for a
22 taxable year shall be determined by averaging the number
23 of employees on (a) the last day of the preceding
24 taxable year, (b) the last day of each calendar quarter
1 within the current taxable year, and (c) the last day of
2 the current taxable year.

3 (3) If the taxpayer has part-time employees or
4 pays overtime, the number of employees on a particular
5 day shall be determined by converting the number of
6 hours paid for the pay period including that particular
7 day into a number of equivalent full-time jobs.

8 (4) The number of hours comprising a full-time
9 job shall be the business hours the taxpayer uses for
10 other purposes such as benefit plans or labor relations.
11 The number of hours comprising a full-time job shall be
12 used for all periods when comparing average employment
13 under the Employment Expansion and Investment Incentive
14 Act.

15 (5) Qualifying business employees who work
16 within and without this state shall be considered only
17 to the extent they are paid for work performed within
18 this state.

19 (6) The hours worked by any person considered
20 an independent contractor or the employee of another
21 taxpayer shall not be used in the computation of any
22 averages under this section.

23 Sec. 5. (1) A taxpayer shall be deemed to
24 have made an investment in this state if the average
1 investment in this state during the taxable year exceeds
2 the average investment in this state during any of the
3 three preceding taxable years.

4 (2) The average investment in this state shall
5 be the average of the value of all property used or
6 available for use on the first day of the taxable year
7 and the last day of the taxable year. To determine the
8 value of property owned by the taxpayer, the tax basis
9 before allowance for depreciation shall be used. To
10 determine the value of property rented by the taxpayer,
11 the annual rent of the property shall be multiplied by
12 eight.

13 (3) Only investment in improvements to real
14 property and tangible personal property that are
15 depreciable under the Internal Revenue Code shall be
16 considered.

17 (4) Vehicles, planes, or railroad rolling
18 stock shall be excluded in determining the average
19 investment under this section.

20 Sec. 6. (1) If the taxpayer acquires an
21 existing business, the averages determined in sections 4
22 and 5 of this act shall be computed as though the
23 taxpayer had owned the business during the current
24 taxable year and the three preceding taxable years.

1 (2) If the structure of a business is
2 reorganized, the taxpayer shall compute the averages on
3 a consistent basis for all periods.

4 Sec. 7. (1) A taxpayer with more than one
5 business location in this state shall be entitled to a
6 credit equal to the lesser of (a) the sum of the credits
7 computed for the individual business locations or (b)
8 the credit computed based on the total activities of the
9 business in this state.

10 (2) The credit allowed to related taxpayers
11 shall be the lesser of (a) the sum of the credits
12 computed for each taxpayer; or (b) the credit computed
13 based on the total activities of all related taxpayers
14 in this state.

15 (3) Related taxpayers shall include any

16 corporations that are part of a unitary business under
17 the Nebraska Revenue Act of 1967, any business entities
18 that are not corporations but which would be a part of
19 the unitary business if they were corporations, any
20 business entities if at least fifty per cent of such
21 entities are owned by the same persons or related
22 taxpayers and family members as defined in the ownership
23 attribution rules of the Internal Revenue Code.

24 Sec. 8. The credit allowed under the
1 Employment Expansion and Investment Incentive Act shall
2 not be transferable, except in the following situations:

3 (1) Any credit allowable to a partnership, a
4 subchapter S corporation, or an estate or trust shall be
5 distributed to the partners, shareholders, or
6 beneficiaries in the same manner as income is
7 distributed.

8 (2) If a taxpayer operating a qualifying
9 business and allowed a credit under section 2 of this
10 act dies and there is credit remaining after the filing
11 of the final return for the taxpayer, the personal
12 representative shall determine the distribution of the
13 credit or any remaining carryover with the initial
14 fiduciary return filed for the estate. The
15 determination of the distribution of credit may be
16 changed only after obtaining the permission of the Tax
17 Commissioner.

18 Sec. 9. This act shall become operative for
19 all taxable years beginning or deemed to begin on or
20 after January 1, 1987.”

(Signed) Vard R. Johnson, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 931. Placed on General File as amended.
Standing Committee amendment to LB 931:

AM2339

1 1. Strike the original sections and insert
2 the following new sections:

3 “Section 1. That section 85-505, Revised
4 Statutes Supplement, 1984, be amended to read as
5 follows:

6 85-505. Any member of the Nebraska National
7 Guard who shall enroll, on or after July ~~22, 1978~~ 1
8 1986, in any state-supported university, college, or

9 technical community college shall be entitled to a
10 credit of seventy-five per cent of the resident tuition
11 charges of such school. Such entitlement shall be for a
12 period of ten years from the date of the member's
13 initial membership continuous so long as the member of
14 the Nebraska National Guard maintains satisfactory
15 performance with the guard and pursues his or her course
16 of study in such institution in a manner which satisfies
17 the normal requirements of the institution, except that
18 the number of individuals granted such tuition credit
19 shall not exceed ~~the number of individuals granted such~~
20 ~~credits during the 1982-83 school year~~ twelve hundred
21 members during any fiscal year. When determining to
1 whom such tuition credit shall be awarded, priority
2 shall be given to those individuals who have previously
3 received tuition credits while a National Guard member,
4 and the Nebraska National Guard shall apply those
5 program qualifications and limitations consistent with
6 efficient and effective program management as determined
7 by the Adjutant General.

8 Sec. 2. (1) The tuition assistance program
9 prescribed in this section and sections 85-505 to 85-508
10 shall not be available to:

11 (a) More than twelve hundred members during
12 any fiscal year;

13 (b) Commissioned and warrant officers who have
14 a baccalaureate degree or are eligible for any other
15 equivalent federal benefits; and

16 (c) Enlisted personnel entitled to any
17 equivalent federal educational benefits, except that
18 this subdivision shall not apply to personnel receiving
19 assistance from the federal Educational Assistance
20 Program for Members of the Selected Reserve.

21 (2) The tuition assistance program prescribed
22 in this section and sections 85-505 to 85-508 shall be
23 available to members of the Nebraska National Guard for
24 a period of ten years from the date of initial
1 membership.

2 (3) Any member of the Nebraska National Guard
3 receiving tuition assistance under this section and
4 sections 85-505 to 85-508 may obtain only one
5 undergraduate degree under such tuition assistance
6 program. Only credit-bearing courses which meet degree
7 requirements shall be approved for tuition assistance.
8 Members shall not receive tuition assistance for any

9 noncredit courses.

10 (4) If a member of the Nebraska National Guard
11 voluntarily withdraws from a course for which he or she
12 is receiving tuition assistance, the member shall be
13 liable for all costs relating to such withdrawal,
14 including, but not limited to, all of the costs billed
15 by the educational institution to the Nebraska National
16 Guard. Reimbursement shall be in accordance with
17 section 77-2418.

18 (5) All non-prior service enlistees shall have
19 completed basic military training and military
20 occupational specialty or skill level training prior to
21 being eligible for tuition assistance.

22 (6) Any member of the Nebraska National Guard
23 who receives tuition assistance shall agree in writing
24 to serve in the Nebraska National Guard for three years
1 after the completion of the courses for which tuition
2 assistance was given. Any member who receives tuition
3 assistance may be asked to reimburse the State of
4 Nebraska if any such member leaves the Nebraska National
5 Guard during such three-year period. Reimbursement
6 shall be in accordance with section 77-2418.

7 (7) The Military Department shall retain the
8 responsibility and authority to establish any
9 limitations and controls it deems necessary to ensure
10 maximum fiscal efficiency and productivity of the
11 tuition assistance program prescribed in this section
12 and sections 85-505 to 85-508.

13 Sec. 3. That section 85-506, Reissue Revised
14 Statutes of Nebraska, 1943, be amended to read as
15 follows:

16 85-506. It shall be the responsibility of the
17 individual member of the Nebraska National Guard to
18 obtain a certificate from his or her commanding officer
19 attesting as to his or her satisfactory guard
20 performance and to present the same to the educational
21 institution in order to obtain tuition credit. Such
22 certification shall be accomplished at the time of
23 enrollment for each semester or academic term for which
24 tuition credit is requested. Such certification shall
1 include ~~an~~ a signed agreement by the individual to serve
2 in the National Guard for a minimum of three years from
3 the date of certification.

4 Sec. 4. That section 85-507, Reissue Revised
5 Statutes of Nebraska, 1943, be amended to read as

6 follows:

7 85-507. The spouse and children of any
8 ~~enlisted~~ member of the Nebraska National Guard who dies
9 while serving in the active service of the state shall
10 be entitled to a credit of one hundred per cent of the
11 tuition charges in any state-supported university,
12 college, or technical community college in this state.
13 Such tuition credit shall be for any undergraduate
14 course of education not exceeding four years, except
15 that no credit shall be granted to the spouse after the
16 tenth anniversary of the member's death and no credit
17 shall be granted to a child after such child's
18 twenty-fifth birthday. All persons eligible for tuition
19 credit under this section shall obtain a certificate of
20 eligibility from the Adjutant General of the Nebraska
21 National Guard and present such certificate to the
22 educational institution, ~~in the same manner as provided~~
23 ~~for regular members of the Nebraska National Guard under~~
24 ~~section 85-506.~~

1 Sec. 5. That section 85-508, Reissue Revised
2 Statutes of Nebraska, 1943, be amended to read as
3 follows:

4 85-508. Upon receipt of a certificate
5 described in section 85-506, ~~or 85-507~~, the educational
6 institution shall endorse on the certificate the dollar
7 amount of the tuition credit granted pursuant to ~~either~~
8 such section ~~85-506 or 85-507~~, and return such
9 certificate to the Nebraska National Guard ~~officer~~
10 office issuing the certificate. The educational
11 institution shall compile a record of the total dollar
12 amount of the tuition credits granted for the academic
13 term. At the completion of the academic term, the
14 institution shall submit the total amount of such
15 credits together with a request for reimbursement of
16 such amount to the National Guard. Upon receipt of the
17 request, the National Guard shall reimburse the
18 institution.

19 Sec. 6. That original section 85-505, Revised
20 Statutes Supplement, 1984, and sections 85-506, 85-507,
21 and 85-508, Reissue Revised Statutes of Nebraska, 1943,
22 are repealed.”.

(Signed) David Landis, Chairperson

SELECT FILE

LEGISLATIVE BILL 772. E & R amendments, AM5245, found in the Journal on page 817 for the Twenty-Sixth Day were adopted.

Mr. Chambers renewed his pending amendment (1) found in the Journal on page 775.

MR. V. JOHNSON PRESIDING

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 26:

Baack	Goll	Hefner	Lundy	Rupp
Barrett	Goodrich	Hoagland	Marsh	Scofield
Beyer	Haberman	Johnson, R.	Nelson	Smith
Carsten	Hannibal	Johnson, V.	Nichol	Warner
Chizek	Harris	Landis	Remmers	Withem
Conway				

Present and not voting, 17:

Abboud	Hartnett	Lamb	Morehead	Schmit
Chronister	Higgins	Lynch	Peterson	Sieck
DeCamp	Johnson, L.	Miller	Pirsch	Wesely
Hall	Labedz			

Excused and not voting, 4:

Eret	Pappas	Rogers	Vickers
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The Chambers amendment lost with 1 aye, 26 nays, 17 present and not voting, and 4 excused and not voting.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers renewed his pending amendment (2) found in the Journal on page 775.

Mr. Chizek moved the previous question. The question is, "Shall the debate now close?"

Mr. Chizek moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 39 not voting.

The motion to cease debate prevailed with 27 ayes, 1 nay, 18 present and not voting, and 2 excused and not voting.

Mr. Chambers withdrew his pending amendment (2) found in the Journal on page 775.

Mr. Chambers renewed his pending amendment (4) found in the Journal on page 775.

The Chambers amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Mr. Chambers withdrew his pending amendment (3) found in the Journal on page 775.

Pending.

The Chair declared the call raised.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 795. E & R amendments, AM5290, found in the Journal on page 1101 for the Thirty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 795A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 899. E & R amendments, AM5285, found in the Journal on page 1102 for the Thirty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 969. E & R amendments, AM5286, found in the Journal on page 1102 for the Thirty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 975. E & R amendments, AM5293, found in the Journal on page 1129 for the Thirty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 967. E & R amendments, AM5297, found in the Journal on page 1131 for the Thirty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 973. E & R amendments, AM5296, found in the Journal on page 1131 for the Thirty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 888. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 901. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 896. E & R amendments, AM5300, found in the Journal on page 1133 for the Thirty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 948. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1045. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1052. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 891. E & R amendments, AM5303, found in the Journal on page 1133 for the Thirty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 756. E & R amendment, AM5304, found in the Journal on page 1133 for the Thirty-Sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 762. E & R amendment, AM5305, found in the Journal on page 1134 for the Thirty-Sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1037. E & R amendments, AM5306, found in the Journal on page 1134 for the Thirty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1037A. E & R amendment, AM5307, found in the Journal on page 1134 for the Thirty-Sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1035. E & R amendments, AM5308, found in the Journal on page 1134 for the Thirty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1246. E & R amendments, AM5320, found in the Journal on page 1146 for the Thirty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 675. E & R amendments, AM5315, found in the Journal on page 1149 for the Thirty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1228. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 971. E & R amendment, AM5310, found in the Journal on page 1150 for the Thirty-Sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 992. E & R amendments, AM5311, found in the Journal on page 1150 for the Thirty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 995. E & R amendments, AM5312, found in the Journal on page 1151 for the Thirty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1108. E & R amendment, AM5313, found in the Journal on page 1151 for the Thirty-Sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 757. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 757A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 912. E & R amendment, AM5321, found in the Journal on page 1151 for the Thirty-Sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1129. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1159. E & R amendment, AM5319, found in the Journal on page 1152 for the Thirty-Sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1229. E & R amendment, AM5314, found in the Journal on page 1152 for the Thirty-Sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 887. E & R amendment, AM5299, found in the Journal on page 1132 for the Thirty-Sixth Day was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 817 in the Journal. No objections. So ordered.

AM2363

- 1 1. Insert the following new section:
- 2 "Section 1. That section 77-202, Revised
- 3 Statutes Supplement, 1985, be amended to read as
- 4 follows:
- 5 77-202. (1) The following property shall be
- 6 exempt from taxes:
- 7 (a) The property of the state and its
- 8 governmental subdivisions;
- 9 (b) Property owned by and used exclusively for
- 10 agricultural and horticultural societies;
- 11 (c) Property owned by educational, religious,
- 12 charitable, or cemetery organizations and used
- 13 exclusively for educational, religious, charitable, or
- 14 cemetery purposes, when such property is not (i) owned
- 15 or used for financial gain or profit to either the owner

16 or user, (ii) used for the sale of alcoholic liquors for
17 more than twenty hours per week, or (iii) owned or used
18 by an organization which discriminates in membership or
19 employment based on race, color, or national origin.
20 For purposes of this subdivision, educational
21 organization shall mean an institution operated
1 exclusively for the purpose of offering regular courses
2 with systematic instruction in academic, vocational, or
3 technical subjects or a museum or historical society
4 operated exclusively for the benefit and education of
5 the public, and charitable organization shall mean an
6 organization operated exclusively for the purpose of the
7 mental, social, or physical benefit of the public or an
8 indefinite number of persons; and

9 (d) Household goods and personal effects when
10 such property is not owned or used for financial gain or
11 profit to either the owner or user.

12 (2) The increased value of land by reason of
13 shade and ornamental trees planted along the highway
14 shall not be taken into account in the assessment of
15 such land.

16 (3) The premiums received by any insurance
17 company authorized to do business in this state on
18 pension, profit-sharing, and other employee benefit
19 plans which are described in section 805(d)(1) of the
20 Internal Revenue Code of 1954, as amended as of January
21 1, 1965, shall be exempt from taxes.

22 (4) Life insurance and life insurance annuity
23 contracts and any payment connected therewith and any
24 right to pension or retirement payments shall be exempt
1 from the intangible tax.

2 (5) Vehicles registered under section
3 60-305.09 and paying the registration fees prescribed in
4 such section shall be exempt from payment of ad valorem
5 taxes.

6 (6) Agricultural income-producing machinery
7 and equipment shall be exempt from the personal property
8 tax except: (a) Motor vehicles, as defined in section
9 60-301; (b) property assessed by the Tax Commissioner as
10 provided in sections 77-601 to 77-633; (c) property
11 owned by parties deemed public service companies subject
12 to the provisions of sections 77-801 to 77-803; and (d)
13 any building or fixture, whether permanently attached to
14 the land or not.

15 (7) Business inventory, which shall include

16 any property held for resale, lease, or rental, shall be
17 exempt from the personal property tax.

18 (8) Feed, fertilizer, and farm inventory shall
19 be exempt from the personal property tax.

20 (9) Grain, seed, livestock, poultry, fish,
21 honeybees, and fur-bearing animals shall be exempt from
22 the personal property tax.”.

23 2. On page 21, line 10, after “sections”
24 insert “77-202,”.

1 3. Renumber the remaining sections
2 accordingly.

Messrs. Chizek, Schmit, and R. Johnson asked unanimous consent
to print the following amendment to LB 491 in the Journal. No
objections. So ordered.

(Amendments printed separate from the Journal and on file in the
Clerk’s Office - Room 1102 - AM2325.)

STANDING COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 1164. Placed on General File as amended.
Standing Committee amendment to LB 1164:
AM2316

1 1. On page 2, line 14, after “state” insert
2 “which has greater than one hundred thousand
3 inhabitants”.

(Signed) Ron Withem, Chairperson

Judiciary

LEGISLATIVE BILL 69. Indefinitely postponed.

(Signed) Peter Hoagland, Chairperson

UNANIMOUS CONSENT - Unbracket LB 452

Mr. Harris asked unanimous consent to unbracket LB 452. No
objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 881 in the Journal. No objections. So ordered.

Page 3, line 25, New (6) as follows:

“(6) Subsection (5) of this section shall not be applicable when the tank or container’s owner can show that the tank or container has been properly prepared for alternative use. Standards for such preparation shall be adopted and promulgated by the State Fire Marshal pursuant to this section.”

Mr. Lynch asked unanimous consent to print the following amendment to LB 895 in the Journal. No objections. So ordered.

AM2397

1 1. Strike the original sections and all
2 amendments thereto and insert the following new
3 sections:
4 “Section 1. The Legislature recognizes the
5 increasing number of proposals mandating or offering
6 health care coverages or services by insurance or
7 otherwise, health care service contractors, and health
8 maintenance organizations as a component of insurance
9 policies or employee welfare benefit plans. Improved
10 access to health care services to segments of the
11 population which desire such services can provide
12 beneficial social and health consequences which may be
13 in the public interest.
14 The cost ramifications of expanding health
15 care coverages and services are a growing concern. The
16 structures of such coverages or services and the steps
17 taken to create incentives to provide cost-effective
18 services or to take advantage of cost-offsetting
19 features of services can significantly influence the
20 cost impact of mandating particular coverages and
21 services.

1 Sec. 2. For purposes of this act, health care
2 coverages or services shall mean any services rendered
3 for a fee included in the furnishing to any individual
4 of medical or other services incident to the furnishing
5 of such care, as well as the furnishing to any person of
6 any and all other services for the purpose of
7 preventing, alleviating, curing, or healing human
8 illness or injury.

9 Sec. 3. No legislative proposal to mandate or
10 require the offering of health care coverages or

- 11 services shall apply to any insurer unless the proposal
12 applies equally to employee welfare benefit plans
13 described in 29 U.S.C. 1001, et seq., as amended.”.

SELECT FILE

LEGISLATIVE BILL 772. Considered.

Messrs. Hoagland, DeCamp, Chizek, and V. Johnson withdrew their pending amendment, AM2317, found in the Journal on page 1160.

Mr. DeCamp offered the following amendment:

- 1 1. On page 3, line 3, strike “. or any”; in
2 line 4 strike “technique”; in line 12 strike “. or
3 technique”; and in line 14 strike “persons intend” and
4 insert “person intends”.
- 5 2. On page 4, strike lines 8 through 21.
- 6 3. Renumber remaining sections accordingly.
4. Page 3 line 15 strike the words “or techniques”
and insert the word “or” after “practice”

Mr. Hoagland moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 25 ayes, 0 nays, and 23 not voting.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

The DeCamp amendment was adopted with 25 ayes, 1 nay, 20 present and not voting, and 2 excused and not voting.

Mr. Chambers withdrew his pending amendments (5) and (6) found in the Journal on page 776.

Mr. DeCamp withdrew his pending amendment found in the Journal on page 786.

Mr. Hannibal and Ms. Scofield asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Engrossment with 26 ayes, 1 nay, 17 present and not voting, and 4 excused and not voting.

VISITORS

Visitors to the Chamber were 7 students and teachers from Emmanuel Lutheran School, York; Norm Hubertus and George Moats; 17 seniors and teacher from Coleridge High School; and 150 students and teacher from Millard South High School, Omaha.

RECESS

At 12:06 p.m., on a motion by Mr. Eret, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:34 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Lamb and Rogers who were excused; and Messrs. Barrett, Chronister, Hall, Peterson, and Mrs. Pirsch who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 1041. Title read. Considered.

Standing Committee amendments, AM2159, printed separate from the Journal and referred to on page 896 for the Twenty-Eighth Day were considered.

Mr. Schmit offered the following amendment to the Standing Committee amendments:

AM2352

(Amendments to Standing Committee amendments)

- 1 1. Strike section 5.
- 2 2. On page 11, strike beginning with "and" in
- 3 line 11 through line 12.
- 4 3. Renumber the remaining sections
- 5 accordingly.

MR. HANNIBAL PRESIDING

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmit withdrew his pending amendment, AM2352.

Mr. Harris moved the previous question. The question is, "Shall the debate now close?"

Mr. V. Johnson moved for a call of the house. The motion prevailed with 8 ayes, 2 nays, and 38 not voting.

The motion to cease debate lost with 21 ayes, 16 nays, and 11 not voting.

The Chair declared the call raised.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Rupp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 15 not voting.

Mrs. Labedz requested a record vote on the Standing Committee amendments.

Voting in the affirmative, 28:

Baack	Haberman	Johnson, R.	Miller	Remmers
Beyer	Hall	Johnson, V.	Morehead	Rupp
Chronister	Hannibal	Labedz	Nelson	Sieck
Conway	Harris	Landis	Pappas	Warner
DeCamp	Hefner	Lundy	Pirsch	Withem
Goll	Johnson, L.	Marsh		

Voting in the negative, 4:

Chambers	Higgins	Schmit	Wesely
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Present and not voting, 12:

Abboud	Chizek	Hartnett	Lynch	Smith
Barrett	Eret	Hoagland	Scofield	Vickers
Carsten	Goodrich			

Excused and not voting, 4:

Lamb	Nichol	Peterson	Rogers
------	--------	----------	--------

The Standing Committee amendments were adopted with 28 ayes, 4 nays, 12 present and not voting, and 4 excused and not voting.

Mr. Chambers offered the following amendment:

Add new sections - provisions contained in LB 72 (1985)

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. V. Johnson requested a ruling of the Chair on whether the Chambers amendment is germane to the bill.

The Chair ruled the Chambers amendment is not germane to the bill.

Mr. Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 22 not voting.

Mr. Chambers requested a record vote on the motion to challenge the Chair.

Voting in the affirmative, 10:

Baack	Hall	Higgins	Lynch	Pappas
Chambers	Hartnett	Labeledz	Morehead	Schmit

Voting in the negative, 24:

Abboud	Goodrich	Hoagland	Lundy	Scofield
Beyer	Haberman	Johnson, L.	Miller	Sieck
Carsten	Hannibal	Johnson, R.	Nelson	Warner
Chronister	Harris	Johnson, V.	Remmers	Withem
Conway	Hefner	Landis	Rupp	

Present and not voting, 11:

Barrett	Eret	Marsh	Pirsch	Vickers
Chizek	Goll	Peterson	Smith	Wesely
DeCamp				

Excused and not voting, 3:

Lamb Nichol Rogers

The Chambers motion lost with 10 ayes, 24 nays, 11 present and not voting, and 3 excused and not voting.

The Chair was sustained.

Pending.

SPEAKER NICHOL PRESIDING

UNANIMOUS CONSENT - Member Excused

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 358.

Introduced by Scofield, 49th District; Higgins, 9th District; Morehead, 30th District.

WHEREAS, the University of Nebraska-Lincoln women's basketball team has completed its 1985-86 basketball season; and

WHEREAS, Maurtice Ivy, a sophomore from Omaha who was the Big Eight's second-leading scorer during the season with a 21.9 points-per-game average, was named to the Big Eight All-Conference basketball team and to the sixth-team All-American basketball team by the Womens Basketball News Service; and

WHEREAS, Amy Stephens, a freshman from Alliance who was the highest-rated freshman in the Big Eight and who averaged 12.3 points-per-game, four rebounds per game, and four assists per game, was named to the first-team All-American freshman basketball team by the Womens Basketball News Service; and

WHEREAS, Angie Miller, a junior from Clatonia, was named to the tenth-team All American basketball team by the Womens Basketball News Service; and

WHEREAS, these women, their teammates, and Coach Kelly Hill and her staff should be congratulated on their individual accomplishments and strong team effort which they displayed this basketball season.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Maurtice Ivy, Amy Stephens, and Angie Miller on their outstanding accomplishments during this basketball season.

2. That the Legislature commends Coach Kelly Hill and the University of Nebraska-Lincoln women's basketball team for their hard work, dedication, and effort which they displayed all year.

3. That a copy of this resolution be sent to Coach Kelly Hill and the University of Nebraska-Lincoln women's basketball team.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 1041 in the Journal. No objections. So ordered.

AM2406

1 1. Insert the following new sections:
2 "Sec. 4. That section 9-196, Revised Statutes
3 Supplement, 1984, be amended to read as follows:
4 9-196. (1) Any county, city, or village which
5 conducts lotteries pursuant to section 28-1116 shall pay
6 to the department a tax of ~~two~~ five per cent of the
7 gross proceeds of the lotteries. Such tax shall be
8 remitted quarterly, within thirty days of the end of the
9 quarter, and shall be credited to the General Fund of
10 the state.

11 (2) Any organization licensed to conduct a
12 lottery or raffle pursuant to the Nebraska Bingo and
13 Lottery Control Act shall pay to the department a tax of
14 two per cent of the gross proceeds of each lottery
15 having gross proceeds of more than one thousand dollars
16 or raffle having gross proceeds of more than five
17 thousand dollars. Such tax shall be remitted quarterly,
18 within thirty days of the end of the quarter, on forms
19 approved and provided by the department and shall be
20 credited to the General Fund of the state.

21 Sec. 5. That section 28-1101, Revised
1 Statutes Supplement, 1984, be amended to read as
2 follows:

3 28-1101. As used in this article, unless the
4 context otherwise requires:

5 (1) A person advances gambling activity if,
6 acting other than as a player, he or she engages in
7 conduct that materially aids any form of gambling

8 activity. Conduct of this nature includes, but shall
9 not be limited to, conduct directed toward (a) the
10 creation or establishment of the particular game,
11 contest, scheme, device, or activity involved or (b) the
12 acquisition or maintenance of premises, paraphernalia,
13 equipment, or apparatus therefor;

14 (2) Bookmaking shall mean advancing gambling
15 activity by unlawfully accepting bets from members of
16 the public as a business upon the outcome of future
17 contingent events;

18 (3) A person profits from gambling activity
19 if, other than as a player, he or she accepts or
20 receives money or other property pursuant to an
21 agreement or understanding with any person whereby he or
22 she participates or is to participate in the proceeds of
23 gambling activity;

24 (4) A person engages in gambling if he or she
1 bets something of value upon the outcome of a future
2 event, which outcome is determined by an element of
3 chance, or upon the outcome of a game, contest, or
4 election, or conducts or participates in any lottery,
5 raffle, or scheme not authorized or conducted pursuant
6 to sections 28-1114 to 28-1116.01 or section 28-1116.02,
7 or conducts or participates in any bingo or lottery by
8 the sale of pickle cards not authorized or conducted
9 pursuant to the Nebraska Bingo and Lottery Control Act,
10 but a person does not engage in gambling by:

11 (a) Entering into a lawful business
12 transaction;

13 (b) Playing an amusement device or a
14 coin-operated mechanical game which confers as a prize
15 an immediate, unrecorded right of replay not
16 exchangeable for something of value;

17 (c) Conducting or participating in a prize
18 contest;

19 (d) Conducting or participating in a contest,
20 lottery, raffle, or gift enterprise conducted in
21 accordance with the provisions of sections 28-1113 to
22 28-1116.01 or section 28-1116.02; or

23 (e) Participating in or conducting bingo, a
24 lottery, a raffle, or a lottery by the sale of pickle
1 cards pursuant to the Nebraska Bingo and Lottery Control
2 Act;

3 (5) Gambling device shall mean any device,
4 machine, paraphernalia, writing, paper, instrument,

- 5 article, or equipment that is used or usable for
6 engaging in gambling, whether that activity consists of
7 gambling between persons or gambling by a person
8 involving the playing of a machine. ~~Gambling device~~
9 ~~shall also include any mechanical gaming device,~~
10 ~~computer gaming device, electronic gaming device, or~~
11 ~~video gaming device which has the capability of awarding~~
12 ~~monetary prizes, free games redeemable for monetary~~
13 ~~prizes, or tickets or stubs redeemable for monetary~~
14 ~~prizes, except as authorized in the furtherance of~~
15 ~~parimutuel wagering.~~ Bingo supplies and equipment as
16 defined in section 9-129, pickle cards as defined in
17 section 9-140.01, pickle card units as defined in
18 section 9-140.05 in the possession of a distributor
19 licensed under section 9-178, and tickets, cards, and
20 other items used in the playing phases of schemes
21 defined in sections 28-1113 to 28-1116.01 or section
22 28-1116.02 are not gambling devices within this
23 definition;
- 24 (6) Lottery shall mean a gambling scheme in
1 which (a) the players pay or agree to pay something of
2 value for chances, represented and differentiated by
3 numbers or by combinations of numbers or by some other
4 medium, one or more of which chances are to be
5 designated the winning ones, (b) the winning chances are
6 to be determined by a drawing or by some other method
7 based on an element of chance, and (c) the holders of
8 the winning chances are to receive cash or prizes
9 redeemable for cash. ~~Lottery shall not include any~~
10 ~~gambling scheme which uses any mechanical gaming device,~~
11 ~~computer gaming device, electronic gaming device, or~~
12 ~~video gaming device which has the capability of awarding~~
13 ~~monetary prizes, free games redeemable for monetary~~
14 ~~prizes, or tickets or stubs redeemable for monetary~~
15 ~~prizes.~~ Nothing in this subdivision shall be construed
16 to include any bingo as defined in section 9-127, any
17 raffle as defined in this section, or any scheme using
18 pickle cards pursuant to the Nebraska Bingo and Lottery
19 Control Act;
- 20 (7) Something of value shall mean any money or
21 property, any token, object, or article exchangeable for
22 money or property, or any form of credit or promise
23 directly or indirectly contemplating transfer of money
24 or property or of any interest therein, or involving
1 extension of a service or entertainment;

2 (8) Prize contest shall mean any competition
3 in which one or more competitors are awarded something
4 of value as a consequence of winning or achieving a
5 certain result in the competition and (a) the value of
6 such awards made to competitors participating in the
7 contest does not depend upon the number of participants
8 in the contest or upon the amount of consideration, if
9 any, paid for the opportunity to participate in the
10 contest or upon chance and (b) the value or identity of
11 such awards to be made to competitors is published
12 before the competition begins;

13 (9) Gift enterprise shall mean a game in which
14 prizes are offered and awarded to participants in such
15 games when no payment is required for participation
16 therein. For business promotion purposes only, such
17 games may require as a condition of participation the
18 evidence of the purchase of a product or other property,
19 except that the price charged for such product or other
20 property shall be no greater than it would be if no game
21 were involved; and

22 (10) Raffle shall mean any gambling scheme in
23 which: (a) Participants pay or agree to pay something of
24 value for an opportunity to win something of value; (b)
1 winning opportunities are represented by tickets or
2 cards differentiated by numbers sequentially enumerated;
3 and (c) winners are determined by a random drawing of
4 the tickets or cards. At least eighty per cent of all
5 prizes awarded shall be merchandise that is not
6 redeemable or convertible into cash directly or
7 indirectly by the licensed organization. Nothing in
8 this subdivision shall be construed to include any bingo
9 as defined in section 9-127 nor any lottery by the sale
10 of pickle cards as defined in section 9-140.01.”

11 2. On page 7, line 9, strike “is” and insert
12 “and sections 9-196 and 28-1101, Revised Statutes
13 Supplement, 1984, and also section 28-1116.02, Revised
14 Statutes Supplement, 1984, are”.

15 3. Renumber the remaining sections
16 accordingly.

Mrs. Higgins asked unanimous consent to print the following
amendment to LB 788 in the Journal. No objections. So ordered.

AM2347

1 1. On page 4, line 4, strike “IV felony for

- 2 each", show as stricken, and insert "III felony for the
3 first offense and shall be guilty of a Class II felony
4 for each subsequent".

Mr. Carsten asked unanimous consent to print the following amendment to LB 992 in the Journal. No objections. So ordered.

AM2235

- 1 1. On page 5, line 2, strike "a", show as
2 stricken, and insert "two" and strike "copy", show as
3 stricken, and insert "copies"; and strike beginning with
4 "Each" in line 16 through the period in line 19 and show
5 as stricken.
6 2. On page 8, line 24, strike the period,
7 show as stricken, and insert "; and".
8 3. On page 9, strike beginning with "(2)" in
9 line 13 through "and" in line 16 and show the old matter
10 as stricken; in line 17 strike "(3)" and insert "(2)";
11 and in lines 19 and 24 after "filed" insert an
12 underscored comma.
13 4. On page 10, lines 3, 8, 12, and 17 after
14 "filed" insert an underscored comma.
15 5. Insert the following new section:
16 "Sec. 11. The Revisor of Regulations shall
17 deliver to the Secretary of State all records and
18 materials pertaining to administrative rules and
19 regulations on file in the office of the Revisor of
20 Regulations, including all office equipment and
21 furniture used in maintaining such rules and
1 regulations.".
2 6. Renumber remaining section accordingly.

ANNOUNCEMENT

Mr. Carsten announced there will be an Executive Board meeting Thursday, March 6, 1986 at 9:00 a.m., in Room 2102.

MESSAGE FROM THE GOVERNOR

March 5, 1986

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the position of State Senator, 28th District, effective March 5, 1986.

Appointee:

James D. McFarland, Lincoln, Nebraska

This appointment is respectfully submitted.

Sincerely,
(Signed) ROBERT KERREY
Governor

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 992A. By Carsten, 2nd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 992, Eighty-ninth Legislature, Second Session, 1986.

UNANIMOUS CONSENT - Members Excused

Messrs. R. Johnson and Harris asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1041. Mr. Chambers offered the following amendment:

Amend committee amendment:

Page 1, lines 5, 6 and wherever else the word "exotic" appears, strike "exotic" and insert "sucker".

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 3:

Baack Chambers Higgins

Voting in the negative, 17:

Carsten	Hefner	Labedz	Nelson	Rupp
Conway	Hoagland	Landis	Pirsch	Smith
Goodrich	Johnson, L.	Marsh	Remmers	Warner
Hall	Johnson, V.			

Present and not voting, 22:

Abboud	Eret	Lundy	Nichol	Sieck
Barrett	Goll	Lynch	Pappas	Vickers
Beyer	Haberman	Miller	Peterson	Wesely
Chronister	Hannibal	Morehead	Scofield	Withem
DeCamp	Hartnett			

Excused and not voting, 6:

Chizek	Johnson, R.	Lamb	Rogers	Schmit
Harris				

The Chambers amendment lost with 3 ayes, 17 nays, 22 present and not voting, and 6 excused and not voting.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 29 ayes, 2 nays, 10 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1041A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1038. Title read. Considered.

Standing Committee amendment, AM2137, found in the Journal on page 903 for the Twenty-Eighth Day was adopted with 25 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mrs. Pirsch asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Lundy moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 23 not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1114A. By V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1114, Eighty-ninth Legislature, Second Session, 1986; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Mr. Sieck asked unanimous consent to print the following amendment to LB 1177 in the Journal. No objections. So ordered.

AM2382

- 1 1. On page 20, in lines 13 and 14, strike
- 2 "educable children with mental disabilities."
- 3 2. On page 4, line 6; page 7, lines 19 and
- 4 20; page 8, line 10; page 9, line 20; page 10, line 17;
- 5 page 15, line 21; page 34, line 1; page 40, line 2; page
- 6 51, lines 6 and 18; and page 60, line 1, strike "mental
- 7 illness" and insert "a mental disorder".

UNANIMOUS CONSENT - Add Co-Introducers

Messrs. Hoagland, Barrett, and Baack asked unanimous consent to have their names added as co-introducers to LB 516. No objections. So ordered.

VISITORS

Visitors to the Chamber were 44 fourth grade students and teachers from Howard School, Fremont; and Wayne and Darlene Schroeder from Lincoln.

ADJOURNMENT

At 4:27 p.m., on a motion by Mrs. Marsh, the Legislature adjourned until 9:00 a.m., Thursday, March 6, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-EIGHTH DAY - MARCH 6, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 6, 1986

Pursuant to adjournment, the Legislature met at 9:07 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Rev. Stanley R. Schrag, Grace Community Evangelical Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Hannibal, Lynch, Peterson, Rogers, Schmit, Warner, Withem, Mesdames Higgins, and Labeledz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Seventh Day was approved.

ANNOUNCEMENT

The Chair announced that Saturday is Senator Hall's birthday.

GENERAL FILE

LEGISLATIVE BILL 579A. Title read. Considered.

Ms. Scofield offered the following amendment:

AM2249

- 1 1. On page 2, line 2, strike "\$58,786" and

2 insert "\$29,393"; and in line 11 strike "\$40,578" and
3 insert "\$20,289".

4 2. Insert the following new sections:

5 "Sec. 2. There is hereby appropriated \$29,393
6 from the Licensed Professional Counselor Fund for the
7 period July 1, 1986, to June 30, 1987, to the Department
8 of Health, for Program 178, to aid in carrying out the
9 provisions of Legislative Bill 579, Eighty-ninth
10 Legislature, Second Session, 1986.

11 Total expenditures for permanent and temporary
12 salaries and per diems from funds appropriated in this
13 section shall not exceed \$20,289 for the period July 1,
14 1986, to June 30, 1987.

15 Sec. 3. On or before June 30, 1987, the State
16 Treasurer shall transfer \$29,393 from the Bureau of
17 Examining Boards' Cash Fund to the General Fund to
18 reimburse the General Fund for the appropriation
19 provided for in section 2 of this act."

The Scofield amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

ANNOUNCEMENT

The Chair announced that Saturday is Senator Vickers' birthday.

GENERAL FILE

LEGISLATIVE BILL 804A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 829A. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 899A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 1114A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 992A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1114. E & R amendments, AM5292, printed separate from the Journal and referred to on page 1125 for the Thirty-Fifth Day were adopted.

Mr. V. Johnson offered the following amendment:
AM2412

(Amendments to AM5292)

- 1 1. Strike sections 10, 13, 14, 17, and 18 and
- 2 insert the following new sections:
- 3 "Sec. 10. That section 77-908, Revised
- 4 Statutes Supplement, 1984, be amended to read as
- 5 follows:
- 6 77-908. Every ~~foreign or alien~~ insurance
- 7 company organized under the stock, mutual, assessment,
- 8 or reciprocal plan and every nonprofit hospital service
- 9 corporation, except fraternal benefit societies, which
- 10 is are transacting business in this state, ~~except~~
- 11 ~~fraternal beneficiary associations,~~ shall on or before
- 12 ~~March 1 of each year~~ May 1, 1986, and March 1 of each
- 13 year thereafter, in lieu of any other intangible
- 14 property tax, pay a tax to the director of one two per
- 15 cent of the gross amount of ~~direct-writing~~
- 16 direct-writing premiums received by it during the
- 17 preceding calendar year for business done in this state,
- 18 except that (1) for group sickness and accident
- 19 insurance the rate of such tax shall be five-tenths of
- 20 one per cent and (2) for property and casualty
- 1 insurance, excluding individual sickness and accident
- 2 insurance, the rate of such tax shall be six-tenths of
- 3 one per cent for the 1985 taxable year, seven-tenths of
- 4 one per cent for the 1986 taxable year, eight-tenths of
- 5 one per cent for the 1987 taxable year, and one per cent

6 for the 1988 taxable year and each year thereafter. The
7 taxable life insurance premiums shall include premiums
8 paid on the lives of persons residing in this state and
9 premiums paid for risks located in this state whether
10 the insurance was written in this state or not,
11 including that portion of a group premium paid which
12 represents the premium for insurance on Nebraska
13 residents or risks located in Nebraska included within
14 the group when the number of residents in the group
15 exceeds five hundred. The tax shall also apply to
16 premiums received by domestic companies for insurance
17 written on individuals residing outside this state or
18 risks located outside this state if no comparable tax is
19 paid by the direct-writing domestic company to any other
20 appropriate taxing authority. Companies whose scheme of
21 operation contemplates the return of a portion of
22 premiums to policyholders, without such policyholders
23 being claimants under the terms of their policies, may
24 deduct such return premiums or dividends from their
1 gross premiums for the purpose of tax calculations. Any
2 such insurance company shall receive a credit on the tax
3 imposed as provided in the Community Development
4 Assistance Act.

5 Sec. 13. That section 77-912, Reissue Revised
6 Statutes of Nebraska, 1943, be amended to read as
7 follows:

8 77-912. The Director of Insurance shall
9 transmit one half of the taxes paid in conformity with
10 the provisions of sections 77-907 to 77-914 Chapter 44,
11 article 1, and Chapter 77, article 9, to the State
12 Treasurer and one half of such taxes paid to the General
13 Fund promptly upon completion of his or her audit and
14 examination; and in no event later than June 1, 1986,
15 and May 1 of each year thereafter. May 1 of the year in
16 which the tax has been received; Provided, that in the
17 event there is a dispute as to the amount of the tax
18 payable, the proceeds of the tax need not be transmitted
19 by the director to the State Treasurer until the
20 disposition of the controversy.

21 Sec. 14. (1) Commencing with taxes imposed
22 for 1985 or any subsequent year, if a taxpayer believes
23 any tax imposed pursuant to Chapter 77, article 9, is
24 unconstitutional and chooses to challenge such tax, the
1 taxpayer shall pay the tax under protest and within
2 thirty days after payment or within thirty days after

3 the effective date of this section, whichever is later,
4 initiate a court challenge to the tax in the district
5 court of Lancaster County, which challenge shall be
6 heard by the district court de novo.

7 (2) If, by judgment or final order of any
8 court of competent jurisdiction in this state in an
9 action not pending on appeal or error, it shall be
10 adjudged and determined that such taxes are
11 unconstitutional, such taxes shall be refunded only by
12 applying such refund as a credit against the payment of
13 any such tax falling due thereafter unless special
14 circumstances, as determined by the director, require a
15 refund.

16 Sec. 17. For all taxable years commencing on
17 or after January 1, 1986, insurers transacting insurance
18 in this state whose annual tax for the preceding taxable
19 year was four thousand dollars or more shall make
20 prepayments of the annual taxes imposed pursuant to
21 Chapter 77, article 9, and related retaliatory taxes
22 imposed pursuant to Chapter 44, article 1.

23 Each insurer required to make prepayments
24 shall remit such prepayments on or before April 15, June
1 15, and September 15 of the current taxable year.
2 Remittance for such prepayments shall be accompanied by
3 a prepayment form prescribed by the director.

4 The amount of each such prepayment shall be at
5 least one-fourth of either (1) the total tax paid for
6 the immediately preceding taxable year or (2) eighty per
7 cent of the actual tax due for the current taxable year.

8 The director, for good cause shown, may extend
9 for not more than ten days the time for making a
10 prepayment. The extension may be granted at any time if
11 a request for such extension is filed with the director
12 within or prior to the period for which the extension
13 may be granted. Insurers who fail to pay any premium or
14 retaliatory tax, including prepayments, when due shall
15 pay interest at the rate prescribed by section
16 45-104.01, as such rate may from time to time be
17 adjusted by the Legislature, until such tax is paid.
18 Any insurer who fails to make the prepayments within the
19 prescribed time period or to obtain an extension shall
20 be subject to the penalties prescribed in section
21 77-911.

22 The director shall immediately deposit one
23 half of the prepayments received in the Premium and

24 Retaliatory Tax Suspense Fund, which fund is hereby
1 created and one half of the prepayments received in the
2 General Fund. On May 1 of each year the director shall
3 transfer all of the interest earned in the Premium and
4 Retaliatory Tax Suspense Fund on the immediately
5 preceding year's prepayments to the General Fund and
6 transfer the balance of the preceding year's prepayments
7 deposited in the Premium and Retaliatory Tax Suspense
8 Fund to the Insurance Tax Fund. Any money in the
9 Premium and Retaliatory Tax Suspense Fund available for
10 investment shall be invested by the state investment
11 officer pursuant to sections 72-1237 to 72-1269.

12 Sec. 18. That section 77-913, Reissue Revised
13 Statutes of Nebraska, 1943, be amended to read as
14 follows:

15 77-913. The State Treasurer shall receive the
16 funds paid ~~under the provisions of sections 77-907 to~~
17 ~~77-914 pursuant to Chapter 77, article 9, and shall keep~~
18 all money received in a separate fund to be known as the
19 Insurance Tax Fund. Prior to July 1, 1986, and June 1 of
20 each year thereafter, the State Treasurer shall disburse
21 all of the funds in the Insurance Tax Fund on ~~May 1 last~~
22 past June 1, 1986, and May 1 of each year thereafter, as
23 follows:

24 ~~(1) Fifty per cent of the total shall be~~
1 ~~transferred to the state General Fund; and~~

2 ~~(1) Ten (2) Fifty per cent of the total shall~~
3 be allocated to the counties proportionately in the
4 proportion that the population of each county bears to
5 the entire state, as shown by the last United States
6 government census;

7 ~~(2) Thirty per cent of the total shall be~~
8 allocated to incorporated municipalities proportionately
9 in the proportion that the population of each
10 incorporated municipality bears to the total population
11 of all incorporated municipalities, as determined by the
12 last United States government census; and

13 ~~(3) Sixty per cent of the total shall be~~
14 allocated to the State Department of Education for
15 distribution to school districts based on the pro rata
16 enumeration of children between the ages of five and
17 eighteen years in each school district. The
18 Commissioner of Education shall certify the amount
19 allocated to each school district to the Director of
20 Administrative Services who shall, on July 1, 1986, and

21 June 1 of each year thereafter, draw a warrant on the
22 State Treasurer in favor of each such school district
23 for the respective amounts so certified by the
24 commissioner."

Mr. V. Johnson offered the following amendment to the pending V. Johnson amendment:

To amend AM2412 to LB 1114, on page 2, line 14 strike "residents" and insert "lives".

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

The V. Johnson amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 21 not voting.

The V. Johnson amendment, as amended, was adopted with 35 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 701. Placed on Select File as amended.
E & R amendments to LB 701:

AM5325

- 1 1. In the Standing Committee amendments,
2 AM1682, adopted February 25, 1986:
 - 3 a. On page 3, line 17, strike "(c)" and insert
4 "(C)"; and
 - 5 b. On page 4, line 23, strike the last "and";
6 in line 24 strike "through 27" and insert "and 26"; in
7 line 25 after "matter" insert "; and in lines 25 and 27
8 strike "and".
- 9 2. Strike original sections 9, 12, and 15,
10 and all amendments thereto.
- 11 3. Renumber the remaining sections
12 accordingly.
- 13 4. On page 1, line 2, strike "and" and insert
14 a comma; in line 3 strike "71-4716" and insert "71-4709,

15 71-4711, 71-4712, 71-4714, and 71-4715"; in lines 4 to 5
16 strike "and change its membership"; and strike beginning
17 with "or" in line 6 through "instruments" in line 7 and
18 insert "; to change provisions relating to dispensers
19 and fitters of hearing aids; to eliminate a grace period
20 for renewal of licenses; to provide a fee for
21 examination; to change provisions relating to licenses,
1 permits, and fees; to eliminate a power and duty of the
2 Department of Health".

3 5. On page 3, line 12, strike "and
4 dispensing".

5 6. On page 4, line 4, strike the comma and
6 show as stricken.

7 7. On page 6, strike beginning with "who" in
8 line 8 through "or" in line 9 and show as stricken.

9 8. On page 7, lines 4 and 6, strike the
10 comma; in line 5 after "suspension" insert an
11 underscored comma.

12 9. On page 8, line 18, strike "hearing aid"
13 and show as stricken and strike "instrument"; and in
14 line 19 strike "dispensers" and strike "and fitters" and
15 show as stricken.

16 10. On page 11, lines 4 and 22, strike the
17 comma and show as stricken.

18 11. On page 12, line 1, after "of" insert
19 "the"; and in line 2 after "complaint" insert an
20 underscored comma.

21 12. On page 18, strike beginning with "as" in
22 line 2 through line 8, show the old matter as stricken,
23 and insert an underscored period; and in lines 13 and 14
24 strike the semicolon, show as stricken, and insert an
1 underscored comma.

2 13. On page 19, line 23, strike "and" and
3 insert a comma and strike "71-4716" and insert "71-4709,
4 71-4711, 71-4712, 71-4714, and 71-4715".

LEGISLATIVE BILL 267. Placed on Select File as amended.
E & R amendment to LB 267:
AM5323

1 1. On page 1, strike beginning with "amend"
2 in line 1 through line 11 and insert "define the term
3 dental assistant."

(Signed) Timothy Hall, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 817 in the Journal. No objections. So ordered.

AM2389

- 1 1. Insert the following new section:
- 2 "Sec. 9. That section 77-1301.01, Revised
- 3 Statutes Supplement, 1985, be amended to read as
- 4 follows:
- 5 77-1301.01. The Tax Commissioner shall by
- 6 rule establish standards for the reappraisal of all
- 7 lands and improvements in the various counties. The
- 8 standards established shall require that all
- 9 reappraisals shall be based upon the use of appraisal
- 10 manuals developed pursuant to section 77-1330 and shall
- 11 be such as to assure the determination of actual value
- 12 on a consistent basis in accordance with the formulas
- 13 prescribed in sections 77-112 and 77-201 and the
- 14 equalization of values. The Tax Commissioner shall also
- 15 establish standards for reappraisal contracts which
- 16 shall, among other provisions, require that all such
- 17 contracts shall require the use of appraisal manuals
- 18 developed pursuant to section 77-1330. No , ~~that no~~
- 19 reappraisal contract shall be valid until approved in
- 20 writing by the Tax Commissioner, ~~and that payment of~~
- 1 ~~the final ten per cent of the contract price shall not~~
- 2 ~~be made until the reappraisal has been approved by the~~
- 3 ~~Tax Commissioner. The approval of the reappraisal by~~
- 4 ~~the Tax Commissioner shall be made only after the Tax~~
- 5 ~~Commissioner has held a public hearing regarding such~~
- 6 ~~approval. Such hearing shall be held in accordance with~~
- 7 ~~Chapter 84, article 9."~~
- 8 2. On page 14, line 12, strike the comma and
- 9 insert an underscored period; and strike lines 14
- 10 through 22 and show the old matter as stricken.
- 11 3. On page 21, line 10, after the fourth
- 12 comma insert "77-1301.01,".
4. Renumber remaining sections accordingly.

Mr. Haberman asked unanimous consent to print the following amendment to LB 1105 in the Journal. No objections. So ordered.

AM1912

- 1 1. Strike original section 2 and insert the

2 following new section:

3 "Sec. 2. That section 77-421, Revised
4 Statutes Supplement, 1984, be amended to read as
5 follows:

6 77-421. The Tax Commissioner shall, ~~in~~
7 ~~February and September of each year,~~ hold an examination
8 examinations of applicants for certification as county
9 assessor. An applicant for the examination shall
10 contact the Tax Commissioner to make an appointment to
11 take such examination and, after making such
12 appointment, shall, not less than ten days before an
13 examination, present to the Tax Commissioner written
14 application on forms provided by the Tax Commissioner.
15 Such application shall ~~not be considered by the Tax~~
16 ~~Commissioner unless~~ accompanied by a payment of a fee ~~in~~
17 ~~the sum of ten dollars~~ to the order of the Tax
18 Commissioner. The amount of such fee shall be
19 determined annually by the Tax Commissioner and shall be
20 sufficient to cover the costs of the examination. Such
21 examination shall be written and shall be of such
1 character as fairly to test and determine the
2 qualifications, fitness, and ability of the person
3 tested actually to perform the duties of county
4 assessor. The Tax Commissioner shall prepare such
5 examination."

Mr. Haberman asked unanimous consent to print the following amendment to LB 1105 in the Journal. No objections. So ordered.

AM1913

1 1. On page 2, line 9, strike "from the county
2 general fund", show as stricken, and insert "by the
3 State of Nebraska"; in lines 10 through 12 strike the
4 new matter; in line 13 strike "The" and insert "Such
5 costs and expenses shall include the"; and in lines 17
6 and 18 strike the new matter.

Mr. Vickers asked unanimous consent to print the following amendment to LB 997 in the Journal. No objections. So ordered.

AM2342

1 1. Insert the following new sections:
2 "Sec. 7. There is hereby established the
3 educational service unit planning committee. The
4 educational service unit planning committee, also known

5 as the planning committee, shall be composed of at least
6 seven members and no more than ten members who shall be
7 appointed by the State Board of Education upon the
8 recommendation of the Commissioner of Education. The
9 members appointed shall be representative of all
10 geographic areas of the state on a substantially equal
11 basis. The planning committee shall solicit
12 participation from representatives of (1) parents of
13 public school students, (2) boards of education and
14 school boards of the school districts, (3) teachers, (4)
15 public school administration, (5) educational service
16 unit boards, (6) educational service unit
17 administration, (7) educational service unit employees,
18 and (8) small businesses. Staff for the planning
19 committee shall be designated by the research division
20 of the Legislative Council and the Commissioner of
21 Education.

1 Sec. 8. (1) The planning committee shall
2 address the following issues:

3 (a) The need for changes in boundaries in
4 order to provide services to schools and students in an
5 effective and efficient manner;

6 (b) The types of services which should be
7 provided by educational service units and whether
8 certain types of services should be provided on a
9 uniform basis by all educational service units across
10 the state;

11 (c) The most equitable means of financing the
12 services including a consideration of state and local
13 tax sources and methods to equalize the financial
14 resources and service capability of educational service
15 units;

16 (d) The need for procedures to evaluate
17 educational service unit programs to ensure quality,
18 efficiency, and effectiveness;

19 (e) The effectiveness and accountability of
20 elected lay boards as compared to boards appointed by or
21 from school board members; and

22 (f) The future role and mission of educational
23 service units in the state educational service delivery
24 system.

1 (2) The planning committee shall establish a
2 plan for the future role and structure of educational
3 service units in the state and shall present such plan
4 to the State Board of Education by August 1, 1987. The

5 board shall proceed to hold informational hearings on
6 the proposed plan and shall by December 1, 1987, adopt,
7 reject, or adopt with modification the proposed plan and
8 recommend to the Legislature any legislative changes in
9 boundaries, service, delivery, financing, evaluation,
10 governance, and role necessary to implement such plan.

11 Sec. 9. Sections 7 and 8 of this act shall
12 terminate on January 1, 1988.”.

13 2. Renumber the remaining section
14 accordingly.

Mr. Landis asked unanimous consent to print the following amendment to LB 844 in the Journal. No objections. So ordered.

AM2399

1 1. Insert the following new section:
2 “Section 1. That section 81-1311, Reissue
3 Revised Statutes of Nebraska, 1943, be amended to read
4 as follows:
5 81-1311. The departments and agencies of the
6 state shall have the following responsibilities:
7 (1) To appoint persons eligible and qualified
8 for employment;
9 (2) To promote to a new or vacant position any
10 eligible and qualified employee;
11 (3) To maintain a continuous supervision of
12 all of the positions in the department or agency, to
13 ascertain that current position titles and job
14 descriptions are accurate, and to initiate action for a
15 reclassification;
16 (4) To terminate the employment of, or to
17 demote, any employee or to transfer any employee from
18 one to another of such organization subcomponents as may
19 exist, or to take appropriate disciplinary action;
20 (5) To see to the administration within the
21 department or agency of such employee performance
1 evaluation systems as may be prescribed by the director;
2 (6) To initiate all merit increases for
3 employees of the department or agency;
4 (7) To see to the development of and
5 maintenance of such records of the personnel of the
6 department or agency as may be required by the operating
7 needs of the department or agency or the director, and
8 to provide such information concerning employees of the
9 department or agency as may be required by the director;

10 and

11 (8) To designate one or more representatives
12 to work with the State Personnel Office in the
13 development of the state personnel service.

14 Pursuant to subdivision (1) of this section,
15 agency appropriations may be used to reimburse selected
16 job applicants for actual travel, meals, and lodging
17 expenses incurred while traveling to and from the
18 prospective job site. The Department of Personnel shall
19 adopt and promulgate rules and regulations necessary to
20 carry out this section.”

21 2. On page 2, strike beginning with
22 “Academic” in line 12 through “employees” in line 14,
23 show the old matter as stricken, and insert “All
24 personnel”.

1 3. On page 3, lines 5, 7, 11, 14, 17, and 19,
2 strike “shall” and insert “may”.

3 4. On page 4, line 4, strike “section” and
4 insert “sections 81-1311 and”; and in line 5 strike “is”
5 and insert “are”.

6 5. Renumber the remaining sections
7 accordingly.

Mr. Lundy asked unanimous consent to print the following
amendment to LB 310 in the Journal. No objections. So ordered.

AM2402

(Amendments to Standing Committee amendments)

1 1. Insert the following new section:

2 “Sec. 43. That section 46-606, Reissue
3 Revised Statutes of Nebraska, 1943, be amended to read
4 as follows:

5 46-606. The Director of Water Resources shall
6 collect in advance a fee of ~~seven~~ twenty dollars ~~and~~
7 ~~fifty cents~~ for each well registered under the
8 provisions of sections 46-602 and 46-605. The director
9 shall pay such fees monthly into the state treasury and
10 the State Treasurer shall credit such fees to the
11 General Fund.”

12 2. On page 29, line 1, strike “section
13 46-602” and insert “sections 46-602 and 46-606”; and in
14 line 2 strike “is” and insert “are”.

15 3. Renumber remaining sections accordingly.

ATTORNEY GENERAL'S OPINION

Opinion No. 86029

March 5, 1986

To: Senator D. Paul Hartnett

Subject: Constitutionality of LB 1233 - Amendments to Various Crimes and Offenses

You have requested our opinion on three questions relating to the constitutionality of LB 1233. Generally, LB 1233 would amend the statutory provisions pertaining to certain crimes and offenses, including changing provisions relating to the unauthorized use of a propelled vehicle (Neb.Rev.Stat. §28-516 (Reissue 1979)); criminal mischief (Neb.Rev.Stat. §28-519 (Supp. 1984)); offenses against another committed by a confined person (Neb.Rev.Stat. §28-933 (Supp. 1984)); and the definition of gambling (Neb.Rev.Stat. §28-1101 (Supp. 1984)).

Initially, you ask whether LB 1233 violates the constitutional requirement that "{n}o bill shall contain more than one subject." Neb. Const., Art. III, Section 14.

The Nebraska Supreme Court has adopted a liberal construction with respect to this constitutional requirement. In Midwest Popcorn Co. v. Johnson, 152 Neb. 867, 872, 43 N.W.2d 174, 178 (1950), the court stated:

An act, no matter how comprehensive, is valid as containing but one subject if a single main purpose is within its purview and nothing is included within it except that which is naturally connected with and incidental to that main purpose.

LB 1233 relates to the broad subject of "crimes and offenses." The amendments proposed under the bill are all clearly related to and naturally connected with criminal offenses, including amending the definition of "gambling" and other terms contained in §28-1101. Based on the liberal interpretation of Article III, Section 14 adopted by the Nebraska Supreme Court, we conclude that LB 1233 does not contain more than one subject, and, therefore, does not violate this constitutional provision.

Your second question concerns whether LB 1233 violates the constitutional requirement that the subject of the bill "shall be clearly expressed in the title." Neb. Const., Art. III, Section 14.

It is well-established that a court will not hold legislation in violation of the title provision of Article III, Section 14 if the title calls attention to the subject matter of the bill, and the portion of the bill challenged is germane to the purpose announced in the title.

Blackledge v. Richards, 194 Neb. 188, 192, 231 N.W.2d 319, 323 (1975).

The title of LB 1233 expresses that the bill relates to "crimes and offenses," and, furthermore, that the bill proposes to amend §28-1101, and to "redefine terms." Section 4 of LB 1233, which provides for the amendment of §28-1101 by changing certain terms utilized in the definition of "gambling," is, in our opinion, within the subject matter expressed in the title, and is germane to the purpose announced in the title. Accordingly, we do not believe that LB 1233 violates the title provision of Article III, Section 14.

Your final question concerns whether the definition of "lottery" in Section 4 of LB 1233 is subject to constitutional attack as violative of due process on grounds of vagueness and overbreadth. Specifically, you ask whether the absence of specific definitions for the terms "roulette," "keno," "craps," "blackjack," "poker," and "any other gambling scheme commonly referred to as casino gambling," renders this portion of the bill unconstitutionally vague.

It is fundamental that, in order to satisfy the constitutional requirement of due process of law, a crime must be defined with sufficient definiteness to inform persons subject to its application what conduct will render them liable to its penalties. State v. Metzger, 211 Neb. 593, 595, 319 N.W.2d 459, 461 (1982). In State v. Shiffbauer, 197 Neb. 805, 808, 251 N.W.2d 359, 362 (1977), the court, discussing this requirement of due process, stated:

... {T}his prohibition against excessive vagueness does not invalidate every statute which a reviewing court believes could have been drafted with greater precision. All the Due Process Clause requires is that the law give sufficient warning that men may conform their conduct so as to avoid that which is forbidden.

Applying these principles to the questioned portion of LB 1233, we do not believe the lack of specific definitions of the terms "roulette," "keno," "craps," "blackjack," "poker," and "any other gambling scheme commonly referred to as casino gambling," renders this aspect of the bill unconstitutionally vague. In our view, the use of these terms alone provides sufficient notice and information as to what conduct is proscribed by the act.

Very truly yours,
ROBERT M. SPIRE
Attorney General

(Signed) L. Jay Bartel
Assistant Attorney General

LJB/bae

cc: Patrick J. O'Donnell
Clerk of the Legislature

GENERAL FILE**LEGISLATIVE BILL 991.** Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 993. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Mr. Haberman asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 994. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 996. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1131. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1017. Title read. Considered.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 22 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 881. Title read. Considered.

Mr. DeCamp renewed his pending amendment found in the Journal on page 1198.

The DeCamp amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 929. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 930. Title read. Considered.

MR. CARSTEN PRESIDING

Mr. Pappas asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1177. Title read. Considered.

Mr. Sieck renewed his pending amendment, AM2382, found in the Journal on page 1211.

The Sieck amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1063. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1048. Title read. Considered.

Mr. Conway asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1005. Title read. Considered.

Mr. Lundy asked unanimous consent to be excused until he returns.
No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1100. Title read. Considered.

Mr. Goll moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 30 not voting.

Mr. Goll requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 27:

Abboud	Hall	Labedz	Miller	Sieck
Barrett	Harris	Lamb	Nelson	Vickers
Beyer	Hartnett	Landis	Peterson	Warner
Carsten	Hefner	Lundy	Rogers	Wesely
Goll	Hoagland	Lynch	Scofield	Withem
Goodrich	Johnson, L.			

Voting in the negative, 16:

Baack	DeCamp	Johnson, R.	Nichol	Rupp
Chizek	Eret	Johnson, V.	Pirsch	Schmit
Chronister	Higgins	Morehead	Remmers	Smith
Conway				

Present and not voting, 1:

Marsh

Absent and not voting, 1:

Chambers

Excused and not voting, 3:

Haberman Hannibal Pappas

Advanced to E & R for Review with 27 ayes, 16 nays, 1 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1158. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1227. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 9 nays, 11 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1160. Title read. Considered.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1056. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 1 nay, 14 present and not voting, and 4 excused and not voting.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 1114A. Placed on Select File.

(Signed) Timothy Hall, Chairperson

SELECT FILE

LEGISLATIVE BILL 1114A. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Member Excused

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 771. Title read. Considered.

Standing Committee amendment, AM1856, found in the Journal on page 552 for the Fourteenth Day was adopted with 26 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 900. Title read. Considered.

Standing Committee amendment, AM1888, found in the Journal on page 572 for the Fifteenth Day was adopted with 25 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 900A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORT **Nebraska Retirement Systems**

LEGISLATIVE BILL 1139. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2356.)

(Signed) Bill Harris, Chairperson

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 5, 1986. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Kelley, Michael - Omaha, Nebraska Petroleum Marketers, Inc.
(Withdrawn 85/06/06)

Knapp, Patricia Ann - Lincoln, (Withdrawn 85/06/15), Nebraska
Coalition for Women (Withdrawn 85/06/15)
Peters, William E. - Lincoln, Nebraska Petroleum Marketers, Inc.
(Withdrawn 85/06/06)

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 525 in the Journal. No objections. So ordered.

AM2285

(Amendments to the Final Reading Copy)

- 1 1. On page 1, line 1, strike "marriage" and
2 insert "courts" and after "sections" insert
3 "24-342.02, "; and in line 4 after the semicolon insert
4 "to provide for the establishment of a fee schedule for
5 reporting services as prescribed;"
- 6 2. Insert the following new section:
7 "Section 1. That section 24-342.02, Reissue
8 Revised Statutes of Nebraska, 1943, be amended to read
9 as follows:
10 24-342.02. (1) The Supreme Court shall
11 provide by rule for the recording and preservation of
12 evidence in all cases in the district and separate
13 juvenile courts and for the preparation of transcripts
14 and bills of exceptions. Court reporters and other
15 persons employed to perform the duties required by such
16 rules shall be appointed by the judge under whose
17 direction they work. The Supreme Court shall prescribe
18 uniform salary schedules for such employees, based on
19 their experience and training and the methods used by
20 them in recording and preserving evidence and preparing
1 transcripts and bills of exceptions. Salaries and
2 actual and necessary expenses of such employees shall be
3 paid by the State of Nebraska from funds appropriated to
4 the Supreme Court. Such employees shall be reimbursed
5 for their expenses as provided in sections 84-306.01 to
6 84-306.05 for state employees.
- 7 (2) If a court reporter, upon request from a
8 person other than the District judge by whom he or she
9 was appointed, provides his or her reporting services
10 during the hours of 8:00 a.m. and 5:00 p.m. Monday
11 through Friday of each week excluding holidays and
12 approved vacation days, a fee shall be charged. The
13 Supreme Court shall provide a schedule of fees to be

14 paid for the services of such court reporters. Fees
15 shall be paid to the clerk of the district court of the
16 county where such activity takes place. The clerk shall
17 maintain a record of all fees received pursuant to this
18 section and on the last day of each month forward such
19 fees to the State Treasurer for deposit in the General
20 Fund.

21 Nothing in this subsection shall prohibit a
22 court reporter from charging an additional fee for his
23 or her services which may be retained by the reporter.”.

24 3. On page 12, line 2, after “sections”
1 insert “24-342.02,”.

2 4. Renumber the remaining sections
3 accordingly.

Mr. Vickers asked unanimous consent to print the following amendment to LB 1172 in the Journal. No objections. So ordered.

AM2365

(Amendments to Standing Committee Amendments)

1 1. On page 1, strike beginning with the
2 semicolon in line 6 through the quotation marks in line
3 11.
4 2. On page 2, line 11, strike “and”; in line
5 12 strike “subdivision” and insert “subdivisions”; in
6 line 13 strike “perform” and insert “oversee”; and in
7 line 15 before the first period insert “and to report
8 its recommendations to the director who shall transmit
9 such recommendations to the planning council for review
10 and comment and shall then report such recommendations
11 and comments to the Legislature as prescribed in section
12 85-9,107; and

13 (6) To provide comments to the director
14 relating to subdivision (2) of section 85-981.”.

Mr. Vickers asked unanimous consent to print the following amendment to LB 1172 in the Journal. No objections. So ordered.

AM2366

1 1. On page 5, line 1, strike “32” and insert
2 “31”.
3 2. On page 7, line 1, strike “Citizens” and
4 insert “Citizen”; in line 2 strike “Council” and insert
5 “Committee”; in line 3 strike “17” and insert “18”; and
6 in line 7 strike “24” and insert “25”.

7 3. On page 8, line 20, after "schedule"
8 insert "including a periodic update of the inventory
9 of and utilization data for the physical facilities on
10 each campus of all public postsecondary institutions".

11 4. On page 10, line 9, strike "additional"
12 and insert "and convene meetings of" and after
13 "committees" insert "composed of members of the
14 governing boards of public or public and private
15 postsecondary institutions".

16 5. On page 11, line 21, after the period
17 insert "Program-specific and institution-specific
18 agreements arising under any interstate compact shall be
19 approved by the governing board of the respective
20 institution having jurisdiction over the program or
21 institution involved in any proposed agreement.".

1 6. On page 19, line 2, strike "and"; in line
2 5 after "Legislature" insert "; and
3 (5) To review and attach comments to all
4 plans, proposals, proposed changes in role and mission
5 recommendations, and proposed interstate or intrastate
6 agreement submitted to the director by the planning
7 council"; in lines 11, 13, and 16, after "by" insert
8 "but not from"; in line 19 after the comma insert "but
9 such members shall not be a member of the governing
10 board of any such institution."; and in line 22 before
11 the period insert "but such members shall not be a
12 member of the governing board of any such institution".

13 7. Strike original sections 26 and 27 and
14 insert the following new section:
15 "Sec. 9. Unless otherwise provided, any
16 appecific duties assigned to the agency under any of the
17 provisions of the Higher Education Planning and Review
18 Act shall be the responsibility of the director. The
19 director may request advice and assistance to carry out
20 such duties from any of the advisory bodies created
21 pursuant to the act.".

22 8. On page 53, line 19, strike "85-912,".

23 9. Renumber the remaining sections
24 accordingly.

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 1027 in the Journal. No objections. So ordered.

1. On page 12 strike lines 7 through 12 and insert the following new subdivision:

“(i) Such person is liquidating a portion of his or her business that was originally acquired for and used for agricultural purposes.”; and strike lines 17 through 20 and insert a new subdivision as follows:

“(iii) Such sales by a person do not occur on more than three days during any calendar year; and”.

GENERAL FILE

LEGISLATIVE BILL 959. Title read. Considered.

Standing Committee amendment, AM1903, found in the Journal on page 588 for the Sixteenth Day was considered.

Mr. DeCamp renewed his pending amendment, AM1976, found in the Journal on page 636 to the Standing Committee amendment.

The DeCamp amendment was adopted with 18 ayes, 0 nays, 25 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Lundy asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 959A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 808. Title read. Considered.

Standing Committee amendment, AM1843, found in the Journal on page 603 for the Sixteenth Day was considered.

Mr. Withem offered the following amendment to the Standing Committee amendment:

AM2392

(Amendments to Standing Committee amendments)

- 1 1. On page 1, line 3, after “owner” insert
- 2 “or his or her heirs or assigns, if known.”; and strike

3 beginning with "at" in line 3 through "residence" in
4 line 4.

The Withem amendment was adopted with 21 ayes, 0 nays, 21 present and not voting, and 6 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1027. Title read. Considered.

Standing Committee amendments, AM1929, found in the Journal on page 608 for the Seventeenth Day were adopted with 26 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1027A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 799. Title read. Considered.

Standing Committee amendments, AM1932, found in the Journal on page 618 for the Seventeenth Day were adopted with 25 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

EASE

The Legislature was at ease from 12:03 p.m. until 12:13 p.m.

GENERAL FILE

LEGISLATIVE BILL 950. Title read. Considered.

Standing Committee amendments, AM1933, printed separate from the Journal and referred to on page 618 for the Seventeenth Day were adopted with 25 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Baack asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 949. Title read. Considered.

Standing Committee amendments, AM1940, found in the Journal on page 619 for the Seventeenth Day were adopted with 25 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mrs. Morehead asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Rupp asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1016. Title read. Considered.

Standing Committee amendments, AM1941, found in the Journal on page 626 for the Seventeenth Day were adopted with 27 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 968. Title read. Considered.

Standing Committee amendments, AM1958, printed separate from the Journal and referred to on page 645 for the Nineteenth Day were considered.

Mr. Rogers renewed his pending amendment, AM2192, found in the Journal on page 1035.

The Rogers amendment was adopted with 20 ayes, 0 nays, 22 present and not voting, and 6 excused and not voting.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mr. DeCamp offered the following amendment:

Amend LB 968 by adding the following new section:
Since an emergency exists, this act shall be in full force and take effect from and after its passage and approval, according to law.

The DeCamp amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Pending.

LEGISLATIVE BILL 763. Title read. Considered.

Standing Committee amendment, AM1969, found in the Journal on page 664 for the Nineteenth Day was considered.

Mr. Miller renewed his pending amendment, AM2112, found in the Journal on page 832.

The Miller amendment was adopted with 20 ayes, 0 nays, 21 present and not voting, and 7 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Lamb asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 765. Title read. Considered.

Standing Committee amendment, AM1949, found in the Journal on page 671 for the Twentieth Day was adopted with 25 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 812. Title read. Considered.

Standing Committee amendments, AM1952, found in the Journal on page 671 for the Twentieth Day were adopted with 25 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 878. Title read. Considered.

Standing Committee amendments, AM2017, found in the Journal on page 674 for the Twentieth Day were adopted with 28 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 27 ayes, 1 nay, 12 present and not voting, and 8 excused and not voting.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1184. Title read. Considered.

Standing Committee amendment, AM2001, found in the Journal on page 677 for the Twentieth Day was adopted with 26 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 889. Title read. Considered.

Standing Committee amendments, AM1944, found in the Journal on page 678 for the Twentieth Day were adopted with 25 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 921. Title read. Considered.

Standing Committee amendment, AM1998, found in the Journal on page 722 for the Twenty-Second Day was adopted with 28 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 31 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 885. Title read. Considered.

Standing Committee amendment, AM1992, found in the Journal on page 727 for the Twenty-Second Day was adopted with 26 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 1143. Title read. Considered.

Standing Committee amendment, AM2028, found in the Journal on page 735 for the Twenty-Third Day was adopted with 26 ayes, 3 nays, 10 present and not voting, and 9 excused and not voting.

Mr. Hefner moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 32 not voting.

Advanced to E & R for Review with 25 ayes, 5 nays, 9 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1203. Title read. Considered.

Standing Committee amendments, AM2010, found in the Journal on page 738 for the Twenty-Third Day were adopted with 25 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1008. Title read. Considered.

Standing Committee amendments, AM2096, found in the Journal on page 773 for the Twenty-Fourth Day were considered.

Mr. R. Johnson offered the following amendment to the Standing Committee amendments:

To amend LB 1008 by striking lines 14-23 on page 24.

The R. Johnson amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1054. Title read. Considered.

Standing Committee amendments, AM2073, found in the Journal on page 773 for the Twenty-Fourth Day were adopted with 26 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1242. Title read. Considered.

Standing Committee amendment, AM2076, found in the Journal on page 774 for the Twenty-Fourth Day was adopted with 27 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 1247. Title read. Considered.

Standing Committee amendments, AM2075, found in the Journal on page 775 for the Twenty-Fourth Day were adopted with 25 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 1241. Title read. Considered.

Standing Committee amendment, AM2074, found in the Journal on page 780 for the Twenty-Fifth Day was adopted with 25 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

MOTION - Adjournment

Mr. Landis moved to adjourn until Tuesday at 10:00 A.M.

The motion to adjourn lost with 6 ayes, 19 nays, 11 present and not voting, and 12 excused and not voting.

MOTION - Suspend Rules

Mr. DeCamp moved to suspend the rules and allow a vote on LB 968.

Mr. Goll moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 21 not voting.

Mr. DeCamp moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 23 not voting.

Mr. DeCamp requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 28:

Barrett	Carsten	Chronister	DeCamp	Goll
Beyer	Chizek	Conway	Eret	Goodrich

Hall	Hefner	Labedz	Remmers	Sieck
Hannibal	Higgins	Lundy	Rogers	Warner
Harris	Hoagland	Miller	Scofield	Withem
Hartnett	Johnson, L.	Peterson		

Voting in the negative, 5:

Abboud	Johnson, V.	Landis	Marsh	Wesely
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Present and not voting, 5:

Chambers	Johnson, R.	Nelson	Smith	Vickers
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Excused and not voting, 10:

Baack	Lamb	Morehead	Pappas	Rupp
Haberman	Lynch	Nichol	Pirsch	Schmit

The DeCamp motion to suspend the rules lost with 28 ayes, 5 nays, 5 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 528 in the Journal. No objections. So ordered.

AM2376

- 1 1. Insert the following new section:
- 2 "Sec. 7. That section 79-211, Reissue Revised
- 3 Statutes of Nebraska, 1943, be amended to read as
- 4 follows:
- 5 79-211. In all school districts in this state
- 6 any superintendent, principal, teacher, or member of the
- 7 board of education who shall know of any violation of
- 8 section 79-201 on the part of any child ~~or children~~ of
- 9 school age, ~~their~~ his or her parents, the ~~persons~~ person
- 10 in actual or legal control of such child, ~~or children,~~
- 11 or any other person; shall within three days report such
- 12 violation to the city superintendent of schools in
- 13 districts having an attendance officer and in other
- 14 districts to the county superintendent of schools. The
- 15 city or county superintendent of schools shall
- 16 immediately cause an investigation of the case to be

17 made by the attendance officers. When of his or her
18 personal knowledge, by report or complaint from any
19 resident of the district, or by report or complaint; as
20 provided herein, the attendance officer believes that
21 any child is unlawfully absent from school, he or she
1 shall immediately investigate and render all service in
2 his or her power to compel such child to attend some
3 public, private, denominational, or parochial school
4 which the person having control of the child shall
5 designate. Upon failure to do so, he or she shall serve
6 a written notice to the person ~~or persons~~ violating
7 section 79-201 warning him or ~~them~~ her to comply with
8 its provisions. If in one week from the time such
9 ~~notices are~~ notice is given such person ~~or persons are~~
10 is still violating ~~said the~~ section, then such
11 attendance officers shall file a report with the county
12 attorney who may file a complaint against such person ~~or~~
13 ~~persons~~ before the judge of the juvenile county court of
14 the county charging such person with violation of ~~the~~
15 ~~provisions of~~ section 79-201. If after such notice
16 shall have been sent to any person ~~or persons~~ violating
17 section 79-201 such person ~~or persons~~ may again violate
18 the same section, no written notice shall be required,
19 but a complaint may be filed at once.”.

20 2. In AM0614, beginning on page 1070 of the
21 1985 Journal, on page 4, line 13, strike “and” and after
22 “48-126.01” insert “, and 79-211”.

23 3. Renumber the remaining section
24 accordingly.

Mr. Vickers asked unanimous consent to print the following amendment to LB 890 in the Journal. No objections. So ordered.

AM2405

1 1. Insert the following new section:
2 “Sec. 4. That section 77-27,144, Reissue
3 Revised Statutes of Nebraska, 1943, be amended to read
4 as follows:
5 77-27,144. The Tax Commissioner shall collect
6 the tax imposed by any incorporated municipality
7 concurrently with collection of a state tax in the same
8 manner as the state tax is collected. The Tax
9 Commissioner shall remit monthly the proceeds of the tax
10 to the incorporated municipalities levying the tax,
11 after deducting the amount of refunds made and then

12 ~~three~~ four and one half per cent of the remainder as an
13 administrative fee necessary to defray the cost of
14 collecting the tax and the expenses incident thereto.
15 The Tax Commissioner shall keep full and accurate
16 records of all money received and distributed under the
17 provisions of sections 77-27,142 to 77-27,148.

18 All receipts from the ~~three~~ four and one half
19 per cent administrative fee shall be deposited in the
20 state General Fund.”.

21 2. In the Morehead amendment, AM2142, adopted
1 February 28, 1986, on page 1, line 18, strike “section
2 77-27,142.03” and insert “sections 77-27,142.03 and
3 77-27,144”.

4 3. Renumber the remaining section
5 accordingly.

Mr. Vickers asked unanimous consent to print the following amendment to LB 890 in the Journal. No objections. So ordered.

AM2404

1 1. Insert the following new section:

2 “Sec. 4. (1) Beginning in January 1987 and
3 each year thereafter, the state income tax form shall
4 include an item whereby the taxpayer may designate if he
5 or she maintains his or her permanent residence on
6 property located outside of an incorporated city in this
7 state.

8 (2) After the filing of the 1986 state income
9 tax form, and each year thereafter, the Department of
10 Revenue shall send to each taxpayer who has designated
11 that his or her permanent residence is outside of an
12 incorporated city in Nebraska a certificate of exemption
13 from local option sales taxes which shall be valid for
14 one year.

15 (3) The taxpayer or any of his or her
16 dependents may present such certificate at a transaction
17 in any city having a local option sales tax and be
18 exempt from payment of the local option sales tax for
19 that transaction. Such certificate shall not exempt the
20 taxpayer or his or her dependents from state sales tax.

21 (4) The Department of Revenue shall adopt and
1 promulgate rules and regulations to allow a taxpayer to
2 obtain extra certificates of exemption from local option
3 sales taxes for his or her spouse or dependents who
4 reside at the taxpayer's residence.

- 5 (5) The Department of Revenue shall design the
6 certificate of exemption from local option sales taxes
7 in such a manner that it may be easily carried in a
8 wallet or billfold and shall make such certificate of
9 durable green cardstock.”.
- 10 2. In the Lundy amendment on page 1, line 5,
11 strike “Any”, show as stricken, and insert “Except as
12 provided in section 4 of this act, any”.
- 13 3. Renumber remaining sections accordingly.

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 474 in the Journal. No objections. So ordered.

AM2370

(Amendments to Standing Committee amendments)

- 1 1. On page 1, lines 14 and 15, strike
2 “housing, industrial, and commercial developments”; and
3 in line 15 after “highways,” insert “pipelines,”.
- 4 2. On page 3, lines 19 and 20, strike “any
5 building site, any commercial or industrial development,
6 or”.
- 7 3. On page 5, line 21, strike “and”.
- 8 4. On page 6, line 1, after “exception”
9 insert “; and
- 10 (e) Activities related to the construction of
11 housing, industrial, and commercial developments”.
- 12 5. On page 10, line 9, after “in” insert
13 “substantial”; and in line 18 after “in” insert
14 “substantial”.
- 15 6. On page 11, line 10, strike “The” and
16 insert “Except to the extent jurisdiction has been
17 assumed by a municipality or county, the”.
- 18 7. On page 12, line 2, strike “, occupier, or
19 operator” and insert “and occupant”; in line 5 strike
20 “Anytime prior to a hearing the” and insert “The” and
1 after “owner” insert “, occupant”; strike beginning
2 with “In” in line 8 through the period in line 9; in
3 line 12 after “reached” insert an underscored comma;
4 strike beginning with “and” in line 12 through “which”
5 in line 13; in line 13 strike “are” and insert “shall
6 be” and after “presented” insert “to the district board
7 of directors”; in line 14 strike “are” and insert “shall
8 be”; in line 15 strike the comma and insert “at a
9 meeting of the board or, if requested, at a public
10 hearing. If”, after “district” insert “board of

11 directors" and after "finds" insert "thereafter"; in
 12 line 17 strike "such"; in line 18 strike "the board of
 13 directors of the district" and insert "it"; in line 22
 14 after "limit" insert an underscored period; strike
 15 beginning with "and" in line 22 through "limit" in line
 16 23 and insert ". When the complained-of erosion is the
 17 result of agricultural or horticultural activities, the
 18 district shall direct the owner and occupant, if known,
 19 to bring the land into conformance with the applicable
 20 soil loss limit"; and in line 24 eliminate the new
 21 paragraphing and strike "complained of" and insert
 22 "complained-of".

23 8. On page 13, line 2, after "owner" insert
 24 "and occupant, if known,"; in line 9 strike "to the
 1 owner"; in line 15, strike "not more" and insert "which
 2 shall be not less" and after "five" insert "nor more
 3 than fifteen"; and in line 18 strike "thirty" and insert
 4 "forty-five".

5 9. On page 14, line 7, strike ", occupier, or
 6 operator" and insert "or occupant"; in line 14 strike
 7 the first comma and insert "or"; and strike ", or"; in
 8 line 15 strike "operating"; and in line 24 strike the
 9 comma.

10 10. On page 15, line 1, strike "operator",
 11 strike "occupier", and insert "occupant"; in line 7
 12 strike ", occupier, or operator" and insert "or
 13 occupant"; in line 10 strike ", operator"; in line 11
 14 strike "occupier" and insert "occupant"; and in line 14
 15 after "owner" insert "or occupant".

16 11. On page 16, line 12, strike the comma and
 17 insert "or"; in line 13 strike the comma and insert an
 18 underscored semicolon and strike "or when" and insert:
 19 "(3) The work is not of a type or quality
 20 specified by the district and when"; in line 14 after
 21 the comma insert "it will not or"; in line 17 after the
 22 comma insert "will not or"; and in line 20 strike "(3)"
 23 and insert "(4)".

24 12. On page 17, line 2, after "landowner"
 1 insert "or occupant"; and in line 7 after "owner" insert
 2 "and occupant".

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 277. Placed on Select File as amended.

E & R amendments to LB 277:

AM5330

1 1. In the Wesely amendment, AM2213, adopted
2 February 25, 1986:

3 a. On page 1, line 2, remove the underscoring
4 within the second pair of quotation marks; and in line
5 17 after "or" insert "for"; and

6 b. On page 2, line 4, strike "19" and insert
7 "10"; in line 6 after "licensed" insert "for such
8 purpose" and strike "this act" and insert "the Uniform
9 Licensing Law"; and in lines 8 and 12 strike "Department
10 of Health" and insert "department".

11 2. In the Standing Committee amendments,
12 AM1855, adopted February 25, 1986:

13 a. On page 6, line 14, strike "Each", show as
14 stricken, and insert "Except as otherwise provided in
15 this section, each";

16 b. On page 13, line 14, strike "10" and insert
17 "11";

18 c. On page 18, line 3, before "Each" insert
19 "(1)"; in lines 9 to 10 and 18 to 19 strike beginning
20 with "Board" through "Practice" and insert "board"; in
21 line 10 strike the comma; in line 15 before "Each"
1 insert "(2)"; and in line 24 strike the second "of the";

2 d. On page 19, line 1, strike "Department of
3 Health"; in line 6 strike "and"; in lines 8 to 9 strike
4 "Board" through "Practice" and insert "board"; in line 9
5 after "waive" insert "all or part of the"; in line 10
6 strike beginning with the first comma through the second
7 comma; in line 15 strike "(1)" and insert "(a)"; in line
8 17 strike "(2)" and insert "(b)"; and in line 21 strike
9 "(3)" and insert "(c)";

10 e. On page 20, line 3, strike "(4)" and insert
11 "(d)"; in line 6 before "The" insert "(3)"; strike
12 beginning with "Board" in line 6 through "Practice" in
13 line 7 and insert "board"; in line 11 before "Each"
14 insert "(4)"; and in line 22 before "The" insert "(5)";

15 f. On page 21, lines 2 and 3, strike "their"
16 and insert "his or her"; and in line 2 strike "those";
17 and

18 g. On page 22, line 20, strike "the" and
19 insert "its".

20 3. On page 1, strike beginning with "health"
21 in line 1 through line 2 and insert "respiratory care;
22 to amend section 33-150, Reissue Revised Statutes of

23 Nebraska, 1943, section 71-101, Revised Statutes
24 Supplement, 1984, and sections 71-102, 71-110, 71-112,
1 71-113, 71-131, and 71-162, Revised Statutes Supplement,
2 1985; to create a board of examiners; to provide for the
3 licensure of respiratory care practitioners; to provide
4 exceptions; to provide for fees, examinations,
5 continuing education, and temporary permits; to define
6 terms; to create a fund; and to repeal the original
7 sections.”.

LEGISLATIVE BILL 277A. Placed on Select File.

LEGISLATIVE BILL 438. Placed on Select File as amended.
E & R amendment to LB 438:
AM5324

- 1 1. On page 3, line 26, strike “14” and insert
- 2 “15”.

LEGISLATIVE BILL 438A. Placed on Select File.

LEGISLATIVE BILL 286. Placed on Select File as amended.
E & R amendments to LB 286:
AM5331

- 1 1. In the Standing Committee amendments,
- 2 AM1926, adopted February 25, 1986:
 - 3 a. On page 1, line 4, after “(a)” insert
 - 4 “the”; and in lines 10 and 15 to 16 strike “social work”
 - 5 and insert “social-work”;
 - 6 b. On page 2, line 6, strike “this act” and
 - 7 insert “the Uniform Licensing Law”; in line 17 strike
 - 8 “Social work” and insert “Social-work” and after
 - 9 “practice” insert “or the practice of social work”; and
 - 10 in line 22 strike “social work” and insert
 - 11 “social-work”;
 - 12 c. On page 3, lines 3, 5, 11, and 23, strike
 - 13 “social work” and insert “social-work”; in line 8 strike
 - 14 “social welfare” and insert “social-welfare”; and in
 - 15 line 12 strike “Social work” and insert “Social-work”;
 - 16 d. On page 4, lines 1, 4, and 7, strike
 - 17 “social work” and insert “social-work”; in line 12
 - 18 strike “(2)” and insert “(1)”; in line 16 strike “(3)”
 - 19 and insert “(2)”; in line 23 strike “person”, strike “as
 - 20 a”, and strike “under” and insert an underscored period;
 - 21 and strike line 24;
 - 1 e. On page 5, line 2, strike “social work”

- 2 and insert "social-work"; and in line 22 strike "cannot"
3 and insert "shall not";
- 4 f. On page 6, lines 2 and 8, strike "social
5 work" and insert "social-work"; and in line 20 strike
6 "amount" and insert "amounts";
- 7 g. On page 7, line 1, after "be" insert "a"
8 and strike "as a"; in line 15 before "registered" insert
9 "a" and strike "as a"; in line 19 strike "(1)"; and in
10 line 21 before "certified" insert "a" and after
11 "registered" insert "social worker";
- 12 h. On page 9, lines 2 and 11, strike "social
13 work" and insert "social-work";
- 14 i. On page 11, line 11, strike "The licensee
15 holds" and insert "Holds";
- 16 j. On page 12, line 9, after "listing" insert
17 "the";
- 18 k. On page 19, line 17, strike the commas,
19 reinstate the stricken "or", and before "license" insert
20 "the";
- 21 l. On page 24, line 7, strike "Each", show as
22 stricken, and insert "Except as otherwise provided in
23 this section, each";
- 24 m. On page 26, line 7, strike the comma and
after "years" insert an underscored comma;
- 2 n. On page 31, line 7, strike the comma; and
3 in line 8 strike "licensure" and show as stricken and
4 strike the new matter;
- 5 o. On page 41, line 18, insert paragraphing
6 before "The";
- 7 p. On page 46, line 6; page 49, line 22; and
8 page 50, line 24, reinstate the stricken comma;
- 9 q. On page 48, line 19, strike "annual" and
10 show as stricken;
- 11 r. On page 51, line 13, strike the
12 underscored comma; and in line 14 reinstate the stricken
13 comma;
- 14 s. On page 60, line 18, strike "must", show
15 as stricken, and insert "shall";
- 16 t. On page 69, line 22, reinstate the
17 stricken comma; and in line 23 strike the comma and show
18 as stricken;
- 19 u. On page 72, line 9, strike "certified",
20 show as stricken, and insert "certifies"; and in line 12
21 strike the comma and show as stricken;
- 22 v. On page 73, line 3, strike "a";

- 23 w. On page 78, line 12, strike "The fee for"
 24 and insert "For"; in line 13 strike "shall" and insert
 1 an underscored comma and after "not" insert "to"; and in
 2 line 15 strike "workers" and insert "worker";
 3 x. On page 79, line 1, strike the period and
 4 insert an underscored semicolon; and in line 13 after
 5 "renewal" insert an underscored comma; and
 6 y. On page 83, line 6, after "to" insert
 7 "71-152,".
 8 2. On page 1, strike beginning with "section"
 9 in line 1 through line 6 and insert "sections 33-150,
 10 71-103, 71-104, 71-106, 71-108, 71-111, 71-118, 71-125,
 11 71-128, 71-135, 71-136, 71-138, 71-145, 71-147, 71-148,
 12 71-150 to 71-154, 71-156, 71-157, 71-161.02, 71-161.04
 13 to 71-161.08, 71-161.12 to 71-161.19, 71-166, 71-168,
 14 and 71-170, Reissue Revised Statutes of Nebraska, 1943,
 15 sections 71-101, 71-133, 71-149, 71-155, 71-155.01, and
 16 71-171.01, Revised Statutes Supplement, 1984, and
 17 sections 71-102, 71-107, 71-110, 71-112, 71-113, 71-116,
 18 71-131, 71-139, 71-161.09, 71-161.10, and 71-162,
 19 Revised Statutes Supplement, 1985; to provide for the
 20 registration and certification of social workers; to
 21 state intent; to define terms; to create a fund; to
 22 create a board; to require fees; to provide continuing
 23 education requirements; to provide powers and duties for
 24 the Department of Health; to harmonize provisions; to
 1 provide severability; and to repeal the original
 2 sections.".

LEGISLATIVE BILL 286A. Placed on Select File as amended.
 E & R amendment to LB 286A:

AM5326

- 1 1. In the Wesely amendment adopted on
 2 February 25, 1986, found on page 999 of the Journal, on
 3 page 1, lines 4 and 11, strike "Section" and insert
 4 "Sec."; in line 13 strike "State"; in line 14 lowercase
 5 "Section"; and in line 15 strike "bill" and insert
 6 "act".

LEGISLATIVE BILL 355. Placed on Select File as amended.
 E & R amendments to LB 355:

AM5328

- 1 1. In the Standing Committee amendments,
 2 AM1983, adopted February 25, 1986:
 3 a. On page 6, line 21, after "certification"

- 4 insert ". with respect to professions"; and in line 23
5 strike "in a profession";
- 6 b. On page 7, line 5, strike "5" and insert
7 "6";
- 8 c. On page 9, line 16, strike "athletic
9 trainer" and insert "Athletic Trainer";
- 10 d. On page 10, line 10, strike both
11 underscored commas, reinstate the stricken "or", and
12 after the reinstated "or" insert "the";
- 13 e. On page 14, line 24, strike "Each", show as
14 stricken, and insert "Except as otherwise provided in
15 this section, each";
- 16 f. On page 21, line 21, strike the comma; and
17 in line 22 strike "licensure" and show as stricken and
18 strike the new matter;
- 19 g. On page 22, line 14; page 30, line 6; and
20 page 51, line 8, strike "must", show as stricken, and
21 insert "shall";
- 1 h. On page 25, line 12, after "any" insert
2 "other";
- 3 i. On page 30, strike beginning with "machine"
4 in line 1 through "scored" in line 2, show as stricken,
5 and insert "machine-graded or computer-scored";
- 6 j. On page 32, line 8, insert paragraphing
7 before "The";
- 8 k. On page 36, line 20; page 40, line 12; page
9 41, line 14; page 42, line 4; and page 60, line 12,
10 reinstate the stricken comma;
- 11 l. On page 39, line 9, strike "annual" and
12 show as stricken;
- 13 m. On page 42, line 3, strike the underscored
14 comma;
- 15 n. On page 60, line 13; page 63, line 2; and
16 page 70, lines 5 and 6, strike the comma and show as
17 stricken;
- 18 o. On page 62, line 23, strike "certified",
19 show as stricken, and insert "certifies";
- 20 p. On page 63, line 17, strike "a";
- 21 q. On page 69, line 2, strike "The fee for"
22 and insert "For"; in line 3 strike "shall" and insert an
23 underscored comma, after "not" insert "to", and strike
24 the period and insert ", and for"; in line 4 strike "The
1 fee for"; in line 5 strike "shall" and insert an
2 underscored comma, after "not" insert "to", and strike
3 the period and insert an underscored semicolon; in line

- 4 7 after "licensed" insert "or a certificate holder is
 5 certified"; in lines 8 and 9 after "license" insert "or
 6 certificate"; and in line 11 after "license" insert "a
 7 certificate";
- 8 r. On page 71, line 6, strike "that", show as
 9 stricken and insert "the";
- 10 s. On page 72, line 9, strike the new matter
 11 and after "barbers" insert "and certified athletic
 12 trainers"; and in line 22 after the last comma insert
 13 "and"; and
- 14 t. On page 73, line 13, after the first "to"
 15 insert "71-152,".
- 16 2. On page 1, strike beginning with "public"
 17 in line 1 through line 8 and insert "athletic trainers;
 18 to amend sections 33-150, 71-103, 71-104, 71-106,
 19 71-108, 71-111, 71-118, 71-125, 71-128, 71-135, 71-136,
 20 71-138, 71-145, 71-147, 71-148, 71-150 to 71-152,
 21 71-154, 71-156, 71-157, 71-161.02, 71-161.04 to
 22 71-161.08, 71-161.12 to 71-161.19, 71-166, 71-168,
 23 71-170, 71-2702, and 71-2802, Reissue Revised Statutes
 24 of Nebraska, 1943, sections 71-101, 71-133, 71-149,
 1 71-155, 71-155.01, and 71-171.01, Revised Statutes
 2 Supplement, 1984, and sections 71-102, 71-107, 71-110,
 3 71-112, 71-113, 71-116, 71-131, 71-139, 71-161.09,
 4 71-161.10, and 71-162, Revised Statutes Supplement,
 5 1985; to define terms; to require certification as
 6 prescribed; to provide powers and duties; to create a
 7 fund; to create a board; to provide for fees; to
 8 harmonize provisions; to provide severability; and to
 9 repeal the original sections."

LEGISLATIVE BILL 355A. Placed on Select File.

LEGISLATIVE BILL 579. Placed on Select File as amended.
 E & R amendments to LB 579:
 AM5332

- 1 1. In the Standing Committee amendments,
 2 AM2187, adopted February 26, 1986:
- 3 a. On page 2, line 8, after "registered"
 4 insert "for such purpose" and strike "this act" and
 5 insert "the Uniform Licensing Law"; and strike beginning
 6 with "Department" in line 19 through "(4)" in line 21;
 7 b. On page 3, line 23, strike "(5)" and insert
 8 "(4)";
- 9 c. On page 4, line 20, after "registered"

- 10 insert "for such purpose"; and in line 21 strike both
11 occurrences of "this act" and insert "the Uniform
12 Licensing Law";
- 13 d. On page 5, line 7, strike the first "of"
14 and insert "if";
- 15 e. On page 6, line 2, before "certified"
16 insert "a" and strike "as a"; in line 16 after "(c)"
17 insert ", except as provided in section 7 of this act,";
18 and in line 22 before "registered" insert "a" and strike
19 "as a";
- 20 f. On page 7, line 2, before "certified"
21 insert "a" and strike "as a"; in line 8 after
1 "experience" insert an underscored comma; and in line 16
2 after "registered" insert "professional";
- 3 g. On page 8, line 12, strike the first "the"
4 and insert "a";
- 5 h. On page 12, lines 22 and 23, strike
6 "certificate holder" and insert "professional
7 counselor";
- 8 i. On page 16, line 21, strike "shall have"
9 and insert "has"; and in line 22 strike "that" and
10 insert "such";
- 11 j. On page 19, line 12, strike the commas and
12 reinstate the stricken "or";
- 13 k. On page 24, line 3, strike "Each", show as
14 stricken, and insert "Except as otherwise provided in
15 this section, each";
- 16 l. On page 31, line 2, strike the comma; and
17 in line 3 strike "licensure" and show as stricken, and
18 strike the new matter;
- 19 m. On page 35, line 4, after "all" insert
20 "of";
- 21 n. On page 41, line 13, insert paragraphing
22 before "The";
- 23 o. On page 48, line 14, strike "annual" and
24 show as stricken;
- 1 p. On page 46, line 1; page 49, line 17, and
2 page 50, line 20, reinstate the stricken comma;
- 3 q. On page 51, line 9, strike the underscored
4 comma; and in line 10 reinstate the stricken comma;
- 5 r. On page 60, line 14, strike "must", show as
6 stricken, and insert "shall";
- 7 s. On page 69, line 18, reinstate the stricken
8 comma; and in line 19 strike the comma and show as
9 stricken;

- 10 t. On page 72, line 5, strike “certified”,
 11 show as stricken, and insert “certifies”; in line 8
 12 strike the comma and show as stricken; and in line 23
 13 strike “a”;
- 14 u. On page 78, line 8, strike “The fee for”
 15 and insert “For”; in line 9 strike “shall” and insert an
 16 underscored comma, and after “not” insert “to”; in line
 17 10 strike “be”; and in line 22 strike the period and
 18 insert an underscored semicolon;
- 19 v. On page 79, line 10, after “renewal” insert
 20 an underscored comma; and in lines 23 and 24 strike the
 21 comma and show as stricken;
- 22 w. On page 80, line 24, strike “that”, show as
 23 stricken, and insert “the”; and
- 24 x. On page 82, line 3, after “to” insert
 1 “71-152.”.
- 2 2. On page 1, strike lines 2 through 6 and
 3 insert “sections 33-150, 71-103, 71-104, 71-106, 71-108,
 4 71-111, 71-118, 71-125, 71-128, 71-135, 71-136, 71-138,
 5 71-145, 71-147, 71-148, 71-150 to 71-152, 71-154,
 6 71-156, 71-157, 71-161.02, 71-161.04 to 71-161.08,
 7 71-161.12 to 71-161.19, 71-166, 71-168, and 71-170,
 8 Reissue Revised Statutes of Nebraska, 1943, sections
 9 71-101, 71-133, 71-149, 71-155, 71-155.01, and
 10 71-171.01, Revised Statutes Supplement, 1984, and
 11 sections 71-102, 71-107, 71-110, 71-112, 71-113, 71-116,
 12 71-131, 71-139, 71-161.09, 71-161.10, and 71-162,
 13 Revised Statutes Supplement, 1985; to state intent; to
 14 define terms; to provide for the certification and
 15 registration of professional counselors; to create a
 16 fund; to provide for disclosure statements; to provide
 17 continuing education requirements; to provide
 18 confidentiality standards; to provide for initial annual
 19 certificates; to provide for fees; to harmonize
 20 provisions; to provide severability; and to repeal the
 21 original sections.”.

LEGISLATIVE BILL 572A. Placed on Select File.

LEGISLATIVE BILL 575A. Placed on Select File.

LEGISLATIVE BILL 774A. Placed on Select File.

LEGISLATIVE BILL 243. Placed on Select File as amended.
 E & R amendments to LB 243:

AM5329

- 1 1. In the Withem-L. Johnson amendment,

2 AM2263, adopted February 26, 1986, on page 1, insert
3 underscoring beginning with the semicolon in line 2
4 through line 3; in line 4 strike "weight control" and
5 insert "weight-control"; in line 7 strike the second "a"
6 and the underscored comma and strike "are" and insert
7 "is"; and in line 8 strike the comma.

8 2. In the Wesely amendment, AM2212, adopted
9 February 26, 1986:

10 a. On page 1, line 11, after "any" insert
11 "other"; and in line 20 before "except" insert an
12 underscored comma; and

13 b. On page 2, line 8, after "licensed" insert
14 "for such purpose" and strike "this act" and insert "the
15 Uniform Licensing Law"; and in lines 11 to 12 and 15
16 strike "Department of Health" and insert "department".

17 3. In the Standing Committee amendments,
18 AM1987, adopted February 26, 1986:

19 a. On page 3, line 1, strike "Every" and
20 insert "Except as provided in section 5 of this act,
21 every";

1 b. On page 4, line 2, after "a" insert
2 "dietitian's"; and in line 10, after "practice" insert
3 "dietetics";

4 c. On page 5, line 9, strike the comma; and
5 strike beginning with the second "of" in line 21 through
6 "Health" in line 22;

7 d. On page 6, line 3, strike "and";

8 e. On page 7, line 6, after "affidavit"
9 insert an underscored comma; in line 11 after "activity"
10 insert an underscored comma; in line 18 strike "license
11 renewal" and insert "license-renewal"; in line 21 strike
12 "those" and insert "the"; and in lines 21 and 22 strike
13 "their" and insert "his or her";

14 f. On page 8, line 15, strike the period and
15 insert an underscored semicolon; and in lines 19 and 21
16 strike "their" and insert "his or her";

17 g. On page 9, line 24, strike "the" and
18 insert "its";

19 h. On page 12, line 3, strike "wherever",
20 show as stricken, and insert "whenever";

21 i. On page 15, line 18, strike "Board of";
22 and in line 23 strike "Each", show as stricken, and
23 insert "Except as otherwise provided in this section,
24 each"; and

1 j. On page 19, line 3, after "and" insert

- 2 "the applicant"; and in line 8 after "any" insert
 3 "other".
 4 4. On page 1, strike beginning with "health"
 5 in line 1 through line 3 and insert "dietitians; to
 6 amend section 33-150, Reissue Revised Statutes of
 7 Nebraska, 1943, section 71-101, Revised Statutes
 8 Supplement, 1984, and sections 71-102, 71-110, 71-112,
 9 71-113, 71-131, and 71-162, Revised Statutes Supplement,
 10 1985; to define terms; to require licensing as
 11 prescribed; to require continuing education; to provide
 12 exclusions and exemptions; to provide powers and duties;
 13 to create a fund; to create a board; to provide for
 14 fees; to harmonize provisions; and to repeal the
 15 original sections."

LEGISLATIVE BILL 243A. Placed on Select File as amended.
 E & R amendment to LB 243A:
 AM5327

- 1 1. In the Wesely amendment adopted February
 2 26, 1986, found on page 1019 of the Journal, on page 1,
 3 lines 4 and 11, strike "Section" and insert "Sec."; in
 4 line 13 strike "State"; in line 14 lowercase "Section";
 5 and in line 15 strike "bill" and insert "act".

(Signed) Timothy Hall, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mesdames Labedz, Higgins, and Mr. Pappas asked unanimous consent to print the following motion in the Journal. No objections. So ordered.

We ask unanimous consent to have LB 654 replaced on the Consent Calendar. (It was we who requested that it be removed.)

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Sieck asked unanimous consent to have his name added as co-introducer to LB 956. No objections. So ordered.

STANDING COMMITTEE REPORT **Public Works**

The Committee on Public Works desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Bruce H. Kendall - Power Review Board
Martha W. Gilliland - Power Review Board

Vote: Aye: Senators Schmit, Nelson, Lynch, Smith, and Harris.
Absent: Senators Beyer, Lamb, and DeCamp.

(Signed) Loran Schmit, Chairperson

VISITORS

Visitors to the Chamber were 2 groups of fourth grade students and teachers from Crete Elementary School; a group of Omaha Kiwanians; 50 students and teachers from Blumfield Elementary School, Ralston; 4 seniors and teacher from Wilcox Public School; 25 seventh grade students and sponsors from Sandy Creek schools; and Consul General Hans Sabaditsch from Austria.

ADJOURNMENT

At 2:23 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Tuesday, March 11, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-NINTH DAY - MARCH 11, 1986

LEGISLATIVE JOURNAL

THIRTY-NINTH DAY - MARCH 11, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

THIRTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 11, 1986

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Elder Bill Geirhart, NW Congregation of Reorganized Church of Latter Day Saints, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Schmit who was excused; and Messrs. Chambers, Rupp, and Vickers who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Eighth Day was approved.

MESSAGE FROM THE SECRETARY OF STATE

March 7, 1986

The Honorable Speaker and Members of the Legislature
State Capitol - Legislative Chamber
Lincoln, NE 68509

Dear Mr. Speaker and Members:

I have the privilege to hand you herewith copies of various documents certifying that James D. McFarland has been appointed

and sworn in as Member of the Unicameral Legislature - District #28, replacing Chris Beutler, resigned. The documents attached are as follows:

- 1) Copy of Resignation letter dated March 3, 1986, to the Honorable Robert Kerrey, Governor signed by Chris Beutler;
- 2) Copy of a Gubernatorial Appointment dated March 5, 1986, and signed by Robert Kerrey officially appointing James D. McFarland, Nebraska State Senator - District #28;
- 3) Copy of letter dated March 5, 1986, signed by Governor Robert Kerrey notifying the Secretary of State that he has made an appointment, namely James D. McFarland to the position of State Senator - District #28;
- 4) Original copy of an Official Oath sworn to and subscribed by James D. McFarland dated March 7, 1986; and
- 5) A Certificate certifying James D. McFarland has been appointed and sworn for a term beginning March 7, 1986, and continuing until January 7, 1987.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

AJB:mrh
Enclosures: Several

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that James D. McFarland has been appointed as a Member of the Nebraska Unicameral Legislature from the Twenty-Eighth (28th) Legislative District for the unexpired term of Chris Beutler, resigned. The term beginning March 7, 1986, shall continue until January 7, 1987 or such time as he shall satisfactorily perform all the duties imposed upon such officer by law, and until a successor is duly elected and qualified.

FURTHER, I certify that the foregoing appointment was made by Governor Robert Kerrey under the authority granted by the Constitution and by Section 32-0142 of the Revised Statutes of Nebraska.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this seventh day of March in the year of our Lord, one thousand nine hundred and eighty-six.

(SEAL)

Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

GOVERNORIAL APPOINTMENT

KNOW ALL MEN BY THESE PRESENTS:

That I, Robert Kerrey, Governor of the State of Nebraska, do hereby appoint James D. McFarland of Lincoln as Nebraska State Senator - 28th District. This appointment shall take effect on March 5, 1986 and continue until as provided by law provided you shall satisfactorily perform all the duties imposed by law.

Said appointee succeeds Chris Beutler.

Done at Lincoln, Nebraska, this 5th day of March 1986.

(Signed) ROBERT KERREY
Governor

OFFICIAL OATH

STATE OF NEBRASKA)
)ss.
COUNTY OF LANCASTER)

"I James D. McFarland, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of Member of the Legislature - District #28 according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote I may give or withhold on any bill, resolution, or appropriation)."*

(Signed) James D. McFarland

Subscribed in my presence and sworn before me this 7th day of March, 1986.

(Signed) ALLEN J. BEERMANN
Notary Public

(SEAL)

*Constitution of the State of Nebraska,
Article XV, Section One.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 86030
March 7, 1986

To: Senator Jerry Chizek

Subject: Constitutionality of LB 772 -- Restriction of Paramilitary Training Activities

This is in response to your request and that of several other senators for an opinion on the constitutionality of LB 772. This legislation would prohibit the teaching of paramilitary activities and the assembly of individuals to train in such activities where such training and techniques will be used in or in furtherance of a civil disorder. A civil disorder is defined in the act as "any public disturbance involving acts of violence which causes an immediate danger of or results in damage or injury to persons or property." Your questions are generally whether or not this legislation infringes upon the rights of free speech and lawful assembly guaranteed by the First Amendment to the United States Constitution.

The key provisions of LB 772, in addition to the definition of civil disorder, are found in Section 2 wherein it provides that

It shall be unlawful within the boundaries of this state: (1) For any person to teach or demonstrate to any other person the use, application, or making of any firearm, explosive or incendiary device, or any technique capable of causing injury or death to persons when such person knows or has reason to know or intends that such information or ability will be unlawfully employed for use in or in furtherance of a civil disorder; or (2) For any person to assemble with one or more persons for the purpose of training with, practicing with, or being instructed in the use of any firearm, explosive or incendiary device, or technique capable of causing injury or death to persons when such persons intend to unlawfully

employ such training, practice, instruction, or techniques for use in or in furtherance of a civil disorder.

It should be noted that the definitions of LB 772 and Section 2(1) quoted above are virtually identical to provisions of the federal Civil Obedience Act of 1968, 18 U.S.C.A. §§231 and 232. These provisions have been challenged upon similar grounds in federal court and have been upheld by those courts. In the case of United States v. Featherston, 461 F.2d 1119 (5th Cir. 1972), cert. denied 409 U.S. 991 (1972), the court first dismissed an argument that the statute was void for vagueness in which it was contended that the "knowing or having reason to know" language used in this provision created criminal liability in terms so broad and vague that men of common intelligence must guess at its meaning and application. The court noted that this same argument was rejected by the court in National Mobilization Committee To End The War In Vietnam v. Foran, 411 F.2d 934 (7th Cir. 1969).

There the court construed the language of the statute to require an intent that the use, application, and making of incendiary devices be employed in the furtherance of a civil disorder. The court concluded that "The requirement of intent of course 'narrows the scope of the enactment by exempting innocent or inadvertent contact from its proscription.'" 411 F.2d at 937. Appellants urge us to reject this interpretation of § 231(a) (1). However, we do not perceive that such a result is required by the Constitution nor permitted by Supreme Court precedent.

We are thus led to the conclusion that § 231(a) (1) is not unconstitutional on its face. The language is substantially the same as that sanctioned by the Supreme Court in Gorin (Gorin v. United States, 312 U.S. 19) and we hold that it is sufficiently definite to appraise men of common intelligence of its meaning and application.

In sum, the statute does not cover mere inadvertent conduct. It requires those prosecuted to have acted with intent or knowledge that the information disseminated would be used in the furtherance of a civil disorder.

Featherston, *supra*, at 1121-22.

In regard to the First Amendment challenge to this statute the court noted as follows:

The First Amendment argument is two-fold. First, the contention is that since the statutory language does not require knowledge or intent, it permits prosecution for the dissemination of ideas without a showing of clear and present danger. In view of our decision that the statute as construed here and in the district

court does require a showing of knowledge or intent, this contention is rejected.

Second, it is urged, despite our holding in regard to the language of § 231(a) (1), that the statute was unconstitutionally applied because the government failed to prove the happening or pendency of a particular civil disorder and thus failed to show a clear and present danger justifying an interference with activity protected by the First Amendment. We find this argument unpersuasive.

The words "clear and present danger" do not require that the government await the fruition of planned illegal conduct of such nature as is here involved. As stated in *Dennis v. United States*, 1950, 341 U.S. 494, 71 S.Ct. 857, 95 L.Ed. 1137:

{T}he words cannot mean that before the Government may act, it must wait until the putsch is about to be executed, the plans have been laid and the signal is awaited. If Government is aware that a group aiming at its overthrow is attempting to indoctrinate its members and to commit them to a course whereby they will strike when the leaders feel the circumstances permit, action by the government is required. 341 U.S. at 509, 71 S.Ct. at 867.

Id. at 1122.

In the Featherston case the evidence demonstrated that a group led by the defendant had engaged in the preparation for "the coming revolution." The group was regularly trained in explosives and incendiary devices and in striking transportation and communication facilities and law enforcement operations. In that factual setting the court determined that there was "a sufficient showing of clear and present danger to justify governmental intervention and the prosecution of appellants for teaching the use and manufacture of explosives and incendiary devices, as provided in §231(a) (1)." Id. at 1122-23.

As indicated above, the court in National Mobilization Committee To End The War In Vietnam v. Foran, supra, rejected a void for vagueness attack on this provision. In so doing the court noted as follows:

Their brief does assert that the phrase "technique capable of causing injury or death to persons" in Section 231(a) (1) includes techniques of self-defense or sporting activities and then argues that "the requirement that an instructor or teacher know whether his pupils will use their skills unlawfully or in a 'civil disorder which may in any way' interfere with interstate commerce is certainly too broad and vague." But this ignores the "knowing, or having reason to know or intending" language of the statute.

Id. at 937. The court, of course, went on to state that the requirement of intent narrowed the scope of the enactment sufficiently to eliminate any substantial question as to this provision. In any event, it is clear that the court gave little credence to the contention that innocent activities would be included within the scope of the prohibition.

It should also be noted that in the case of United States v. Mechanic, 454 F.2d 849 (8th Cir. 1971), the court there rejected an argument that the statute was vague and overly broad because the term "civil disorder" was inadequately defined.

Thus, in view of this court precedent upholding substantially identical language as that contained in §2(1) of LB 772, and the definition of civil disorder as found in LB 772, we believe that these provisions of the bill are sufficient to withstand any constitutional attack arising under the First Amendment or in the form of an argument as to vagueness and over breadth.

The language contained in Section 2(2) of LB 772 prohibiting the assembly of individuals for the purpose of training in paramilitary activities, has not been challenged to our knowledge, even though the similar statutory language has been enacted by at least eleven other states. Obviously, the rationale of the courts in upholding language identical to that contained in Section 2(1), would apply equally as well to the prohibitions contained in Section 2(2).

In addition, this provision appears to regulate only the conduct of individuals, training with firearms, etc., rather than speech itself. In the case of Vietnamese Fishermen's Ass'n. v. Knights of Klu Klux Klan, 543 F.Supp. 198, (S.D. Texas) (1982), the court upheld an injunction against the defendants prohibiting them from engaging in private or paramilitary activities including, "carrying on military or paramilitary training, including all forms of combat and combat related training." In so doing the court stated as follows:

The Court's research has disclosed no authority for the proposition that military operations, of the type in issue here, are protected by the First Amendment rights of free speech and freedom of association. As a preliminary matter, it is not clear that defendants' military activities involve "speech" at all, as distinguished from "conduct." While the line between these two is not always clear, the Supreme Court has explicitly endorsed the distinction. In United States v. O'Brien, 391 U.S. 367, 376, 88 S.Ct. 1673, 1678, 20 L.Ed.2d 672 (1968), for example, the Supreme Court declared that "{w}e cannot accept the view that an apparently limitless variety of conduct can be labeled 'speech' whenever the person engaging in the conduct intends thereby to express an idea." Defendants' conduct of military operations involves such grave interferences with the public peace and such

minimal elements of communication, that, the Court views these activities as impermissible "conduct" not "speech."

Id. at 208.

The court went on to note that "Even if defendants' military operations were characterized as 'speech' defendants still would not be able to avail themselves of First Amendment protection." Id. at 208. The court analogized the defendants' conduct in this case to provocations or "fighting words" which the Supreme Court has long recognized to constitute a category of speech which simply does not fall within the protection of the First Amendment. "Similarly, the threat of violence which defendants communicated through their military activities is precisely such an irrefutable and dangerous 'communication' that it resembles the use of 'fighting words,' and therefore is not protected by the First Amendment." Id. at 208.

The court also found that even if the defendants' conduct were an exercise of free speech this conduct could be properly regulated under standards established by the United States Supreme Court, and in particular applied this analysis to training in such activities:

Weighty governmental interest also counsel against acceptance of any argument that the First Amendment protects military operations. As a New York Appellate Court has observed:

There can be no justification for the organization of such an armed force. Its existence would be incompatible with the fundamental concept of our form of government. The inherent potential danger of any organized private militia, even if never used or even if ultimately placed at the disposal of the government, is obvious. Its existence would be sufficient, without more, to prevent a democratic form of government, such as ours, from functioning freely, without coercion, and in accordance with the constitutional mandates.

Application of Cassidy, 268 App.Div. 282, 51 N.Y.S.2d 202, 205 (1944), aff'd, 296 N.Y. 926, 73 N.E.2d 41, (1947). This governmental interest is not intended to, nor does it, suppress free expression. Finally, any restriction which an injunction of military activities would place on defendants' free expression is minimal; defendants remain free to express their views by means other than the threat of military force.

Defendants' military training operations are similarly outside the scope of First Amendment freedom of speech and association. Professor Laurence Tribe defines an abridgement of the First Amendment freedom of association as "any insufficiently justified governmental rule, practice or policy that interferes with or discourages a group's pursuit of ends having special first amendment significance--such as literary expression, or political change, or religious worship." Tribe, supra, § 12-23, at 703. An

injunction against defendants' military training operations in no way hinders defendants from meeting together as a group. Rather, it simply limits their ability to engage in a certain pattern of noncommunicative conduct which threatens to incite a breach of the peace. The First Amendment is no defense to a charge of conspiracy even if the act was committed for political or ideological reasons. So too, defendants' particular political motivations do not entitle them to transgress the law under the guise of the First Amendment.

Id. at 209-210.

Thus, it would appear that courts have not been hesitant to conclude that training in military or paramilitary activities is not protected under the First Amendment. Consequently, we are of the opinion that LB 772 is constitutional, and in particular is not in contravention of the First Amendment to the United States Constitution.

Sincerely,

ROBERT M. SPIRE

Attorney General

(Signed)

John Boehm

Assistant Attorney General

JB:jem

cc: Patrick J. O'Donnell
Clerk of the Legislature

Gary E. Hannibal
Patricia S. Morehead
Jerome Warner
Jacklyn Smith
John W. DeCamp
Marge Higgins
David Landis
Vard R. Johnson
Loran Schmit

1/10

Opinion No. 86031

March 10, 1986

To: Senator Tom Vickers

Subject: Salary Increases for Constitutional Officers

You have requested an opinion from our office on the constitutionality of LB 43, as amended, which now includes a tiered increase in salaries for constitutional officers. In particular, you have asked whether such a provision would be in violation of Article III, Section 19 of the Nebraska Constitution which provides in part that: "{N} or shall the compensation of any public officer, including any officer whose compensation is fixed by the Legislature, be increased or diminished during his term of office."

LB 43, as amended, provides for increases in salaries for constitutional officers on a gradual basis, with increases in 1988, 1989, and 1990. Nebraska case law has consistently interpreted Article III, Section 19 to prohibit any increases or decreases in compensation within a particular term of office. State ex rel. Laughlin v. Johnson, 156 Neb. 671, 57 N.W.2d 531 (1953). The purpose of Article III, Section 19 is to provide a system of checks and balances among the three branches of government.

Our system of government distributes the powers between three coordinate departments, the legislative, the executive, and the judicial. Each of these three independent departments derives its power directly from the people, and is responsible to them. State ex rel. Randall v. Hall, 125 Neb. 236, 249 N.W. 756 (1933).

It is clear that the Legislature may increase or decrease salaries of public officers, and that it is free to do so at any session, provided that it acts within constitutional limitations.

Among the positive limitations in our Constitution is the one that any increase or decrease of a constitutional officer's salary cannot take effect during that term of office. It is the purpose of this provision of our Constitution that such officers, upon assuming public duties, will receive as compensation for such services the amounts fixed at the time the duties are commenced, and that they will clearly understand that such compensation cannot be increased during their term of office, nor may it be decreased without conflicting with the clear intent and meaning of the constitutional provision which we are considering.

Id. at 243-244. In a later case, the Nebraska Supreme Court again addressed the purpose for this constitutional provision. "It was designed to protect the individual officer against legislative oppression and, further, to curb the activities of public officers in lobbying to induce the Legislature to increase salaries." Ramsey v. County of Gage, 153 Neb. 24, 43 N.W.2d 593 (1950).

It is clear that LB 43 will increase the salaries of constitutional officers during a particular term. However, it is our opinion that this increase does not fall within the constitutional prohibition of Article III, Section 19. What is critical is that the compensation of a public officer be known and defined at the beginning of the term. There can

be no subsequent alteration of that amount during his or her term of office. LB 43 simply provides for a graduated increase in salary during a particular term. An officer assuming that position may only receive the salaries as adopted at the time of taking office. The fact that the Legislature has seen fit to adopt a graduated scale of salaries does not offend the Constitution. The Legislature could not, however, make any changes that would increase or decrease these amounts during an individual's term of office.

Very truly yours,
ROBERT M. SPIRE
 Attorney General
 (Signed) Ruth Anne Evans
 Assistant Attorney General

RAE:cw

cc: Patrick J. O'Donnell
 Clerk of the Legislature

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 105. Placed on Select File as amended.

E & R amendments to LB 105:

AM5333

- 1 1. In the portion of the L. Johnson-Hoagland
- 2 amendment, AM2198, adopted February 24, 1986:
- 3 a. On page 1, line 8, strike "childs" and
- 4 insert "child's"; in line 13 after the semicolon insert
- 5 "or"; in line 15 strike the comma; and in line 17 strike
- 6 "; or" and insert a period; and
- 7 b. On page 2, line 18 strike "justify" and
- 8 insert "justifies"; in line 19 strike the comma and
- 9 after "and" insert "that"; and in line 22 after
- 10 "deceased" insert a comma.
- 11 2. On page 1, line 2, strike "grandchildren
- 12 and".

LEGISLATIVE BILL 474. Placed on Select File as amended.

E & R amendments to LB 474:

AM5338

- 1 1. In the Schmit amendment, adopted February
- 2 27, 1986, underscore the matter between parentheses.
- 3 2. In AM1756, adopted February 27, 1986:
- 4 a. On page 1, line 18; page 4, lines 8 to 9;
- 5 page 5, line 4; page 13, lines 1 and 14; page 16, line

- 6 17; strike "land disturbing" and insert
 7 "land-disturbing";
- 8 b. On page 3, line 24; page 4, lines 6 and
 9 16; page 5, line 1; page 6, line 10; page 7, lines 14
 10 and 18; page 8, line 18; page 9, lines 4 and 8; page 11,
 11 line 14; page 12, line 22; page 13, line 3; page 14,
 12 lines 20 to 21; page 15, line 6; page 16, line 15; and
 13 page 17, line 2, strike "soil loss" and insert
 14 "soil-loss";
- 15 c. On page 5, line 16, strike "above ground"
 16 and insert "aboveground";
- 17 d. On page 6, line 1, strike the period and
 18 insert an underscored semicolon;
- 19 e. On page 7, line 1; and page 9, line 3,
 20 strike "Soil loss" and insert "Soil-loss";
- 21 f. On page 8, line 24, strike "of" and insert
 1 "for" and strike "for" and insert "of";
- 2 g. On page 9, line 5, after "adopted" insert
 3 "and promulgated";
- 4 h. On page 11, line 10, before "The" insert
 5 "(1)";
- 6 i. On page 12, line 5, strike "Anytime" and
 7 insert "(2) Any time"; and in line 24 before "When"
 8 insert "(3)";
- 9 j. On page 13, lines 16 and 23, after the
 10 comma insert "the";
- 11 k. On page 14, line 6, before "Upon" insert
 12 "(4)"; and
- 13 l. On page 18, line 14, strike
 14 "Expenditures", show as stricken, and insert "Except as
 15 provided in subscetion (2) of this section,
 16 expenditures".
- 17 3. On page 1, line 1, strike "agriculture"
 18 and insert "natural resources"; in line 5 before
 19 "grants" insert "conservation"; and in line 7 strike
 20 beginning with "conserving" through "resources" and
 21 insert "natural resources districts' rules and
 22 regulations and a referendum".

LEGISLATIVE BILL 474A. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: 124, 325, 780, 781, 811, 819, 831, 864, 869, 871, 886, 904, 1114, and 1114A.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 325

The following changes, required to be reported for publication in the Journal, have been made:

ER0146

1. In the DeCamp amendment, AM2241, adopted March 3, 1986:
 - a. On page 7, line 24, "14" has been struck and "15" inserted; and
 - b. On page 8, line 10, "20" has been struck and "22" inserted.
2. In the Miller amendment, AM1715, adopted February 26, 1986:
 - a. On page 1, line 2, "3" has been struck and "9" inserted;
 - b. On page 1, lines 5 to 6; page 2, line 24; and page 4, line 8, "sections 84-1301 to 84-1331" has been struck, shown as stricken, and "the State Employees Retirement Act" inserted;
 - c. Because of amendment 1 of the Wesely amendment, AM1448, section 6 has been struck and in lieu thereof in the green copy of the bill:
 - i. On page 6, line 18, an underscored comma has been inserted after "payments"; and after line 23 the following paragraph has been inserted:

"In lieu of the future service retirement annuity, a retiring employee may, upon application to the board, receive a retirement transition benefit which shall not exceed twenty-five per cent of the value of the member's employee account and an annuity which shall be equal to the actuarial equivalent of the remainder of the retirement value, and the employee may choose any form of such annuity as provided for by the board. In the alternative, a retiring employee may elect to receive the entire amount in his or her employee account, except that if he or she selects such alternative, he or she shall forfeit the accumulated sums in his or her employer account."; and
 - ii. On page 7, after line 7, the following new paragraph has been inserted:

"The board shall provide to any state employee who is eligible for retirement, prior to his or her selecting any of the retirement options provided by this section, information on the federal and state income tax consequences of the various annuity or retirement benefit options.";
 - d. Because of section 16 of amendment 1 of the DeCamp amendment, AM1703, section 11 has been struck; and
 - e. On page 8, line 17, "9" has been struck and "19" inserted.
3. In lieu of the Pappas amendment adopted February 26, 1986, found on page 1035 of the Journal, in the DeCamp amendment, AM1703, adopted January 13, 1986:

a. On page 5, line 24, "January" has been struck and "July" inserted; and

b. On page 7, line 9; and page 8, line 20, "five-tenths" has been struck and "four-tenths" inserted.

4. In lieu of the Pappas amendment adopted February 20, 1986, found on page 898 of the Journal, in the Wesely amendment, AM1979, adopted February 24, 1986, on page 1, the matter beginning with "by" in line 5 through "birthday" in line 11 has been struck and "by three per cent for each year after the member's sixtieth birthday and prior to his or her sixty-fifth birthday" inserted.

5. Because of the adoption of the Miller amendment, AM1715, on February 26, 1986, the Wesely amendment, AM2178, adopted February 20, 1986, has been struck.

6. In the Wesely amendment, AM1448, adopted February 20, 1986:

a. On page 1, the matter beginning with the semicolon in line 2 through the last quotation mark in line 3 has been struck;

b. On page 2, after line 2, the following amendment has been inserted:

"6. On page 9, line 4, strike 'sixty-fifth', show as stricken, and insert 'seventieth'."; and

c. Amendment 3 has been struck.

7. In the E & R amendment, AM5195 adopted February 20, 1986:

a. On page 1, line 6, "12" has been struck and "21" inserted and "14" has been struck and "24" inserted; and

b. Amendment 3 has been struck.

8. For purposes of correlation with section 2, LB 546, in the DeCamp amendment, AM1703, adopted on January 13, 1986:

a. On page 1, line 3, after the second comma insert "as amended by section 2, Legislative Bill 546, Eighty-ninth Legislature, Second Session, 1986,"; and in lines 9 and 10 strike the stricken matter;

b. On page 3, line 12, after "compensation" insert "for full-time employees"; in line 15 strike the comma and after the period insert "Final average compensation for part-time employees shall be determined by dividing total adjusted compensation subject to required deposits for the three fiscal years in which such adjusted compensation was the highest by thirty-six."; and in line 20 after the period insert "Adjusted compensation for any year shall be equal to actual pay times the ratio of one to the actual credited service for such year."; and

c. On page 4, line 23, after "thereafter" insert a comma.

9. In the Standing Committee amendments, AM1112, adopted on January 1, 1986, on page 1, line 10, "provisions of sections 84-1301 to 84-1331" has been struck, shown as stricken, and "State Employees Retirement Act" inserted.

10. Original section 9 and all amendments thereto have been struck and the following new section inserted:

"Sec. 23. That original sections 79-1529, 79-1565, 81-1325, 84-1312, 84-1318, and 84-1322, Reissue Revised Statutes of Nebraska, 1943, sections 79-1522.02, 79-1533, 84-1301, 84-1307, 84-1309, 84-1311, 84-1317, 84-1319, 84-1320, 84-1321, and 84-1332, Revised Statutes Supplement, 1984, section 79-1531, Revised Statutes Supplement, 1985, and section 79-1522.01, Revised Statutes Supplement, 1984, as amended by section 2, Legislative Bill 546, Eighty-ninth Legislature, Second Session, 1986, are repealed."

11. On page 1, the matter beginning with "benefits" in line 1 through line 13 has been struck and "; to amend sections 79-1529, 79-1565, 81-1325, 84-1312, 84-1318, and 84-1322, Reissue Revised Statutes of Nebraska, 1943, sections 79-1522.02, 79-1533, 84-1301, 84-1307, 84-1309, 84-1311, 84-1317, 84-1319, 84-1320, 84-1321, and 84-1332, Revised Statutes Supplement, 1984, section 79-1531, Revised Statutes Supplement, 1985, and section 79-1522.01, Revised Statutes Supplement, 1984, as amended by section 2, Legislative Bill 546, Eighty-ninth Legislature, Second Session, 1986; to state intent; to provide retirement benefits for state legislators; to change provisions relating to the school retirement system; to change provisions of the State Employees Retirement Act; to eliminate a restriction on certain employees; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original sections; and to declare an emergency." has been inserted.

12. On page 6, the matter beginning with "sections" in line 7 through "84-1331" in line 8 has been struck, shown as stricken, and "the State Employees Retirement Act" inserted.

13. On page 8, line 22, an underscored comma has been inserted after "84-1317"; and in line 25 the comma has been struck and shown as stricken.

Enrollment and Review Change to LB 871

The following changes, required to be reported for publication in the Journal, have been made:

ER0140

1. In the E & R amendments, AM5241, on page 1, line 5, "except that" has been inserted after the underscored comma.

Enrollment and Review Change to LB 886

The following changes, required to be reported for publication in the Journal, have been made:

ER0148

1. In the E & R amendment, AM5235, adopted March 3, 1986, on page 2, line 1, "pursuant" has been inserted after "obtained".

Enrollment and Review Change to LB 904

The following changes, required to be reported for publication in the Journal, have been made:

ER0141

1. On page 1, line 1, "children" has been struck and "persons" inserted.

Enrollment and Review Change to LB 1114

The following changes, required to be reported for publication in the Journal, have been made:

ER0144

1. In the V. Johnson amendment, AM2412, adopted March 6, 1986:

- a. On page 4, line 1, an underscored comma has been inserted after "and"; and in line 9 "shall be" has been struck and "is" inserted; and

- b. On page 6, line 1, an underscored comma has been inserted after "created"; and in line 17 ", except as provided in section 77-912 and section 17 of this act." has been inserted after "and".

2. In the E & R amendments, AM5292, adopted March 6, 1986:

- a. Amendment 4 has been struck and the remaining amendments renumbered accordingly; and

- b. On page 12, line 6, "quarterly payments" has been struck and "prepayments" inserted; in line 9 "77-908" has been struck and "77-909" inserted; and in line 10 "1985" has been struck and "1984" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

APPRECIATION

Received note of appreciation from the Scobee families for the memorial of Dick Scobee, NASA Johnson Space Center.

EASE

The Legislature was at ease from 9:18 a.m. until 9:22 a.m.

MOTION - Committee on Credentials

Mrs. Marsh moved that the report from the Committee on Credentials be approved.

On March 5, 1986, Governor Kerrey appointed James D. McFarland to the Nebraska Unicameral Legislature, District #28, replacing Chris Beutler who had resigned.

Pursuant to that appointment, Mr. Paul Rosberg on March 7 objected to and contested the appointment by Governor Kerrey of Mr. McFarland as a state senator. Mr. McFarland took the oath of office and was sworn in on March 7. Pursuant to the objections as filed by Mr. Rosberg with the Secretary of State's Office, the Credentials Committee has met and made the following findings.

1. That nowhere in the Nebraska statutes or Constitution of the State of Nebraska can there be found any prohibition of an attorney being appointed to public office.
2. Furthermore, it is found that Mr. McFarland meets all the constitutional and statutory requirements imposed on any individual who is to serve as a member of the Nebraska Unicameral Legislature.

IT IS THEREFORE the committee's recommendation that Mr. McFarland be certified and seated as a member for the balance of this legislative term of the Nebraska Unicameral Legislature.

The motion prevailed.

RESOLUTIONS

LEGISLATIVE RESOLUTION 357. Read. Considered.

LR 357 was adopted with 41 ayes, 0 nays, and 8 not voting.

LEGISLATIVE RESOLUTION 358. Read. Considered.

LR 358 was adopted with 39 ayes, 0 nays, and 10 not voting.

UNANIMOUS CONSENT - Member Excused

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 839. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1985, LB 722, sections 17, 36, 49, and 81, and Laws 1985, Second Special Session, LB 1, sections 1, 3, 7, 11, 12, 13, 14, 15, 16, 17, 18, 22, 26, 31, 35, 37, 38, 41, 42, 46, 47, 50, and 55; to make deficiency appropriations; to provide for transfer of certain funds; to create a fund; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

Abboud	DeCamp	Hefner	Lundy	Peterson
Baack	Eret	Higgins	Lynch	Pirsch
Barrett	Goll	Hoagland	Marsh	Rogers
Beyer	Goodrich	Johnson, L.	McFarland	Scofield
Carsten	Haberman	Johnson, R.	Miller	Sieck
Chambers	Hall	Johnson, V.	Morehead	Smith
Chizek	Hannibal	Labeledz	Nelson	Warner
Chronister	Harris	Lamb	Nichol	Wesely
Conway	Hartnett	Landis	Pappas	Withem

Voting in the negative, 0.

Present and not voting, 1:

Remmers

Excused and not voting, 3:

Rupp Schmit Vickers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

RESOLUTIONS

LEGISLATIVE RESOLUTION 359.

Introduced by Marsh, 29th District.

WHEREAS, spinal-cord injury resulting in some degree of paralysis is one of the most devastating disability occurring today and is commonly caused by a vehicle accident, fall, diving injury, or gunshot wound; and

WHEREAS, spinal-cord injury affects hundreds of thousands of Americans, the majority of whom are young males between the ages of fifteen to thirty; and

WHEREAS, many spinal-cord injuries are avoidable, substantiating the need to maintain and further define spinal-cord injury prevention and educational programs; and

WHEREAS, the cost of care for treating spinal-cord injury is increasing at a phenomenal rate; and

WHEREAS, the peak period is the months of June, July, and August for spinal-cord injury; and

WHEREAS, April has been designated as a month of concern for informing the public of the dangers and consequences of spinal-cord injury, how to avoid such injury, and what to do if on the scene when such injury occurs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

That April 1986 is declared to be Spinal-cord Injury Prevention Month in Nebraska and the Legislature urges all citizens to be aware of the dangers and consequences of spinal-cord injury.

Laid over.

LEGISLATIVE RESOLUTION 360.

Introduced by Marsh, 29th District.

WHEREAS, the Lincoln Southeast High School women's basketball team, the Knights, won the Class A championship game of the Girls' State Basketball tournament on Saturday, March 8, 1986; and

WHEREAS, the Knights have displayed exemplary athletic skill, competitive spirit, and sportsmanship; and

WHEREAS, the team members and coach John Larsen are deserving of special recognition for their victory.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature commend and congratulate the Lincoln Southeast Knights and Coach Larsen and recognize the team as the 1986 Girls' State Class A champions.

2. That the Clerk of the Legislature is directed to send a copy of this resolution to coach John Larsen, Lincoln Southeast High School.

Laid over.

SELECT FILE

LEGISLATIVE BILL 464. E & R amendments, AM5260, found in the Journal on page 1031 for the Thirty-Second Day were adopted.

Mr. Hoagland renewed his pending amendment, AM2321, found in the Journal on page 1123.

Mr. DeCamp requested a ruling of the Chair on whether the Hoagland amendment is germane to the bill.

Mr. Hoagland withdrew his pending amendment, AM2321 found in the Journal on page 1123.

Advanced to E & R for Engrossment.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bill: 839.

SELECT FILE

LEGISLATIVE BILL 895. E & R amendments, AM5282, found in the Journal on page 1079 for the Thirty-Fourth Day were adopted.

Mr. Lynch withdrew his pending amendment, AM2169, found in the Journal on page 874.

Mr. Lynch renewed his pending amendment, AM2397, found in the Journal on page 1198.

Mr. V. Johnson offered the following amendment to the pending Lynch amendment:

by striking Section 3 of the amendment.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

The V. Johnson amendment lost with 8 ayes, 23 nays, 15 present and not voting, and 3 excused and not voting.

MR. CARSTEN PRESIDING

Messrs. Nichol and Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. R. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Lynch amendment was adopted with 26 ayes, 2 nays, 17 present and not voting, and 4 excused and not voting.

Pending.

STANDING COMMITTEE REPORT **Public Works**

LEGISLATIVE RESOLUTION 345. Reported to the Legislature for further consideration.

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. R. Johnson asked unanimous consent to have his name added as co-introducer to LB 464. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 361.

Introduced by Eret, 32nd District; Sieck, 24th District.

WHEREAS, the winning of a championship in a state athletic tournament demonstrates the willingness of a team and its coach to endure hard work and struggles associated with significant accomplishments; and

WHEREAS, the members of the Exeter High School girls' basketball team and their coach, Bill Fitzgerald, deserve special recognition for their championship.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature commend the athletic ability, competitive spirit, and sportsmanship exhibited by the Exeter High School girls' basketball team.

2. That the Legislature congratulates and extends best wishes to the 1986 Class D-1 girls' high school basketball champions, the Exeter Eagles, and their coach, Bill Fitzgerald.

Laid over.

LEGISLATIVE RESOLUTION 362.

Introduced by Eret, 32nd District; Miller, 37th District.

WHEREAS, the winning of a championship in a state athletic tournament demonstrates the willingness of a team and its coach to endure hard work and struggles associated with significant accomplishments; and

WHEREAS, the Davenport Tigers won the Class D-2 championship at the girls' State High School Basketball tournament this year; and

WHEREAS, the members of the Davenport High School girls' basketball team and their coach Lewis Cole, deserve special recognition for their championship.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature commend the athletic ability, competitive spirit, and sportsmanship exhibited by the Davenport High School girls' basketball team.

2. That the Legislature congratulates and extends best wishes to the 1986 Class D-2 girls' high school basketball champions, the Davenport Tigers, and their coach, Lewis Cole.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1143A. By V. Johnson, 8th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1143, Eighty-ninth Legislature, Second Session, 1986.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 11, 1986, at 10:12 a.m., was the following bill: LB 839.

(Signed) Jan Loder, Enrolling Clerk

ANNOUNCEMENT

Mr. Carsten announced there will be an Executive Board meeting Wednesday, March 12, 1986, at 8:30 a.m. in Room 2102.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 318. Placed on Select File as amended.
E & R amendments to LB 318:
AM5343

- 1 1. In the Abboud amendment, AM2272, adopted
- 2 February 27, 1986, on page 1, before line 1, insert
- 3 "Amendments to Standing Committee amendments"; in line 2
- 4 strike "149" and insert "143"; and in line 19 strike
- 5 "93" and insert "104", strike "20" and insert "18", and
- 6 strike "second" and insert "last".
- 7 2. In the Standing Committee amendments,
- 8 AM1813, adopted February 27, 1986:
- 9 a. On page 4, line 20, after the first "or"
- 10 insert "a";
- 11 b. On page 7, line 14, strike the second
- 12 comma;
- 13 c. On page 8, line 2, after "using" insert
- 14 "an"; and in line 3 strike "appliances" and insert
- 15 "appliance";
- 16 d. On page 9, line 7, strike the comma; and in
- 17 line 20 after "Legislature" insert an underscored comma;
- 18 e. On page 13, line 14, strike "who" and
- 19 insert "which"; and in line 20 strike the semicolon and

- 20 insert “, and”;
- 21 f. On page 14, line 1, after “members” insert
1 “shall”; in lines 16 and 22 strike “Nebraska Cosmetology
2 Act” and insert “act”; and in line 17 strike “, the
3 following”;
- 4 g. On page 15, line 7, strike the comma;
- 5 h. On page 17, line 5, strike “division” and
6 insert “department”;
- 7 i. On page 21, line 8, strike “A person
8 applying for” and insert “For”; and in line 9 strike
9 “shall” and insert an underscored comma;
- 10 j. On page 23, line 4, strike “are” and insert
11 “shall be”;
- 12 k. On page 34, line 19, strike the comma;
- 13 l. On page 35, line 18, strike the first “or”
14 and insert “of”;
- 15 m. On page 40, line 19, strike “pre-approved”
16 and insert “preapproved” and strike the comma;
- 17 n. On page 41, line 23, strike “attendeess” and
18 insert “the persons who attended”;
- 19 o. On page 54, line 12, after “used” insert an
20 underscored comma;
- 21 p. On page 60, line 23, strike “building”;
- 22 q. On page 61, line 5, after the first comma
23 insert “personal”;
- 24 r. On page 62, line 24, strike “school”;
- 1 s. On page 64, line 5, after “school” insert
2 “are”; and in line 8 strike “service” and insert
3 “services”;
- 4 t. On page 67, line 12, strike the comma;
- 5 u. On page 68, line 16, strike “freshmen” and
6 insert “first-year”; and in lines 22 and 24 strike
7 “freshman” and insert “first-year”;
- 8 v. On page 70, line 11; and page 71, lines 12
9 and 21, strike the comma;
- 10 w. On page 72, line 9; page 82, line 10; and
11 page 86, line 5, strike “is” and insert “shall be”;
- 12 x. On page 83, line 11, strike “subdivision”
13 and insert “subdivisions”;
- 14 y. On page 86, line 20; and page 88, lines 8,
15 18, 19, and 23, strike the comma;
- 16 z. On page 89, line 23, after “inspection”
17 insert an underscored comma;
- 18 aa. On page 93, line 20; and page 94, line 1,
19 strike the comma;

- 20 bb. On page 99, line 21, strike the first
 21 comma; and
 22 cc. On page 104, line 17, strike "section" and
 23 insert "sections".
 24 3. On page 1, lines 1 and 7, strike "section"
 1 and insert "sections"; in line 2 before the first comma
 2 insert "and 71-161.01"; in line 3 after "1943" insert "
 3 and section 71-204, Revised Statutes Supplement, 1984"
 4 and after the second semicolon insert "to create a fund;
 5 to provide penalties;"; and in line 4 after the
 6 semicolon insert "to change a provision relating to the
 7 practice of barbering;".

LEGISLATIVE BILL 318A. Placed on Select File.

LEGISLATIVE BILL 813. Placed on Select File as amended.
 E & R amendments to LB 813:
 AM5334

- 1 1. In the Standing Committee amendments,
 2 AM2014, adopted February 27, 1986, on page 1, line 1,
 3 strike "In" and insert "On page 2," and in line 2 strike
 4 "it's" and insert "its".
 5 2. On page 1, strike beginning with
 6 "authorize" in line 7 through "proceeding" in line 8 and
 7 insert "change provisions relating to when and by whom
 8 paternity proceedings may be instituted".

LEGISLATIVE BILL 942. Placed on Select File as amended.
 E & R amendments to LB 942:
 AM5336

- 1 1. In the Standing Committee amendments,
 2 AM2021, adopted February 27, 1986:
 3 a. On page 3, line 17, strike "cost
 4 efficient" and insert "cost-efficient"; and in line 20
 5 lowercase "Districts";
 6 b. On page 5, line 15, strike "43-616.01",
 7 show as stricken, and insert "43-611.01"; in line 17
 8 after "Education" insert an underscored comma;
 9 c. On page 6, line 1, strike "and 43-616.01"
 10 and show as stricken;
 11 d. On page 7, line 24; and page 13, line 12,
 12 strike "cooperatives" and insert "cooperative"; and
 13 e. On page 10, line 7, after "programs"
 14 insert an underscored comma.
 15 2. On page 1, line 2, after the last comma

- 16 insert "43-646.08."; in line 4 after "1943" insert "
17 and section 43-649, Revised Statutes Supplement, 1985";
18 and in line 7 strike "school districts" and insert
19 "authorize cooperative agreements; to require certain
20 pilot projects; to change and provide reporting
21 requirements; to change provisions relating to
1 preparation and review of plans and budgets".

LEGISLATIVE BILL 759. Placed on Select File as amended.
E & R amendments to LB 759:

AM5337

- 1 1. In the Standing Committee amendments,
2 AM1797, adopted February 27, 1986, on page 1, line 6,
3 strike the comma.
4 2. On page 1, line 3, after "vehicles" insert
5 "when using dealer number plates".
6 3. On page 6, line 15, after "or" insert an
7 underscored comma.
8 4. On page 7, line 14, strike the comma and
9 show as stricken.
10 5. On page 8, line 21, strike "Where", show
11 as stricken, and insert "When".
12 6. On page 10, line 15, strike "must", show
13 as stricken, and insert "shall".
14 7. On page 11, line 18, strike the comma and
15 show as stricken.

LEGISLATIVE BILL 788. Placed on Select File as amended.
E & R amendment to LB 788:

AM5339

- 1 1. In the Standing Committee amendments,
2 AM1881, adopted February 28, 1986, on page 1, line 1,
3 strike "child" and insert "Child"; in line 2 after
4 "participant" insert an underscored comma; and in line 4
5 strike the comma, and after "and" insert an underscored
6 comma, and after "observer" insert an underscored comma.

LEGISLATIVE BILL 890. Placed on Select File as amended.
E & R amendments to LB 890:

AM5340

- 1 1. In the Morehead amendment, AM2142, adopted
2 February 28, 1986:
3 a. On page 1, line 2, strike "2" and insert
4 "3"; and strike beginning with the semicolon in line 19
5 through the last quotation marks in line 20.

- 6 2. On page 1, line 2, after "section" insert
7 "77-27,142.03, Reissue Revised Statutes of Nebraska,
8 1943, and sections 77-27,142 and"; in line 4 after
9 "municipal" insert "authorization and" and after the
10 second "to" insert "impose and"; and in line 6 strike
11 "section" and insert "sections".
12 3. On page 2, line 10, strike the comma and
13 show as stricken.

LEGISLATIVE BILL 925. Placed on Select File as amended.
E & R amendments to LB 925:
AM5344

- 1 1. In the V. Johnson-Wesely amendment,
2 AM2286, adopted February 28, 1986, on page 2, line 17,
3 strike "hospital's," and show as stricken.
4 2. On page 1, line 2, strike "section 81-638"
5 and insert "sections 81-638 and 81-645 to 81-647"; in
6 line 4 after the semicolon insert "to provide a
7 limitation on funding; to provide powers and duties; to
8 change provisions relating to the cancer registry"; in
9 line 5 after the semicolon insert "and"; and in line 6
10 strike "section" and insert "sections".

LEGISLATIVE BILL 925A. Placed on Select File.

LEGISLATIVE BILL 829. Placed on Select File as amended.
E & R amendments to LB 829:
AM5342

- 1 1. On page 2, lines 6 and 9, strike "service"
2 and insert "unit".
3 2. On page 3, line 16, strike "Alzheimers"
4 and insert "Alzheimer's".
5 3. On page 4, line 7, strike "service" and
6 insert "unit"; and in line 22 after "dollars" insert a
7 comma.
8 4. On page 5, line 10, before "and" insert
9 "of the Social Security Act, as amended,"; in line 11
10 before "as" insert "of the Social Security Act, as
11 amended,"; in line 12 strike the comma; in line 16
12 strike the comma and after "have" insert "fees for"; in
13 line 17 strike "fees"; and in line 20 strike "incomes"
14 and insert "income".
15 5. On page 6, line 5, strike "service" and
16 insert "unit".

LEGISLATIVE BILL 829A. Placed on Select File.

LEGISLATIVE BILL 237. Placed on Select File.

LEGISLATIVE BILL 894. Placed on Select File as amended.
E & R amendments to LB 894:

AM5341

- 1 1. On page 1, line 3, after the second comma
- 2 insert "46-673.05,".
- 3 2. On page 2, line 5, after "solutions"
- 4 insert "should be implemented".
- 5 3. On page 3, line 9, after "If" insert an
- 6 underscored comma; and in line 13 strike "if".
- 7 4. On page 16, line 20, strike the last comma
- 8 and show as stricken.

LEGISLATIVE BILL 894A. Placed on Select File.

(Signed) Timothy Hall, Chairperson

SELECT FILE

LEGISLATIVE BILL 895. Considered.

Mr. DeCamp offered the following amendment:
Page 2 line 13 strike "as amended"

The DeCamp amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Lamb asked unanimous consent to be excused until he returns.
No objections. So ordered.

Mr. Hoagland requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 25 ayes, 5 nays, 14 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1049. E & R amendments, AM5317, found in the Journal on page 1151 for the Thirty-Sixth Day were adopted.

Mr. Haberman offered the following amendment:
1) Line 4, after "states" insert: "within 12 months,"
2) Line 5, strike "may" and insert "shall"

Messrs. Pappas and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

MR. LANDIS PRESIDING

Mr. Haberman moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The Haberman amendment was adopted with 25 ayes, 1 nay, 16 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1049A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 804. E & R amendments, AM5318, found in the Journal on page 1151 for the Thirty-Sixth Day were adopted.

Standing Committee amendment, AM2102, found in the Journal on page 804 for the Twenty-Fifth Day was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Wesely offered the following amendment:

Amend LB 804 by adding the following new section:
Since an emergency exists, this act shall be in full force and take effect from and after its passage and approval, according to law.

The Wesely amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1047. E & R amendments, AM5295, found in the Journal on page 1130 for the Thirty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1028. E & R amendment, AM5298, found in the Journal on page 1132 for the Thirty-Sixth Day was adopted.

Mr. DeCamp moved to indefinitely postpone LB 1028.

Mr. DeCamp moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. DeCamp requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 32:

Abboud	Chronister	Hannibal	Marsh	Pirsch
Baack	Conway	Harris	McFarland	Remmers
Barrett	DeCamp	Higgins	Miller	Rogers
Beyer	Goll	Johnson, R.	Morehead	Smith
Carsten	Goodrich	Labeledz	Nelson	Warner
Chambers	Haberman	Lynch	Nichol	Withem
Chizek	Hall			

Voting in the negative, 11:

Eret	Hoagland	Johnson, V.	Lundy	Sieck
Hartnett	Johnson, L.	Landis	Rupp	Wesely
Hefner				

Absent and not voting, 1:

Scofield

Excused and not voting, 5:

Lamb	Pappas	Peterson	Schmit	Vickers
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The DeCamp motion to indefinitely postpone prevailed with 32 ayes, 11 nays, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1036. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1036A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1123. E & R amendment, AM5309, found in the Journal on page 1134 for the Thirty-Sixth Day was adopted.

Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 754. Indefinitely postponed.
LEGISLATIVE BILL 826. Indefinitely postponed.
LEGISLATIVE BILL 858. Indefinitely postponed.
LEGISLATIVE BILL 1067. Indefinitely postponed.
LEGISLATIVE BILL 1083. Indefinitely postponed.
LEGISLATIVE BILL 1084. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

VISITORS

Visitors to the Chamber were 54 fifth grade students, principal, and sponsors from Springville Elementary School, Omaha; and 34 members of Norfolk Business and Professional Women.

RECESS

At 12:04 p.m., on a motion by Mr. McFarland, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:34 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Mr. Schmit who was excused; and Messrs. Barrett, Carsten, Goll, Hall, Harris, V. Johnson, Landis, Lundy, Pappas, and Mrs. Labedz who were excused until they arrive.

REPORTS

Received copy of the Greater Nebraska Job Training Plan from the Nebraska Department of Labor, Job Training Program Division.

Received copies of the proposed Job Training Plans from the Department of Labor, Job Training Program Division, for the Greater Nebraska Service Delivery Area, Greater Omaha Service Delivery Area, and Greater Lincoln Service Delivery Area.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following motion in the Journal. No objections. So ordered.

Return LB 325 to Retirement Systems Committee.

GENERAL FILE

LEGISLATIVE BILL 289. Title read. Considered.

MR. LAMB PRESIDING

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hoagland withdrew his pending amendment, AM0940, found in the Journal on page 2141, First Session.

Mr. Hannibal renewed his pending amendment, AM1704, found in the Journal on page 1057.

Mr. Hoagland offered the following amendment to the pending Hannibal amendment:
AM2441

(Amendments to AM1704)

- 1 1. Insert the following new section:
- 2 "Sec. 4. That section 23-2416, Revised
- 3 Statutes Supplement, 1984, be amended to read as
- 4 follows:
- 5 23-2416. (1) Except as provided in section 2
- 6 of this act, every ~~Every~~ claim against a political
- 7 subdivision permitted under this act shall be forever
- 8 barred; unless, within two years ~~one year~~ after such
- 9 claim accrued, the claim is made in writing to the
- 10 governing body. Except as otherwise provided in this
- 11 section, all suits permitted by ~~this act~~ the Political
- 12 Subdivisions Tort Claims Act shall be forever barred
- 13 unless begun within two years after such claim accrued.
- 14 The time to begin a suit under ~~this~~ such act shall be
- 15 extended for a period of six months from the date of
- 16 mailing of notice to the claimant by the governing body
- 17 as to the final disposition of the claim or from the
- 18 date of withdrawal of the claim from the governing body
- 19 under section 23-2405, if the time to begin suit would
- 20 otherwise expire before the end of such period.
- 1 (2) If a claim is made or filed under any

2 other law of this state and a determination is made by a
3 political subdivision or court that ~~this act~~ the
4 Political Subdivisions Tort Claims Act provides the
5 exclusive remedy for the claim, the time to make a claim
6 and to begin suit under ~~this~~ such act shall be extended
7 for a period of six months from the date of the court
8 order making such determination or the date of mailing
9 of notice to the claimant of such determination by the
10 political subdivision, if the time to make the claim and
11 to begin suit under ~~this~~ the act would otherwise expire
12 before the end of such period. The time to begin suit
13 under ~~this~~ the act may be further extended as provided
14 in subsection (1) of this section.

15 (3) If a claim is made or a suit is begun
16 under the Political Subdivisions Tort Claims Act ~~this~~
17 ~~act~~, and if a determination is made by the political
18 subdivision or by the court that the claim or suit is
19 not permitted under ~~this~~ such act for any other reason
20 than lapse of time, the time to make a claim or to begin
21 a suit under any other applicable law of this state
22 shall be extended for a period of six months from the
23 date of the court order making such determination or the
24 date of mailing of notice to the claimant of such
1 determination by the political subdivision, if the time
2 to make the claim or begin the suit under such other law
3 would otherwise expire before the end of such period.

4 (4) If a claim is brought under the
5 Hospital-Medical Liability Act, the filing of a request
6 for review under section 44-2840 shall extend the time
7 to begin suit under the Political Subdivisions Tort
8 Claims Act an additional ninety days following the
9 issuance of the opinion by the medical review panel if
10 the time to begin suit under the Political Subdivisions
11 Tort Claims Act would otherwise expire before the end of
12 such ninety-day period.

13 (5) This section, sections 1 and 2 of this
14 act, and section 25-213 shall be the only statutes of
15 limitations applicable to tort claims as defined in ~~this~~
16 ~~act~~ the Political Subdivisions Tort Claims Act.”

17 2. On page 2, line 3, strike “The” and insert
18 “If the time to begin suit would otherwise expire before
19 the end of such period, the”; and strike beginning with
20 “if” in line 9 through “period” in line 10.

21 3. On page 3, line 19, after “original”
22 insert “section 23-2416, Revised Statutes Supplement,

23 1984, and"; and in line 22 strike "is" and insert "are".

24 4. Renumber the remaining sections

1 accordingly.

Mr. Wesely asked unanimous consent to be excused until he returns.
No objections. So ordered.

The Hoagland amendment lost with 6 ayes, 19 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Hoagland offered the following amendment to the pending Hannibal amendment:

AM2442

(Amendments to AM1704)

1 1. Insert the following new sections:

2 "Sec. 4. That section 23-2406, Reissue

3 Revised Statutes of Nebraska, 1943, be amended to read
4 as follows:

5 23-2406. Jurisdiction, venue, procedure, and
6 rights of appeal in all suits brought under ~~this act~~ the
7 Political Subdivisions Tort Claims Act shall be
8 determined in the same manner as if the suits involved
9 private individuals. Suits commenced pursuant to such
10 act may be heard before a jury at the request of any
11 party to the suit. ~~, except that such suits shall be~~
12 ~~heard and determined by the appropriate court without a~~
13 ~~jury.~~

14 Sec. 6. That section 2, Legislative Bill 14,
15 Eighty-ninth Legislature, Second Special Session, 1985,
16 be amended to read as follows:

17 Sec. 2. The total amount recoverable under
18 the Political Subdivisions Tort Claims Act for claims
19 arising out of an occurrence after November 16, 1985,
20 except as provided in section 3 of this act, shall be
1 limited to:

2 (1) One million dollars for any person for
3 any number of claims arising out of a single occurrence;
4 and

5 (2) Five million dollars for all claims
6 arising out of a single occurrence."

7 2. On page 3, line 19, after "original"
8 insert "section 23-2406, Reissue Revised Statutes of
9 Nebraska, 1943."; and in line 22 strike "is" and insert
10 "and section 2, Legislative Bill 14, Eighty-ninth
11 Legislature, Second Special Session, 1985, are".

- 12 3. Renumber the remaining sections
 13 accordingly.

Mr. Hall asked unanimous consent to be excused. No objections. So ordered.

Mr. Hoagland moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Hoagland requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Chambers	Hoagland	Landis	Morehead	Wesely
Chizek	Johnson, V.	Marsh	Sieck	Withem
Higgins	Labedz	McFarland	Vickers	

Voting in the negative, 22:

Beyer	Goll	Hefner	Lynch	Rupp
Carsten	Goodrich	Johnson, R.	Pirsch	Scotfield
Chronister	Haberman	Lamb	Remmers	Smith
DeCamp	Hannibal	Lundy	Rogers	Warner
Eret	Harris			

Present and not voting, 8:

Abboud	Conway	Johnson, L.	Nelson	Peterson
Baack	Hartnett	Miller		

Excused and not voting, 5:

Barrett	Hall	Nichol	Pappas	Schmit
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The Hoagland amendment lost with 14 ayes, 22 nays, 8 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Hoagland offered the following amendment to the pending Hannibal amendment:

AM2440

(Amendments to AM1704)

- 1 1. Insert the following new sections:
- 2 "Sec. 4. The limitation of liability

3 prescribed in section 3 of this act shall have a
4 cost-of-living adjustment based upon the statistics
5 published in the National Consumers Price Index, as of
6 December 31, 1989, and every three years thereafter.
7 The limitation of liability shall be adjusted by the
8 amount of increase or decrease for such three-year
9 period. The limitation of liability as adjusted every
10 three years shall be the amount to which the adjustment
11 will be applied the following three years. If
12 publication of the National Consumer Price Index is
13 discontinued, a comparable index for purposes of
14 determining such percentage in the cost-of-living
15 adjustment shall be used.

16 Sec. 6. That section 2, Legislative Bill 14,
17 Eighty-ninth Legislature, Second Special Session, 1985,
18 be amended to read as follows:

19 Sec. 2. Except as provided in section 3
20 of this act, the total amount recoverable under the
1 Political Subdivisions Tort Claims Act for claims
2 arising out of an occurrence after November 16, 1985,
3 shall be limited to:

4 (1) One million dollars for any person for
5 any number of claims arising out of a single occurrence;
6 and

7 (2) Five million dollars for all claims
8 arising out of a single occurrence.”

9 2. On page 2, line 23, strike “The” and
10 insert “Except as such amounts may be increased pursuant
11 to section 4 of this act, the”.

12 3. On page 3, line 12, strike “3” and insert
13 “4”; and in line 22 strike “is” and insert “and section
14 2, Legislative Bill 14, Eighty-ninth Legislature, Second
15 Special Session, 1985, are”.

16 4. Renumber the remaining sections
17 accordingly.

Mr. Hefner asked unanimous consent to be excused until he returns.
No objections. So ordered.

Mr. Haberman moved the previous question. The question is, “Shall
the debate now close?” The motion prevailed with 25 ayes, 0 nays,
and 24 not voting.

The Hoagland amendment lost with 6 ayes, 21 nays, 16 present and
not voting, and 6 excused and not voting.

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?"

Mr. Haberman moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

The Hannibal pending amendment was adopted with 28 ayes, 4 nays, 11 present and not voting, 6 excused and not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 33:

Abboud	DeCamp	Higgins	Morehead	Scofield
Baack	Eret	Johnson, L.	Nelson	Sieck
Beyer	Goodrich	Johnson, R.	Peterson	Smith
Carsten	Haberman	Lamb	Pirsch	Warner
Chizek	Hannibal	Landis	Remmers	Wesely
Chronister	Harris	Lundy	Rupp	Withem
Conway	Hartnett	Lynch		

Voting in the negative, 2:

Chambers Hoagland

Present and not voting, 8:

Goll	Labeledz	McFarland	Rogers	Vickers
Johnson, V.	Marsh	Miller		

Excused and not voting, 6:

Barrett	Hefner	Nichol	Pappas	Schmit
Hall				

Advanced to E & R for Review with 33 ayes, 2 nays, 8 present and not voting, and 6 excused and not voting.

MR. CARSTEN PRESIDING

The Chair declared the call raised.

LEGISLATIVE BILL 768. Title read. Considered.

Standing Committee amendments, AM2098, printed separate from the Journal and referred to on page 989 for the Thirty-First Day were considered.

Mr. Vickers offered the following amendment to the Standing Committee amendments:

AM2390

(Amendments to AM2098)

- 1 1. On page 10, strike beginning with "not" in
- 2 line 7 through "year" in line 8 and insert "exceed, by
- 3 no more than fifteen per cent, the total cash fund
- 4 expenditures for the average of the five preceding
- 5 years".

The Vickers amendment was adopted with 18 ayes, 0 nays, 25 present and not voting, and 6 excused and not voting.

Mr. Haberman offered the following amendment to the Standing Committee amendments:

(Amendments to AM2098)

- 1 1. On page 4, line 6, strike "a time
- 2 specified by the board", show the old matter as
- 3 stricken, and insert "the mutually agreed upon date".
- 4 2. On page 5, line 16, after "approval"
- 5 insert "on the mutually agreed upon date".
- 6 3. On page 7, line 7, strike "may in
- 7 addition" and insert "shall also"; in line 15, strike
- 8 "board" and insert "University of Nebraska or by any
- 9 Organization for Economic Cooperation and Development
- 10 test station"; and in line 17 strike "certify", show as
- 11 stricken, and insert "submit".
- 12 4. On page 8, line 3, after "manufacturer's"
- 13 insert "representations as to".
- 14 5. Insert the following new section:
- 15 "Sec. 15. Since an emergency exists, this act
- 16 shall be in full force and take effect, from and after
- 17 its passage and approval, according to law."

Mrs. Labeledz asked unanimous consent to be excused. No objections. So ordered.

The Haberman amendment was adopted with 22 ayes, 0 nays, 21 present and not voting, and 6 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 782 in the Journal. No objections. So ordered.

AM2479

- 1 1. In AM1970, beginning on page 664 of the
- 2 1986 Journal:
- 3 a. On page 1, strike beginning with "in" in
- 4 line 2 through the semicolon in line 11 and insert
- 5 "strike beginning with 'may' in line 9 through 'status'
- 6 in line 14 and insert 'shall be required to retain at
- 7 least ten per cent of its residents whose economic
- 8 status changes so that such residents receive Medicaid
- 9 or become Medicaid eligible, if such residents have
- 10 resided in the nursing home for a period of at least one
- 11 year'; in line 16 strike the second 'the' and insert
- 12 'such'; strike beginning with 'to' in line 17 through
- 13 'persons' in line 18;";
- 14 b. Strike amendment 6; and
- 15 c. Renumber the remaining amendments
- 16 accordingly.
- 17 2. Strike original sections 5, 7, and 10 to
- 18 12.
- 19 3. On page 15, line 12, strike "71-5801,
- 20 71-5803, 71-5853,".
- 21 4. Renumber the remaining sections
- 1 accordingly.

MOTION - Approve Committee on Committees Report

Mr. Chronister offered the following Committee on Committees Report.

Senator McFarland appointed to:
Judiciary

Constitutional Revision and Recreation
Rules

Laid over.

STANDING COMMITTEE REPORT
Constitutional Revision and Recreation

LEGISLATIVE RESOLUTION 318CA. Placed on General File as amended.

Standing Committee amendments to LR 318CA:

AM2410

- 1 1. On page 2, line 3, after "law" insert "or
2 ~~for the amendment of the Constitution~~" and strike
3 "eight" and insert "ten"; in line 4 after "state" insert
4 an underscored period; and strike beginning with "and"
5 in line 4 through the period in line 7 and show as
6 stricken.
- 7 2. On page 3, line 7, strike "eight" and
8 insert "ten".
- 9 3. On page 4, line 1, strike "ten", show as
10 stricken, and insert "fifteen".

(Signed) Lee Rupp, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Chizek asked unanimous consent to have his name added as co-introducer to LB 91. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 137, 380, 448, 491, 512, 530, 550, and 774.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 512

The following changes, required to be reported for publication in the Journal, have been made:
ER0143

1. In the Standing Committee amendments, AM0514, adopted January 30, 1986, on page 1, line 2, “(6)” has been inserted before “In”; and in line 11 “thousand” has been inserted after “fifty”.

2. In the E & R amendments, AM5242, adopted March 3, 1986, on page 1, the matter beginning with the semicolon in line 3 through the last quotation marks in line 5 has been struck; in line 9 “if” has been struck and “the first ‘or’ ” inserted; the matter beginning with “line” in line 12 through the semicolon in line 13 has been struck; in line 13 the second comma has been struck and “and” inserted; and in line 14 the matter beginning with the comma through “comma” has been struck.

3. On page 4, line 7, “(5)” has been inserted before “In”.

4. On page 5, in lines 10 and 17, an underscored comma has been inserted after “elected”; and in lines 13 and 21 an underscored comma has been inserted after “and”.

(Signed) Mary E. Sommermeyer
E & R Attorney

ATTORNEY GENERAL'S OPINION

Opinion No. 86032
March 11, 1986

To: Senator Ernest Chambers

Subject: LB 131 Section 1 (1)

You have asked whether the definition of the practice of optometry in LB 131, Section 1 (1) means that any person who makes a referral for consultation or treatment in connection with any abnormal condition of the human eye or lid is engaging in the practice of optometry and, if so, whether such a definition is overbroad. We have concluded that the answer to both questions is, no, as discussed below.

A citizen clearly has the right to engage in any occupation not detrimental to the public health, safety, and welfare. Measures adopted by the Legislature to protect the public health and secure the public safety and welfare must have some reasonable relation to those proposed ends.

Lincoln Dairy Co. v. Finigan, 170 Neb. 777, 785, 104 N.W.2d 227 (1960). Thus, the Legislature under the exercise of its police power can keep unlicensed persons from acts which it has determined can be safely done only by persons having the training and experience

which qualify them for licensure, as evidenced by such licensure. However,

{t}he construction of statutes and the determination of the reasonableness is the ultimate province, responsibility, and duty of the courts and must be exercised by them if state and federal constitutional guarantees of liberty and property rights are not to be made subservient to pressure groups which seek and frequently secure the enactment of statutes advantageous to a particular industry and detrimental to another under the guise of police power regulations.

Id. at 787, 788.

A definition of the practice of a profession is an exercise of the police power of the Legislature. It draws the line between what the licensed person can do and what others cannot do unless they are exempted from such licensure.

LB 131 Section 1 proposes that the Legislature define the practice of optometry by three categories of acts. Without the use of surgery, any one of them alone or in combination with one or both of the others would be the practice of optometry. Thus they are acts which a licensed optometrist or those exempted from licensing may do. Anyone else may not. They include:

(1) The examination of the human eye to diagnose, treat, or refer for consultation or treatment any abnormal condition of the human eye or lid.

The basic act in that definition is the examination of the human eye for the purpose of diagnosing any abnormal condition of the human eye or lid. Treatment or referral for consultation and treatment are the alternative ways in which the examiner may dispose of the case. Thus a referral without the preliminary examination for the purpose of diagnosis would not be the practice of optometry.

Two rules of statutory construction support this conclusion. One is the rule that where a statute enumerates the things upon which it is to operate or forbids certain things, it is to be construed as excluding from its effect all those not expressly mentioned unless the Legislature has plainly indicated a contrary purpose or intention. See, Ledwith v. Bankers Life Insurance Co., 156 Neb. 107, 54 N.W.2d 409 (1952). The things upon which the definition of the practice of optometry is to operate are subsections (1) to (3), not the individual acts in any of them when taken out of context unless covered by another subsection as both diagnosing and treating abnormal conditions of the eye are.

In construing an act of the Legislature, all reasonable doubt must be resolved in favor of constitutionality. See, Mann v. Wayne County Board of Equalization, 186 Neb. 752, 186 N.W.2d 729 (1971). As pointed out above, measures adopted by the Legislature to protect

the public health and secure the public safety and welfare must have some reasonable relation to those proposed ends. If subsection (1) kept the general public from directing another to a source for help or information, it would not meet that test.

In conclusion, to "refer for consultation or treatment any abnormal condition of the human eye or lid" as used in LB 131 Section 1 (1) is the practice of optometry only when it is done by a person holding himself or herself out as qualified to examine the human eye to diagnose such a condition and treat it himself or herself as an alternative to such a referral. Thus it is not overbroad in the sense that it would make the definition an unconstitutional exercise of the police power by the Legislature.

Sincerely,
ROBERT M. SPIRE
Attorney General

(Signed) Marilyn B. Hutchinson
Assistant Attorney General

MBH:jem

cc: Patrick J. O'Donnell
Clerk of the Legislature

1/15

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 90 in the Journal. No objections. So ordered.

AM2460

(Amendments to Standing Committee Amendments)

- 1 1. On page 1, line 12, after "attorney"
- 2 insert "or the defense attorney"; in line 13 strike
- 3 "shall" and insert "may"; and in line 16 strike
- 4 "ordinarily".
- 5 2. On page 2 strike beginning with "Except"
- 6 in line 7 through the first "the" in line 8 and insert
- 7 "The"; and strike lines 18 through 26.
- 8 3. On page 3, strike lines 1 through 23; and
- 9 in line 24 strike "(8)" and insert "(4)".
- 10 4. On page 4, line 2, strike "(9)" and insert
- 11 "(5)"; in line 5 strike "(10)" and insert "(6)"; and
- 12 after the underscored period in line 8 insert the
- 13 following new subsection:
- 14 "(7) A videotape deposition which is part of
- 15 the court record shall be subject to a protective order

16 of the court for the purpose of protecting the privacy
17 of the child.”.

Mr. Hefner asked unanimous consent to print the following amendment to LB 586 in the Journal. No objections. So ordered.

AM2444

1 1. Insert the following new section:

2 “Sec. 30. That section 39-6,138, Reissue
3 Revised Statutes of Nebraska, 1943, be amended to read
4 as follows:

5 39-6,138. (1) Every motor vehicle upon a
6 highway within this state during the period from a half
7 hour after sunset to a half hour before sunrise, and at
8 any other time when there is not sufficient light to
9 render clearly discernible persons or vehicles upon the
10 highway at a distance of five hundred feet ahead, shall
11 be equipped with lighted front and rear lamps as
12 respectively required in this section for different
13 classes of vehicles.

14 (2) Every motor vehicle, other than a
15 motorcycle, road roller, road machinery, or farm
16 tractor, shall be equipped with two or more headlamps,
17 at the front of and on opposite sides of the motor
18 vehicle and with a lamp on the rear exhibiting a red
19 light visible, under normal atmospheric conditions, from
20 a distance of at least five hundred feet to the rear of
21 such vehicle, which headlamps shall comply with the
1 requirements and limitations set forth in sections
2 39-6,140 and 39-6,142, and, except as to acetylene
3 headlamps, shall be of a type which has been approved by
4 the Department of Motor Vehicles.

5 (3) Every farm tractor upon a highway within
6 this state during the period from a half hour after
7 sunset to a half hour before sunrise, and at any other
8 time when there is not sufficient light to render
9 clearly discernible persons or vehicles upon the highway
10 at a distance of five hundred feet ahead, shall be
11 equipped with two or more headlamps, at the front or on
12 opposite sides of the tractor, and with a lamp on the
13 rear exhibiting a red light visible, under normal
14 atmospheric conditions, from a distance of at least five
15 hundred feet to the rear of such tractor, which
16 headlamps shall comply with the requirements and
17 limitations set forth in sections 39-6,140 and 39-6,142,

18 and shall be of a type which has been approved by the
19 Department of Motor Vehicles.

20 (4) Every motorcycle shall be equipped with at
21 least one and not more than two headlamps and with a
22 lamp on the rear exhibiting a red light visible, under
23 normal atmospheric conditions, from a distance of at
24 least five hundred feet to the rear of such motor
1 vehicle, which headlamp or lamps shall comply with the
2 requirements and limitations set forth in sections
3 39-6,140 and 39-6,142, and, except as to acetylene
4 headlamps, shall be of a type which has been approved by
5 the department.

6 (5) It shall be unlawful for any owner or
7 operator of any motor vehicle to operate such vehicle
8 upon a highway, unless (a) the condition of the lamps
9 and electric circuit shall be such as to give
10 substantially normal light output; (b) the taillight
11 shall show red directly to the rear, glass therein shall
12 be unbroken, the lamp shall be securely fastened, and
13 its electric circuit free from grounds or shorts; (c) if
14 equipped with spot lamps such lamps are not lighted
15 except when used by ~~the number shall be limited to not~~
16 ~~more than one spot lamp except for law enforcement~~
17 ~~personnel, government employees, and public utility~~
18 ~~employees or on any authorized emergency vehicle as~~
19 ~~defined in section 39-602;~~ (d) if equipped with
20 auxiliary driving lamps, the number shall be limited to
21 not more than two auxiliary driving lamps, ~~and~~ such
22 auxiliary lamps, if used, ~~must~~ shall be mounted on the
23 front ~~at a point not less than fifteen inches above the~~
24 ~~level surface upon which the vehicle stands of such~~
1 vehicle as prescribed in subsection (2) of section
2 39-6,139, and every such auxiliary lamp or lamps shall
3 meet the statutory requirements for headlamps; (e) if
4 equipped with any lighting device, other than headlamps,
5 spot lamp, or auxiliary driving lamps, which projects a
6 beam of light of an intensity greater than twenty-five
7 candle power, such lighting device shall be so directed
8 that no part of the beam therefrom will strike the level
9 of the surface on which the vehicle stands at a distance
10 of more than fifty feet from the vehicle; and (f) if
11 equipped with side cowl or fender lamps, the number
12 shall be limited to two such lamps, and each such side
13 cowl or fender lamp shall emit an amber or white
14 light.”.

- 15 2. On page 45, line 12, after "39-6,135,"
16 insert "39-6,138,".
17 3. Renumber remaining sections accordingly.

Mr. Hartnett asked unanimous consent to print the following amendment to LB 997 in the Journal. No objections. So ordered.

Insert the following new sections:

"Sec. 9. Any school district may, by a majority vote of the local board of education, decide to remove itself from the educational service unit of which it is a member by the terms of sec. 79-2202. Such election must be communicated to the educational service unit no later than February 1 and shall become effective upon the last day of the current fiscal year of the educational service unit. After the effective date of the election, the property within the school district shall be exempt from taxes levied for the education service unit under sec. 79-2210. After the effective date of the election, the school district shall only be obligated for its proportionate share of the indebtedness incurred by the educational service unit prior to the date of the election and for contractual commitments between the educational service unit and the school district."

Sec. 10. Section 9 shall take effect upon May 1, 1988 except that the election by the school district to remove itself may be communicated after May 1, 1988 but before June 30, 1988 and still take effect in 1988."

RESOLUTIONS

LEGISLATIVE RESOLUTION 363.

Introduced by Remmers, 1st District.

WHEREAS, The Johnson-Brock girls' basketball team is the champion of the 1986 Class C-2 girls' state high school basketball tournament; and

WHEREAS, the number one ranked Eagles have just completed an excellent season with a 25-1 record; and

WHEREAS, the winning of a state championship is indicative of athletic excellence as well as a willingness to endure hard work and sacrifice; and

WHEREAS, Coach Edward Rastovski and all members of the Eagle team are deserving of special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends congratulations to the Johnson-Brock girls' basketball team and coach Edward Rastovski.

2. That the Clerk of the Legislature is directed to send a copy of this resolution to Coach Rastovski and the Johnson-Brock girls' basketball team.

Laid over.

LEGISLATIVE RESOLUTION 364.

Introduced by Hefner, 19th District.

WHEREAS, the Hartington Cedar Catholic girls' basketball team, the Lady Trojans, won the Class B girls' state high school basketball championship; and

WHEREAS, the Hartington Cedar Catholic girls' basketball team displayed both competitive spirit and sportsmanship in this accomplishment; and

WHEREAS, the team members and Coach Bob Geary deserve recognition for this victory in the Class B girls' state basketball tournaments.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature congratulate the Hartington Cedar Catholic Lady Trojans and coach Bob Geary on their state championship.

2. That the Clerk of the Legislature is directed to send a copy of this resolution to coach Bob Geary at Hartington Cedar Catholic High School

Laid over.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Baack asked unanimous consent to have his name added as co-introducer to LB 91. No objections. So ordered.

UNANIMOUS CONSENT - Expedite LB 1041 and LB 131

Mr. Conway asked unanimous consent to expedite LB 1041 and LB 131. No objections. So ordered.

UNANIMOUS CONSENT - Expedite LB 768

Mr. Haberman asked unanimous consent to expedite LB 768. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 924. E & R amendment, AM5294, found in the Journal on page 1130 for the Thirty-Sixth Day was adopted.

Mr. Wesely renewed his pending amendment, AM2336, found in the Journal on page 1182.

The Wesely amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mr. Wesely offered the following amendment:

1. On page 2, line 12, strike "developmentally disabled" and insert "mentally retarded".
2. On page 12, line 12, strike "developmentally disabled" and insert "mentally retarded".
3. On page 18, line 18, strike "developmentally disabled" and insert "mentally retarded".
4. On page 19, line 23, strike "developmentally disabled" and insert "mentally retarded".
5. On page 20, line 4, strike "developmentally disabled" and insert "mentally retarded".

The Wesely amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Hannibal offered the following amendment:

1. Page 21, line 1, strike "and", and following "71-2020" insert "71-2041.01 and 71-2042".

2. Insert the following new section:

"Sec. 6. That section 71-2041.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2041.01. For the purpose of this act, unless the context otherwise requires:

(1) Board shall mean the Board of Examiners in Nursing Home Administration;

(2) Administrator ~~of a home for the aged or infirm~~ or nursing home administrator shall mean any individual responsible for planning, organizing, directing, and controlling the operation of a

home for aged or infirm or an intermediate care facility for the mentally retarded, or who in fact perform such functions, whether or not such functions are shared by one or more other persons; Provided, that each such administrator shall be full time and responsible for the operation of only one such licensed facility; and

(3) Home for the aged or infirm or nursing home shall mean any institution or facility licensed as such by the Department of Health pursuant to sections 71-2017 to 71-2029 except an intermediate care facility for the mentally retarded whether proprietary or nonprofit, including but not limited to, homes for the aged or infirm owned or administered by the federal or state government or an agency or political subdivision thereof.

(4) Intermediate care facility for the mentally retarded shall mean any institution or facility licensed as such by the Department of Health pursuant to sections 71-2017 to 71-2029, whether proprietary or nonprofit, including, but not limited to, intermediate care facilities for the mentally retarded owned or administered by the federal or state government or an agency or political subdivision thereof.

3. Insert the following new section:

Sec. 7. That section 71-2042, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2042. It shall be the duty of the board to:

(1) Develop, impose, and enforce standards which must be met by individuals in order to receive a license as an administrator of a home for the aged or infirm and in order to receive a license as an administrator of an intermediate care facility for the mentally retarded, which standards shall be designed to insure that such administrators of homes for the aged or infirm will be individuals who are of good character and are otherwise suitable, and who, by training or experience in the field of institutional administration, are qualified to serve as either administrators of homes for the aged or infirm or administrators of intermediate care facilities for the mentally retarded.

(2) Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards;

(3) Issue licenses to individuals determined, after the application of such techniques, to meet such standards, and revoke or suspend licenses previously issued by the board in any case in which the individual holding any such license failed to conform to such standards;

(4) Establish and carry out procedures designed to insure that individuals licensed as administrators of homes for the aged or infirm or intermediate care facilities for the mentally retarded will, during

any period that they serve as such, comply with the requirements of such standards;

(5) Receive, investigate, and take appropriate action with respect to any charge or complaint filed with the Department of Health to the effect that any individual licensed as an administrator of a home for the aged or infirm or intermediate care facility for the mentally retarded failed to comply with the requirements of such standards;

(6) Conduct a continuing study and investigation of homes for the aged or infirm and intermediate care facilities for the mentally retarded and administrators of ~~homes for the aged or infirm~~ such facilities within the state with a view to the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of such standards; and

(7) Conduct or cause to be conducted by making use of the resources available, one or more courses of instruction and training sufficient to meet the requirements of this act, and to make provisions for such courses and their accessibility to residents of this state unless it finds that there are a sufficient number of approved courses which are taught by others within this state. In lieu thereof, the board may approve courses taught within and without this state as sufficient to meet the education and training requirements of this act. For purposes of this subdivision, the board shall have the authority to receive and disburse federal funds received pursuant to section 1908(e)(1) of the Social Security Act.

4. Renumber remaining sections accordingly.

The Hannibal amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 572A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 575A. Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 84, 433, 534, 561, and 573.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 534

The following changes, required to be reported for publication in the Journal, have been made:

ER0149

1. On page 4, line 16, the second comma has been struck and shown as stricken.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 877 in the Journal. No objections. So ordered.

Page 2, Line 4, strike "or continue".

UNANIMOUS CONSENT - Expedite LB 572A

Mrs. Marsh asked unanimous consent to expedite LB 572A. No objections. So ordered.

VISITORS

Visitors to the Chamber were Kay Smith and Faye Kahle from Kearney.

ADJOURNMENT

At 4:10 p.m., on a motion by Mr. Rogers, the Legislature adjourned until 9:00 a.m., Wednesday, March 12, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

FORTIETH DAY - MARCH 12, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

FORTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 12, 1986

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Hoagland and Rogers who were excused; and Messrs. DeCamp, Hall, Hannibal, V. Johnson, Landis, Lynch, Peterson, Rupp, Vickers, Mesdames Higgins, Labedz, and Ms. Scofield who were excused until they arrive.

PRESIDENT MCGINLEY PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Ninth Day was approved.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 325A. By DeCamp, 40th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 325, Eighty-ninth Legislature, Second Session, 1986.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 357 and LR 358.

RESOLUTIONS

LEGISLATIVE RESOLUTION 359. Read. Considered.

LR 359 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 360. Read. Considered.

LR 360 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 361. Read. Considered.

LR 361 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 362. Read. Considered.

LR 362 was adopted with 26 ayes, 0 nays, and 23 not voting.

MOTION - Approve Appointments

Mr. Schmit moved the adoption of the report of the Public Works Committee for the following Governor appointments found in the Journal on page 1259: Bruce H. Kendall - Power Review Board; Martha W. Gilliland - Power Review Board.

Voting in the affirmative, 27:

Abboud	Goll	Lundy	Nichol	Sieck
Baack	Goodrich	Marsh	Pappas	Smith
Barrett	Hartnett	Miller	Pirsch	Warner
Beyer	Johnson, L.	Morehead	Remmers	Wesely
Chronister	Johnson, R.	Nelson	Schmit	Withem
Eret	Lamb			

Voting in the negative, 0.

Present and not voting, 8:

Carsten	Chizek	Haberman	Hefner	McFarland
Chambers	Conway	Harris		

Excused and not voting, 14:

DeCamp	Higgins	Labeledz	Peterson	Scofield
Hall	Hoagland	Landis	Rogers	Vickers
Hannibal	Johnson, V.	Lynch	Rupp	

These appointments were confirmed with 27 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

MOTION - Return LB 494 to Select File

Mr. Withem moved to return LB 494 to Select File for his specific amendment, AM2333, found in the Journal on page 1157.

The motion to return prevailed with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 494. The Withem specific amendment, AM2333, found in the Journal on page 1157 was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 877. E & R amendment, AM5301, found in the Journal on page 1133 for the Thirty-Sixth Day was adopted.

Mr. DeCamp offered the following amendment:
AM2393

- 1 1. Strike original section 1 and insert the
- 2 following new section:
- 3 "Section 1. That section 28-704, Reissue
- 4 Revised Statutes of Nebraska, 1943, is repealed."

Mrs. Marsh moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mrs. Marsh requested a roll call vote on the DeCamp amendment.

Voting in the affirmative, 23:

Baack	DeCamp	Lundy	Pappas	Smith
Beyer	Goodrich	Lynch	Schmit	Vickers
Chambers	Haberman	Marsh	Scofield	Warner
Chronister	Johnson, V.	McFarland	Sieck	Withem
Conway	Landis	Nichol		

Voting in the negative, 18:

Abboud	Eret	Hartnett	Lamb	Remmers
Barrett	Goll	Hefner	Peterson	Rupp
Carsten	Hannibal	Higgins	Pirsch	Wesely
Chizek	Harris	Johnson, L.		

Present and not voting, 4:

Johnson, R.	Miller	Morehead	Nelson
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Excused and not voting, 4:

Hall	Hoagland	Labeledz	Rogers
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The DeCamp amendment lost with 23 ayes, 18 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Messrs. Conway, R. Johnson, Nichol, V. Johnson, DeCamp, Vickers, Lundy, Ms. Scofield, and Mrs. Morehead asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Haberman withdrew his pending amendment found in the Journal on page 1310.

Mr. Haberman offered the following amendment:

Strike "After the effective date of this act", insert after "continue" on line 4: "after January 9, 1986"

The Haberman amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Advanced to E & R for Engrossment with 26 ayes, 17 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Messrs. Conway, DeCamp, R. Johnson, V. Johnson, Nichol, Vickers, and Ms. Scofield asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 277. E & R amendments, AM5330, found in the Journal on page 1248 for the Thirty-Eighth Day were adopted.

Mr. Wesely offered the following amendment:
AM2491

(Amendments to AM1855)

- 1 1. On page 10, line 19, after "the" insert
- 2 "department on the recommendation of".
- 3 2. On page 13, strike beginning with the
- 4 comma in line 20 through the comma in line 21.
- 5 3. On page 14, line 19, after "physician"
- 6 insert "and health professionals"; strike beginning with
- 7 "and" in line 20 through "staff" in line 21, in line 22
- 8 after the semicolon insert "and" and strike lines 23 and
- 9 24.
- 10 4. On page 15, strike line 1; and in line 2
- 11 strike "(c)" and insert "(b)".
- 12 5. On page 17, line 9, after "shall" insert
- 13 ", with the approval of the department,".
- 14 6. On page 18, line 9, strike "announced
- 15 and".
- 16 7. On page 20, line 6, strike "with the
- 17 consent" and insert "upon the recommendation".
- 18 8. On page 21, strike lines 16 through 19;
- 19 and in line 20 strike "(4)" and insert "(3)".
- 20 9. On page 22, line 1, strike "(5)" and
- 1 insert "(4)".

The Wesely amendment was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 277A. Mr. Chronister offered the following amendment:

In line 2, strike "\$36,872" and insert "\$18,436" and strike "General" and insert "Respiratory Care Practitioners"; in line 10, strike "\$25,790" and insert "\$12,895".

Insert the following new section:

Section 2. There is hereby appropriated \$18,436 from the General Fund for the period July 1, 1986, to June 30, 1987, to the Department of Health, for Program 178, to aid in carrying out the provisions of Legislative Bill 286, Eighty-ninth Legislature, Second Session, 1986.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed \$12,895 for the period July 1, 1986, to June 30, 1987.

Section 3. On or before June 30, 1987, the State Treasurer is hereby directed to transfer \$18,436 from the Respiratory Care Practitioners' Fund to the State General Fund to reimburse the General Fund for the appropriation provided for in Section 2 of this bill.

The Chronister amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 365.

Introduced by Peterson, 21st District.

WHEREAS, the winning of a state high school championship demonstrates the willingness of a team and its coach to work, concentrate, and cooperate as a team; and

WHEREAS, the Battle Creek High School girls' basketball team topped off another excellent season by winning their third straight Class C-1 division of the Nebraska Girls' State Basketball Tournament tying a state record; and

WHEREAS, their dedicated efforts, as well as the efforts of their coach, Bob Schnitzler, are deserving of special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature extend their congratulations to Coach Bob Schnitzler and all the members of Battle Creek High School girls' basketball team.

2. That a copy of this resolution be sent to Coach Schnitzler and the Battle Creek High School girls' basketball team.

Laid over.

STANDING COMMITTEE REPORTS

Appropriations

LEGISLATIVE BILL 840. Placed on General File.

LEGISLATIVE BILL 841. Placed on General File.

LEGISLATIVE BILL 853. Placed on General File.

LEGISLATIVE BILL 1080. Placed on General File.

LEGISLATIVE BILL 842. Placed on General File as amended.
Standing Committee amendments to LB 842:

AM2451

- 1 1. On page 7, line 2, strike "matched with"
- 2 and insert "simultaneously accompanied by equivalent";
- 3 and in line 13 after "higher" insert "or equal", and
- 4 after "than" insert "any of".
- 5 2. On page 10, line 22, after the period
- 6 insert "The Board of Regents may also convey or lease
- 7 and lease back all or any part of the projects
- 8 authorized by section 3 of this act and the land on
- 9 which such projects are situated to such person, firm,
- 10 or corporation as the Board of Regents may contract with
- 11 pursuant to this section to facilitate the long-term
- 12 payment of the cost of such projects. Any such
- 13 conveyance or lease shall provide that when the payment
- 14 of the cost of such projects has been paid, together
- 15 with interest and other costs thereon, such projects and
- 16 the land on which such projects are located shall become
- 17 the property of the Board of Regents.".
- 18 3. On page 13, line 20, strike "eight" and
- 19 insert "nine" and strike "thirty-one" and insert "two".

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 1242 in the Journal. No objections. So ordered.

AM2419

- 1 1. Strike the original sections and insert
- 2 the following new sections:
- 3 "Section 1. That section 83-1,111, Reissue

4 Revised Statutes of Nebraska, 1943, be amended to read
5 as follows:

6 83-1,111. (1) ~~Every committed offender shall~~
7 ~~have a hearing before a majority of the members of the~~
8 ~~Board of Parole within sixty days before the expiration~~
9 ~~of his minimum term less any reductions. Every~~
10 ~~committed offender shall be interviewed within sixty~~
11 ~~days prior to his final parole hearing by a member of~~
12 ~~the Board of Parole. The hearing shall be conducted in~~
13 ~~an informal manner, but a complete record of the~~
14 ~~proceedings shall be made and preserved. Two or more~~
15 members of the Board of Parole or a person designated by
16 the Board of Parole shall interview and review the
17 record of a committed offender within sixty days prior
18 to his or her parole hearing and render an opinion.
19 Within such sixty-day period upon the request of any
20 committed offender, he or she may have an additional
21 review before a majority of the members of the Board of
1 Parole.

2 Within sixty days before the expiration of his
3 or her minimum term, less any reductions, every
4 committed offender shall have a parole hearing before a
5 majority of the members of the Board of Parole.

6 Such reviews and parole hearing shall be
7 conducted in an informal manner but a complete record of
8 the proceedings shall be made and preserved.

9 (2) The board shall render its decision
10 regarding the committed offender's release on parole
11 within a reasonable time after the hearing. The
12 decision shall be by majority vote of the board. The
13 decision shall be based on the entire record before the
14 board, which shall include the opinion of the ~~member~~
15 members who presided at the hearing review. If the
16 board shall deny parole, written notification listing
17 the reasons for such denial and the recommendations for
18 correcting deficiencies which cause the denial shall be
19 given to the committed offender within thirty days
20 following the hearing.

21 (3) If the board fixes the release date, such
22 date shall be not more than six months from the date of
23 the committed offender's parole hearing, or from the
24 date of last reconsideration of his case, unless there
1 are special reasons for fixing a later release date.

2 (4) If the board defers the case for later
3 reconsideration, the committed offender shall be

4 afforded a parole hearing at least once a year until a
5 release date is fixed. The board may order a
6 reconsideration or a rehearing of the case at any time.

7 (5) The release of a committed offender on
8 parole shall not be upon the application of the
9 offender, but by the initiative of the Board of Parole.
10 No application for release on parole made by a committed
11 offender or on his behalf shall be entertained by the
12 board. Nothing herein shall prohibit the Director of
13 Correctional Services from recommending to the board
14 that it consider an individual offender for release on
15 parole.

16 Sec. 2. That original section 83-1,111,
17 Reissue Revised Statutes of Nebraska, 1943, is
18 repealed.”.

Messrs. Pappas, R. Johnson, Withem, Hartnett, Baack, Vickers,
L. Johnson, Barrett, Remmers, Chronister, Mesdames Morehead,
and Pirsch asked unanimous consent to print the following
amendment to LB 325 in the Journal. No objections. So ordered.

AM2367

(Amendments to Final Reading Copy)

- 1 1. Strike sections 1, 11, 12, 13, and 15.
- 2 2. On page 1, line 2, strike “84-1312,
3 84-1318,”; in line 5, strike “84-1309, 84-1311,”; and in
4 line 12 strike “to state”.
- 5 3. On page 2, strike beginning with “intent”
6 in line 1 through “legislators;” in line 2.
- 7 4. On page 20, line 10, strike the
8 underscored comma and reinstate the stricken material;
9 strike beginning with the underscored comma in line 14
10 through “act” in line 15; and in line 17 strike
11 “subdivision (2) of”.
- 12 5. On page 37, line 10, strike “84-1312,
13 84-1318,”; and in line 12 strike “84-1309, 84-1311,”.
- 14 6. Renumber the remaining sections
15 accordingly.

Mr. Landis asked unanimous consent to print the following
amendment to LB 965 in the Journal. No objections. So ordered.

AM2422

(Amendments to AM2256)

1 1. Insert the following new sections:

2 "Sec. 22. That section 81-1120.01, Revised
3 Statutes Supplement, 1984, be amended to read as
4 follows:

5 81-1120.01. The Legislature hereby declares
6 that ~~(1)~~ an efficient and reliable communications system
7 is vital to the state during the conduct of regular
8 business of the state and in times of emergency, ~~(2)~~ and
9 that substantial economies can be effected by joint use
10 of a consolidated communications system by departments,
11 agencies, and subdivisions of state government, ~~and~~
12 ~~(3) the technology of moving information in an accurate,~~
13 ~~efficient, timely, and usable form for the purpose of~~
14 ~~analysis and decisionmaking is an essential element to~~
15 ~~the success and survival of government, business, and~~
16 ~~industrial operations in Nebraska.~~ It is, therefor,
17 declared to be the purpose of this act ~~and sections~~
18 ~~81-1120.29 to 81-1120.31~~ and the policy of the state to
19 provide for the continual development of an efficient
20 and reliable communications system for joint use by
1 departments, agencies, and subdivisions of state
2 government, to effect maximum practical consolidation
3 and joint use of existing communications facilities and
4 services owned or used by the state, and generally to
5 coordinate all communications functions and activities
6 of state government, ~~and to review the opportunities~~
7 ~~for developing communication and information technology~~
8 ~~in the state.~~

9 Sec. 23. That section 81-1120.02, Revised
10 Statutes Supplement, 1984, be amended to read as
11 follows:

12 81-1120.02. As used in this act, ~~and sections~~
13 ~~81-1120.29 to 81-1120.31~~, unless the context otherwise
14 requires:

15 (1) Board shall mean the State Communications
16 Advisory Board;

17 (2) Director shall mean the Director of
18 Communications;

19 (3) Division shall mean the division of
20 communications of the Department of Administrative
21 Services;

22 (4) Communications system shall mean the total
23 communications facilities and equipment owned, leased,
24 or used by all departments, agencies, and subdivisions
1 of state government; and

(5) Communications shall mean any transmission, emission, or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, optical, or other electromagnetic systems, ~~and~~

~~(6) Center shall mean the Telecommunications and Information Center created by section 81-1120.29.~~

Sec. 24. That section 81-1120.18, Revised Statutes Supplement, 1984, be amended to read as follows:

81-1120.18. The division of communications may form temporary advisory boards ~~(1)~~ to provide advice in the development, management, administration, and operation of a consolidated communications system to meet the communications requirements of all departments and agencies of state government, ~~and (2) to provide advice to the center.~~ Board members shall be selected by the division and shall receive no compensation for duties performed as members of a board, but shall be reimbursed for actual expenses incurred while engaged in the performance of their duties under the provisions of this act as provided in sections 84-306.01 to 84-306.05 for state employees.

Sec. 25. That section 81-1120.23, Revised Statutes Supplement, 1984, be amended to read as follows:

81-1120.23. There is hereby established a cash fund to be known as the Communications Cash Fund. Appropriations made to the Department of Administrative Services for the purposes of this act ~~and sections 81-1120.29 to 81-1120.31~~ shall be credited to the cash fund. All funds received under the provisions of this act ~~or sections 81-1120.29 to 81-1120.31~~ and all funds received for communications services provided to any agency, department, or other user shall be credited by the division to such cash fund. The division shall, under policies and procedures established by the director, expend funds from time to time credited to the Communications Cash Fund for the communications purposes enumerated in this act. Any money in the Communications Cash Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269. and sections 81-1120.29 to 81-1120.31."

2. On page 18, line 1, strike "section

- 23 81-102" and insert "sections 81-102, 81-1120.01,
 24 81-1120.02, 81-1120.18, and 81-1120.23"; strike line 5;
 1 and in line 6 strike the first comma.
 2 3. Renumber section 22 as section 26.

Mr. Schmit asked unanimous consent to print the following amendment to LB 310 in the Journal. No objections. So ordered.

AM2456

(Amendments to AM1798)

- 1 1. On page 15, line 19, strike "drilled" and
 2 insert "constructed".
 3 2. On page 23, line 23, after "equipment"
 4 insert "or fails to plug or plugs an abandoned well".

Mr. Schmit asked unanimous consent to print the following amendment to LB 474 in the Journal. No objections. So ordered.

AM2443

(Amendments to Standing Committee amendments)

- 1 1. On page 15, line 1, strike "seventy-five"
 2 and insert "ninety".

Mr. Schmit asked unanimous consent to print the following amendment to LB 1041 in the Journal. No objections. So ordered.

AM2457

(Amendments to AM2159)

- 1 1. Insert the following new sections:
 2 "Sec. 6. The Legislature hereby finds that it
 3 has the authority to regulate any gambling activity
 4 conducted in this state. Organizations licensed to
 5 conduct racing activities are quasi-public due to the
 6 nature of the gambling business which such organizations
 7 conduct. An organization licensed to conduct racing
 8 activities shall be subject to the public letting
 9 requirements of sections 73-101 to 73-105.
 10 Sec. 7. That section 73-101, Reissue Revised
 11 Statutes of Nebraska, 1943, be amended to read as
 12 follows:
 13 73-101. Whenever the State of Nebraska, or
 14 any department or any agency thereof, any county board,
 15 county clerk, county highway superintendent, the mayor
 16 and city council or commissioner of any municipality, or
 17 the officers of any school district, township, or other

18 governmental subdivision, shall advertise for bids in
19 pursuance of any statutes of the State of Nebraska, on
20 any road contract work or any public improvements work,
1 or for supplies, construction, repairs, and
2 improvements, and in all other cases where bids for
3 supplies or work, of any character whatsoever, are
4 received for the various departments and agencies of the
5 state; and other subdivisions and agencies ~~above~~
6 enumerated in this section, they shall fix not only the
7 day upon which such bids shall be returned, received, or
8 opened, as provided by other statutes, but shall also
9 fix the hour at which such bids shall close, or be
10 received or opened; and they shall also provide that
11 such bids shall be immediately and simultaneously opened
12 in the presence of the bidders, or representatives of
13 the bidders, when the hour is reached for the bids to
14 close, ~~except~~ **PROVIDED**, that ~~where~~ when bids are being
15 opened on more than one contract, the officials having
16 in charge the opening of such bids may, if they deem it
17 advisable, award each contract as the bids are opened.

18 Whenever an organization licensed to conduct
19 racing activities in this state shall advertise for bids
20 for any activity which will be conducted on the racing
21 grounds or for construction or improvements of
22 facilities at which racing activities are conducted, the
23 bidding requirements of this section and sections
24 73-101.01 to 73-105 shall apply."

1 2. On page 11, line 10, strike "and" and
2 insert a comma; and in line 11 after "2-1207" insert "
3 and 73-101".

4 3. Renumber remaining sections accordingly.

Messrs. Hoagland and Chambers asked unanimous consent to print
the following amendment to LB 528 in the Journal. No objections.
So ordered.

AM2430

1 1. Insert the following new section:
2 "Section 5. That section 29-2412, Reissue
3 Revised Statutes of Nebraska, 1943, be amended to read
4 as follows:
5 29-2412. Whenever it shall be made
6 satisfactorily to appear to the district court, or to
7 the county judge of the proper county, after all legal

8 means have been exhausted, that any person who is
9 subject to being or is confined in jail for any fine or
10 costs of prosecution for any criminal offense has no
11 estate ~~wherewith~~ with which to pay such fine and costs,
12 or costs only, it shall be the duty of such court or
13 judge, on his or her own motion or upon the motion of
14 the person so confined, to discharge such person from
15 further imprisonment; for such fine and costs, which
16 discharge shall operate as a complete release of such
17 fine and costs. Nothing in this section ; **PROVIDED**,
18 ~~nothing herein~~ shall authorize any person to be
19 discharged from imprisonment before the expiration of
20 the time for which he or she may be sentenced to be
21 imprisoned, as part of his or her punishment, or when
1 such person shall default on a payment due pursuant to
2 an installment agreement arranged by the court. Any
3 person held in custody for nonpayment of a fine or for
4 default on an installment shall be entitled to a credit
5 on the fine or installment of ~~twenty-five~~ forty dollars
6 for each day so held. In no case shall a person held in
7 custody for nonpayment of a fine be held in such custody
8 for more days than the maximum number to which he or she
9 could have been sentenced if the penalty set by law
10 includes the possibility of confinement.”.

11 2. In AM0614, beginning on page 1070 of the
12 1985 Journal:

13 a. On page 2, line 17, strike the first “6”
14 and insert “7”; and

15 b. On page 4, line 12, strike “a comma” and
16 insert “, 29-2412,”.

17 3. Renumber the remaining sections
18 accordingly.

Messrs. Hoagland and Chambers asked unanimous consent to print
the following amendment to LB 631 in the Journal. No objections.
So ordered.

AM2487

1 1. Insert the following new section:

2 “Sec. 5. That section 39-669.16, Reissue
3 Revised Statutes of Nebraska, 1943, be amended to read
4 as follows:

5 39-669.16. Upon receipt of the officer’s
6 report of such refusal, the Director of Motor Vehicles
7 shall notify such person of a date for hearing before

- 8 him or her as to the reasonableness of the refusal to
 9 submit to the test. The notice of hearing shall be
 10 served by the director by mailing it to such person by
 11 certified or registered mail to the last-known residence
 12 address of such person, or, if such address is unknown,
 13 to the last-known business address of such person at
 14 least ten days before the hearing. After granting the
 15 person an opportunity to be heard on such issue, if it
 16 is not shown to the director that such refusal to submit
 17 to such chemical test was reasonable, the director shall
 18 summarily revoke the motor vehicle operator's license or
 19 nonresident operating privilege of such person for a
 20 period of ~~one year~~ six months from the date of such
 21 order. For the purpose of such hearing, the director
 1 may appoint an examiner who shall have power to preside
 2 at such hearing, to administer oaths, examine witnesses,
 3 and take testimony, and thereafter report the same to
 4 the director.”
 5 2. On page 22, line 2, after the first comma
 6 insert “39-669.16.”.
 7 3. Renumber the remaining sections
 8 accordingly.

SELECT FILE

LEGISLATIVE BILL 437. Considered.

Mr. Withem moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 30:

Baack	Eret	Hartnett	Landis	Rupp
Barrett	Goll	Hefner	Lundy	Schmit
Beyer	Goodrich	Higgins	Lynch	Smith
Carsten	Hall	Johnson, R.	Marsh	Warner
Chizek	Hannibal	Labeledz	Miller	Wesely
Chronister	Harris	Lamb	Pirsch	Withem

Voting in the negative, 3:

Chambers	Pappas	Remmers
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Present and not voting, 7:

Abboud	Johnson, L.	Nelson	Peterson	Sieck
Haberman	McFarland			

Excused and not voting, 9:

Conway	Hoagland	Morehead	Rogers	Vickers
DeCamp	Johnson, V.	Nichol	Scofield	

Advanced to E & R for Engrossment with 30 ayes, 3 nays, 7 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 43. Considered.

Mr. Hefner offered the following amendment:
AM2423

1 1. Strike the original sections and all
2 amendments thereto and insert the following new
3 sections:
4 "Section 1. That section 24-201.01, Revised
5 Statutes Supplement, 1984, be amended to read as
6 follows:
7 24-201.01. On January 8, 1981, the salary of
8 the Chief Justice and Judges of the Supreme Court shall
9 be forty-eight thousand three hundred fourteen dollars
10 and eighty cents. As soon as the same may be legally
11 paid under the Constitution of Nebraska, the salary
12 shall be increased to an amount equal to five per cent
13 over the base salary. For the purposes of this section,
14 base salary shall mean the amount derived by increasing
15 forty-eight thousand three hundred fourteen dollars and
16 eighty cents by five per cent. On January 5, 1984, the
17 salary shall be increased by five per cent of the salary
18 received immediately prior to such date. On January 3,
19 1985, the salary shall be increased by five per cent of
20 the salary received immediately prior to such date. On
21 January 1, 1986, the salary shall be increased by five
1 per cent of the salary received immediately prior to

2 such date. ~~The Governor shall receive an annual salary~~
3 ~~of forty thousand dollars.~~ The Chief Justice and the
4 Judges of the Supreme Court shall hold no other public
5 office of profit or trust during their terms of office
6 nor accept any public appointment or employment under
7 the authority of the government of the United States for
8 which they receive compensation for their services.
9 Such salaries shall be payable in equal monthly
10 installments.

11 Sec. 2. The Governor shall receive an annual
12 salary of forty thousand dollars until January 8, 1987.
13 Commencing January 8, 1987, the Governor shall receive
14 an annual salary of forty-two thousand dollars.
15 Commencing January 1, 1988, the Governor shall receive
16 an annual salary of forty-four thousand dollars.
17 Commencing January 1, 1989, the Governor shall receive
18 an annual salary of forty-six thousand dollars.
19 Commencing January 1, 1990, the Governor shall receive
20 an annual salary of forty-eight thousand dollars. Such
21 salary shall be payable in equal monthly installments.

22 Sec. 3. That section 75-104, Revised Statutes
23 Supplement, 1984, be amended to read as follows:

24 75-104. As soon after July 1, 1985, as the
1 same may be payable under the Constitution of Nebraska,
2 each of the commissioners shall receive an annual salary
3 of twenty-seven thousand dollars. Commencing January
4 8, 1987, the commissioners shall receive an annual
5 salary of twenty-eight thousand three hundred fifty
6 dollars. Commencing January 1, 1988, the commissioners
7 shall receive an annual salary of twenty-nine thousand
8 seven hundred fifty dollars. Commencing January 1,
9 1989, the commissioners shall receive an annual salary
10 of thirty-one thousand fifty dollars. Commencing
11 January 1, 1990, the commissioners shall receive an
12 annual salary of thirty-two thousand four hundred
13 dollars. Such salaries shall be payable in the same
14 manner that the salaries of other state officers are
15 paid. In addition thereto, the commissioners,
16 secretary, clerks, and other employees of the commission
17 shall be entitled to receive from the state their actual
18 necessary traveling expenses, which shall include the
19 cost of transportation while traveling on the business
20 of the commission, to be paid in the same manner as
21 other claims against the state. In computing the cost
22 of transportation for commissioners, secretary, clerks,

23 and other employees, no mileage or other traveling
24 expense shall be claimed or allowed unless the
1 provisions of sections 84-306 to 84-306.05 are strictly
2 complied with.

3 Sec. 4. That section 84-201.01, Reissue
4 Revised Statutes of Nebraska, 1943, be amended to read
5 as follows:

6 84-201.01. Until the first Thursday after the
7 first Tuesday in January ~~1979~~ 1987, there shall be paid
8 as salary to the Attorney General; the sum of ~~thirty-two~~
9 ~~thirty-nine~~ thousand five hundred dollars. Commencing
10 ~~the first Thursday after the first Tuesday in January 8,~~
11 ~~1979~~ 1987, there shall be paid as salary to the Attorney
12 General; the sum of ~~thirty-nine thousand five hundred~~
13 ~~forty-one thousand four hundred seventy-five~~ dollars.
14 Commencing January 1, 1988, there shall be paid as
15 salary to the Attorney General the sum of forty-three
16 thousand four hundred fifty dollars. Commencing January
17 1, 1989, there shall be paid as salary to the Attorney
18 General the sum of forty-five thousand four hundred
19 twenty-five dollars. Commencing January 1, 1990, there
20 shall be paid as salary to the Attorney General the sum
21 of forty-seven thousand four hundred dollars. The
22 salary of the Attorney General shall be payable in equal
23 monthly installments.

24 Sec. 5. That section 84-721, Reissue Revised
1 Statutes of Nebraska, 1943, be amended to read as
2 follows:

3 84-721. Until the first Thursday after the
4 first Tuesday in January ~~1979~~ 1987, there shall be paid
5 as salaries to certain constitutional officers; as
6 follows: Secretary of State, the sum of ~~twenty-five~~
7 ~~thirty-two~~ thousand dollars per annum; Auditor of Public
8 Accounts, the sum of ~~twenty-five~~ ~~thirty-two~~ thousand
9 dollars per annum; State Treasurer, the sum of
10 ~~twenty-five~~ ~~thirty-two~~ thousand dollars per annum; and
11 the Lieutenant Governor, the sum of ~~twenty-five~~
12 ~~thirty-two~~ thousand dollars per annum. Commencing From
13 and after the first Thursday after the first Tuesday in
14 January 8, 1979 1987, there shall be paid as salaries to
15 certain constitutional officers; as follows: Secretary
16 of State, the sum of ~~thirty-two~~ ~~thirty-three~~ thousand
17 ~~six hundred~~ dollars per annum; Auditor of Public
18 Accounts, the sum of ~~thirty-two~~ ~~thirty-three~~ thousand
19 ~~six hundred~~ dollars per annum; State Treasurer, the sum

20 of ~~thirty-two~~ thirty-three thousand six hundred dollars
 21 per annum; and the Lieutenant Governor, the sum of
 22 ~~thirty-two~~ thirty-three thousand six hundred dollars per
 23 annum. Commencing January 1, 1988, there shall be paid
 24 as salaries to certain constitutional officers as
 1 follows: Secretary of State, the sum of thirty-five
 2 thousand two hundred dollars per annum; Auditor of
 3 Public Accounts, the sum of thirty-five thousand two
 4 hundred dollars per annum; State Treasurer, the sum of
 5 thirty-five thousand two hundred dollars per annum; and
 6 the Lieutenant Governor, the sum of thirty-five thousand
 7 two hundred dollars per annum. Commencing January 1,
 8 1989, there shall be paid as salaries to certain
 9 constitutional officers as follows: Secretary of State,
 10 the sum of thirty-six thousand eight hundred dollars per
 11 annum; Auditor of Public Accounts, the sum of thirty-six
 12 thousand eight hundred dollars per annum; State
 13 Treasurer, the sum of thirty-six thousand eight hundred
 14 dollars per annum; and the Lieutenant Governor,
 15 thirty-six thousand eight hundred dollars per annum.
 16 Commencing January 1, 1990, there shall be paid as
 17 salaries to certain constitutional officers as follows:
 18 Secretary of State, the sum of thirty-eight thousand
 19 four hundred dollars per annum; Auditor of Public
 20 Accounts, the sum of thirty-eight thousand four hundred
 21 dollars per annum; State Treasurer, the sum of
 22 thirty-eight thousand four hundred dollars per annum;
 23 and the Lieutenant Governor, the sum of thirty-eight
 24 thousand four hundred dollars per annum. Such salaries
 1 shall be payable in equal monthly installments.
 2 Sec. 6. That original sections 84-201.01 and
 3 84-721, Reissue Revised Statutes of Nebraska, 1943, and
 4 sections 24-201.01 and 75-104, Revised Statutes
 5 Supplement, 1984, are repealed.”.

Mr. Hefner moved for a call of the house. The motion prevailed with
 7 ayes, 0 nays, and 42 not voting.

Mr. Hefner requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Abboud	Goodrich	Johnson, R.	Landis	Pirsch
Carsten	Harris	Johnson, V.	Lynch	Remmers
Eret	Hefner	Lamb	Peterson	Rupp

Scofield Sieck Smith Vickers

Voting in the negative, 24:

Baack	Chronister	Hannibal	Marsh	Pappas
Barrett	Conway	Higgins	McFarland	Warner
Beyer	DeCamp	Johnson, L.	Miller	Wesely
Chambers	Haberman	Labedz	Nelson	Withem
Chizek	Hall	Lundy	Nichol	

Present and not voting, 2:

Goll Hartnett

Excused and not voting, 4:

Hoagland Morehead Rogers Schmit

The Hefner amendment lost with 19 ayes, 24 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Vickers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp moved to return LB 43 to committee.

Mr. Conway moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. DeCamp withdrew his pending motion to return to committee.

Messrs. Conway and DeCamp asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hall asked unanimous consent to bracket LB 43 until March 19, 1986. No objections. So ordered.

LEGISLATIVE BILL 43A. Mr. Hall asked unanimous consent to bracket until March 19, 1986. No objections. So ordered.

LEGISLATIVE BILL 153. E & R amendments, AM5229, found in the Journal on page 557 for the Fifteenth Day were adopted.

Mr. Chronister and Ms. Scofield asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. V. Johnson renewed the pending Vickers amendment, AM1839, found in the Journal on page 487.

The Vickers amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. V. Johnson renewed his pending amendment, AM1967, found in the Journal on page 684.

The V. Johnson amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Hefner renewed his pending amendment, AM1172, found in the Journal on page 2156, First Session.

Mr. V. Johnson requested a ruling of the Chair on whether the Hefner amendment is germane to the bill.

The Chair ruled the Hefner amendment is not germane to the bill.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 153A. E & R amendments, AM5230, found in the Journal on page 558 for the Fifteenth Day were adopted.

Advanced to E & R for Engrossment.

ANNOUNCEMENT

The Chair announced that today is Senator Nichol's birthday.

SELECT FILE

LEGISLATIVE BILL 907. E & R amendments, AM5234, found in the Journal on page 639 for the Nineteenth Day were adopted.

Mr. DeCamp withdrew his pending amendment, AM2151, found in the Journal on page 842.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 909. Mr. DeCamp renewed his pending amendment, AM2019, printed separate from the Journal and referred to on page 709.

The DeCamp amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 778. Mr. Warner offered the following amendment.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2364.)

The Warner amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 753. Mr. Lamb withdrew his pending amendment, AM1902, found in the Journal on page 604.

Mr. Lamb withdrew his pending amendment found in the Journal on page 843.

Mr. Lamb renewed the pending Hefner amendment, AM2234, found in the Journal on page 989.

The Lamb amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Expedite LB 753

Mr. Lamb asked unanimous consent to expedite LB 753. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 779. E & R amendments, AM5237, found in the Journal on page 725 for the Twenty-Second Day were adopted.

Mr. Harris renewed the pending Schmit amendment, AM2047, found in the Journal on page 718.

The Schmit amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 922. E & R amendment, AM5239, found in the Journal on page 726 for the Twenty-Second Day was adopted.

Mr. Wesely renewed his pending amendment, AM2140, found in the Journal on page 895.

The Wesely amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 425. E & R amendments, AM5251, found in the Journal on page 971 for the Thirty-First Day were adopted.

Mr. Warner offered the following amendment:
AM1765

- 1 1. Strike original section 1 and all
- 2 amendments thereto and insert the following:
- 3 "Section 1. That section 10-140, Reissue
- 4 Revised Statutes of Nebraska, 1943, be amended to read
- 5 as follows:
- 6 10-140. The Within thirty days after the
- 7 initial issuance and delivery of all fully registered
- 8 bonds, the issuer shall be registered record the
- 9 issuance in the office of the Auditor of Public Accounts
- 10 and such other office as may be required by section
- 11 40-201, except that no by filing in the office of the
- 12 Auditor of Public Accounts the following information:
- 13 (1) The name of the issuer; (2) the title or designation
- 14 of the bonds; (3) the form or forms in which such bonds
- 15 were initially issued; (4) the total principal amount of
- 16 such bonds initially issued; (5) the date or dates of
- 17 maturity of principal and the amount of principal
- 18 maturing on such date or dates; (6) the interest rate or
- 19 rates and the date or dates such interest is payable;
- 20 (7) the place or places where the principal of and

21 interest on the bonds are payable; and (8) the principal
1 purpose for which such bonds were issued. No
2 certificate or other evidence of such registration
3 recording shall be required to be placed or endorsed on
4 any fully registered bond. Notwithstanding any other
5 provision of law, no fully registered bond shall be
6 required to be registered in any office of any public
7 official except as required by section 10-201.”.

Mr. Lamb asked unanimous consent to be excused until he returns.
No objections. So ordered.

The Warner amendment was adopted with 25 ayes, 0 nays, 16 present
and not voting, and 8 excused and not voting,

Advanced to E & R for Engrossment.

Mr. Haberman and Mrs. Higgins asked unanimous consent to be
excused until they return. No objections. So ordered.

LEGISLATIVE BILL 504. Mr. Remmers renewed his pending
amendment found in the Journal on page 1182.

The Remmers amendment was adopted with 26 ayes, 0 nays, 13
present and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 603. E & R amendment, AM5269, found in
the Journal on page 1025 for the Thirty-Second Day was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Expedite LB 494

Mr. Abboud asked unanimous consent to expedite LB 494. No
objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following
amendments to LB 631 in the Journal. No objections. So ordered.

To amend page 15 line 17.
Strike "ten" and insert "fifteen"

(2)

To amend page 15 line 17
Strike "period of ten" and insert "minimum period of fifteen"

(3)

To amend page 15 line 17
after "a" insert "minimum"

ATTORNEY GENERAL'S OPINION

March 6, 1986

To: Senator Emil E. Beyer, Jr.

In your letter of March 3, 1986, you ask what is the meaning of the word "bonds" in Neb.Rev.Stat. §79-4,154 (Supp. 1985).

It has been the policy of this office for many years that we will not give an opinion to an individual senator on the interpretation of a legislative bill which has become operative law. See, for example, Volume 1 of the 1973 Nebraska Legislative Journal at page 37. There are several reasons for this policy within the concept of the separation of powers as set forth in section 1 of Article II of the Constitution of Nebraska. See, Opinion of the Attorney General No. 157, December 24, 1985, a copy of which is attached hereto.

Neb.Rev.Stat. §79-4,154 (Supp. 1985) is an operative law. Consequently, we can not give you an interpretation thereof. We would, of course, be willing to work with you and the bill drafter in developing clarifying legislation in connection with your question, should you deem the same necessary or advisable.

Very truly yours,
ROBERT M. SPIRE
Attorney General

(Signed) Harold Mosher
Assistant Attorney General

HM:jem

Enclosure

cc: Patrick J. O'Donnell
Clerk of the Legislature

1/22

VISITORS

Visitors to the Chamber were 125 fourth grade students and teachers from Benson West Elementary, Omaha; Janet Morgan from Sioux City, Dorothy Mines, Evelyn Rochford, Eileen Dahlheim, and Norma Hamilton from North Bend; 32 students and teacher from Claremare School, Fremont; and 58 eighth grade students and teachers from Mary Our Queen, Omaha.

RECESS

At 12:03 p.m., on a motion by Mr. Pappas, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Hoagland and Rogers who were excused; and Messrs. Barrett, Chambers, Hannibal, V. Johnson, Lamb, Lynch, Peterson, Remmers, Schmit, Vickers, and Mrs. Smith who were excused until they arrive.

UNANIMOUS CONSENT - Members Excused

Messrs. Abboud, Conway, DeCamp, Carsten, Beyer, Miller, and Nichol asked unanimous consent to be excused until they return. No objections. So ordered.

MR. CHRONISTER PRESIDING

GENERAL FILE

LEGISLATIVE BILL 850. Title read. Considered.

Mrs. Morehead moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 34:

Abboud	Goll	Labeledz	Nelson	Scofield
Baack	Goodrich	Landis	Pappas	Sieck
Barrett	Haberman	Lundy	Peterson	Smith
Chambers	Hall	Marsh	Pirsch	Warner
Chizek	Hartnett	McFarland	Remmers	Wesely
Chronister	Hefner	Miller	Rupp	Withem
Eret	Johnson, R.	Morehead	Schmit	

Voting in the negative, 0.

Present and not voting, 5:

Carsten	Harris	Higgins	Johnson, L.	Nichol
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Excused and not voting, 10:

Beyer	DeCamp	Hoagland	Lamb	Rogers
Conway	Hannibal	Johnson, V.	Lynch	Vickers

Advanced to E & R for Review with 34 ayes, 0 nays, 5 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 850A. Title read. Considered.

Mr. Haberman requested a record vote on the advancement of the bill.

Voting in the affirmative, 28:

Baack	Goll	Labeledz	Morehead	Scofield
Barrett	Haberman	Landis	Nelson	Sieck
Chambers	Hall	Lundy	Pappas	Warner
Chizek	Hartnett	Marsh	Remmers	Wesely
Chronister	Hefner	McFarland	Rupp	Withem
Eret	Johnson, R.	Miller		

Voting in the negative, 0.

Present and not voting, 12:

Abboud	Harris	Nichol	Pirsch	Smith
Carsten	Higgins	Peterson	Schmit	Vickers
Goodrich	Johnson, L.			

Excused and not voting, 9:

Beyer	DeCamp	Hoagland	Lamb	Rogers
Conway	Hannibal	Johnson, V.	Lynch	

Advanced to E & R for Review with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1041. Placed on Select File as amended.
E & R amendments to LB 1041:

AM5346

- 1 1. In the Standing Committee amendments,
- 2 AM2159, adopted March 5, 1986:
- 3 a. On page 4, line 23, strike the first comma
- 4 and show as stricken;
- 5 b. On page 7, line 22, after "procedure"
- 6 insert an underscored comma and strike the second "the"
- 7 and show as stricken; and
- 8 c. On page 10, line 11, strike the comma; and
- 9 in line 20 strike "shall exceed" and insert "exceeds".
- 10 2. On page 1, line 1, strike "section" and
- 11 insert "sections 2-1205 and"; in line 3 after "1943"
- 12 insert ", and section 2-1203.01, Revised Statutes
- 13 Supplement, 1985"; in line 4 strike "a percentage" and
- 14 insert "percentages"; in line 6 after the first
- 15 semicolon insert "to eliminate obsolete language; to
- 16 change provisions relating to deductions from amounts
- 17 wagered; to change the tax on parimutuel wagering;"; and
- 18 in line 7 strike "section" and insert "sections".

LEGISLATIVE BILL 1041A. Placed on Select File.

LEGISLATIVE BILL 131. Placed on Select File as amended.
E & R amendments to LB 131:

AM5345

- 1 1. In the Standing Committee amendments,
- 2 AM1963, adopted March 4, 1986, on page 1, line 7, strike
- 3 "this act", show as stricken, and insert "the Uniform
- 4 Licensing Law"; and in line 10 reinstate the stricken
- 5 comma.
- 6 2. On page 1, line 2, after the second comma

- 7 insert "71-1,135.01,"; in line 3 after "to" insert
 8 "define and"; in line 4 strike "a term" and insert
 9 "terms"; in line 7 strike "to eliminate a definition";
 10 and strike beginning with the comma in line 8 through
 11 "1943" in line 10.
 12 3. On page 2, line 4, strike "this act", show
 13 as stricken, and insert "the Uniform Licensing Law".
 14 4. On page 4, strike beginning with "and" in
 15 line 22 through the second comma in line 23.

LEGISLATIVE BILL 131A. Placed on Select File.

LEGISLATIVE BILL 768. Placed on Select File as amended.
 E & R amendments to LB 768:
 AM5347

- 1 1. In the Haberman amendment adopted March
 2 11, 1986, found on page 1297 of the Journal, on page 1,
 3 lines 3 and 5, strike "agreed upon" and insert
 4 "agreed-upon".
 5 2. In the Vickers amendment, AM2390, adopted
 6 March 11, 1986, on page 1, strike "not" and insert
 7 "exceed"; and in line 3 strike "no".
 8 3. In the Standing Committee amendments,
 9 AM2098, adopted march 11, 1986:
 10 a. On page 1, line 16, strike "joint stock"
 11 and insert "joint-stock";
 12 b. On page 2, line 2, strike "soil engaging"
 13 and insert "soil-engaging"; and in line 16 strike "on or
 14 off-site" and insert "onsite or offsite";
 15 c. On page 3, line 3, after "nor" insert
 16 "shall"; in line 4 after "result" insert "be"; and in
 17 line 24 strike "agreed upon" and insert "agreed-upon";
 18 d. On page 4, strike beginning with the comma
 19 in line 16 through the comma in line 17;
 20 e. On page 5, line 13, after the stricken
 21 "transport" insert a stricken period;
 1 f. On page 7, line 14, strike "The board,"
 2 and show the old matter as stricken and strike "after",
 3 show as stricken, and insert "After"; and in line 15
 4 after the comma insert "the board";
 5 g. On page 8, line 3, strike "certified"; in
 6 line 6 strike "shall be", show as stricken, and insert
 7 "are" and after "found" insert "to be"; in line 17
 8 strike "The board, upon" and insert "Upon"; and in line
 9 19 after the comma insert "the board";

- 10 h. On page 9, line 8, after "and" insert
11 "may";
12 i. On page 12, line 2, after the stricken
13 "fee" insert "the"; and
14 j. On page 14, line 19, after the stricken
15 "offense" insert a stricken period.
16 4. On page 1, strike lines 2 through 5 and
17 insert "amend sections 2-2701 to 2-2703 and 2-2705 to
18 2-2711, Reissue Revised Statutes of Nebraska, 1943; to
19 define terms; to change provisions relating to the
20 testing of tractor models; to require permits as
21 prescribed; to provide powers and duties; to provide for
22 fees; to create funds; to provide for enforcement; to
23 eliminate certain provisions relating to tractor engine
24 testing; to eliminate a penalty; to repeal the original
1 sections, and also sections 2-2704, 2-2712, and 2-2713,
2 Reissue Revised Statutes of Nebraska, 1943; and to
3 declare an emergency."

Correctly Engrossed

The following bill was correctly engrossed: 572A.

(Signed) Timothy Hall, Chairperson

GENERAL FILE

LEGISLATIVE BILL 461. Title read. Considered.

Standing Committee amendments, AM1763, found in the Journal on page 621 for the Seventeenth Day were adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER NICHOL PRESIDING

Mr. Pappas moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Mrs. Higgins requested a record vote on the advancement of the bill.

Voting in the affirmative, 28:

Baack	Eret	Higgins	Miller	Scofield
Beyer	Goll	Johnson, R.	Nelson	Sieck
Chambers	Goodrich	Johnson, V.	Nichol	Vickers
Chizek	Hall	Landis	Pappas	Wesely
Conway	Harris	Lundy	Remmers	Withem
DeCamp	Hartnett	Marsh		

Voting in the negative, 9:

Abboud	Hefner	Peterson	Rupp	Warner
Barrett	Lamb	Pirsch	Schmit	

Present and not voting, 8:

Carsten	Haberman	Labeledz	Morehead	Smith
Chronister	Johnson, L.	McFarland		

Excused and not voting, 4:

Hannibal	Hoagland	Lynch	Rogers
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Advanced to E & R for Review with 28 ayes, 9 nays, 8 present and not voting, and 4 excused and not voting.

Messrs. Conway and DeCamp asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 782. Title read. Considered.

Mr. Withem withdrew his pending amendment, AM2479, found in the Journal on page 1298.

Standing Committee amendments, AM1970, found in the Journal on page 664 for the Nineteenth Day were considered.

Mr. Withem offered the following amendment to the Standing Committee amendments:
AM2497

(Amendments to AM1970)

- 1 1. On page 1, strike beginning with "in" in
- 2 line 2 through the semicolon in line 11 and insert
- 3 "strike beginning with 'may' in line 9 through 'status'
- 4 in line 14 and insert 'shall be required to retain a
- 5 resident whose economic status changes so that such

- 6 resident receives Medicaid or becomes Medicaid eligible
 7 if such resident has resided in the nursing home for a
 8 period of at least one year, unless ten per cent of such
 9 nursing home's residents are receiving Medicaid or are
 10 Medicaid eligible'; in line 16 strike the second 'the'
 11 and insert 'such'; strike beginning with 'to' in line 17
 12 through 'persons' in line 18;".
- 13 2. On page 2, line 1, strike "6 and 8" and
 14 insert "5 to 8 and 10 to 12"; and in line 2 after
 15 "71-2023," insert "; and in line 12 strike '71-5801,
 16 71-5803, and 71-5853,'".
- 17 3. Strike amendment 6.
- 18 4. Renumber the remaining amendments
 19 accordingly.

The Withem amendment was adopted with 9 ayes, 0 nays, 34 present and not voting, and 6 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Rupp asked unanimous consent to be excused. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 68 in the Journal. No objections. So ordered.

AM2464

- 1 1. Insert the following new section:
- 2 "Section 1. That section 79-329, Revised
- 3 Statutes Supplement, 1985, be amended to read as
- 4 follows:
- 5 79-329. The State Board of Education shall
- 6 have authority (1) to provide for the education of and
- 7 approve special educational facilities and programs
- 8 provided in the public schools for handicapped children,

9 (2) to act as the state's authority for the approval of
10 all types of veterans' educational programs, financially
11 supported in whole or in part by the federal government,
12 (3) to supervise and administer any educational or
13 training program which may hereafter be established
14 within the state by the federal government, except
15 higher education in approved colleges, (4) to coordinate
16 educational activities in the state that pertain to
17 elementary and secondary education, and such other
18 educational programs as are placed by statute under the
19 jurisdiction of the board, (5) to receive and distribute
20 according to law any money, commodities, goods, or
21 services made available to the board from the state or
1 federal government or from any other source and to
2 distribute money in accordance with the terms of any
3 grant received, including the distribution of money from
4 grants by the federal government to schools, preschools,
5 day care centers, day care homes, nonprofit agencies,
6 and political subdivisions of the state or institutions
7 of learning not owned or exclusively controlled by the
8 state or a political subdivision thereof, so long as no
9 public funds of the state, any political subdivision, or
10 any public corporation are added thereto, (6) to
11 publish, from time to time, directories of schools and
12 educators, pamphlets, curriculum guides, rules and
13 regulations, handbooks on school constitution and other
14 matters of interest to educators, and similar
15 publications, which publications may be distributed
16 without charge to schools and school officials within
17 this state or may be sold at a price not less than the
18 actual cost of printing with the proceeds of such sale
19 being transmitted to the State Treasurer for deposit in
20 the state treasury to the credit of the State Department
21 of Education Cash Fund which may be used by the State
22 Department of Education for the purpose of printing and
23 distributing further such publications on a nonprofit
24 basis, and to furnish eight copies thereof to the
1 Nebraska Publications Clearinghouse, and (7) when
2 necessary for the proper administration of the functions
3 of the department and with the approval of the Governor
4 and the Department of Administrative Services, to rent
5 or lease space outside the State Capitol."
6 2. On page 3, line 18, strike "is" and insert
7 "and section 79-329, Revised Statutes Supplement, 1985,
8 are".

9 3. Renumber the remaining sections
10 accordingly.

Mr. Vickers asked unanimous consent to print the following amendment to LB 997 in the Journal. No objections. So ordered.

AM2463

1 1. Insert the following new section:
2 "Section 1. That section 79-329, Revised
3 Statutes Supplement, 1985, be amended to read as
4 follows:
5 79-329. The State Board of Education shall
6 have authority (1) to provide for the education of and
7 approve special educational facilities and programs
8 provided in the public schools for handicapped children,
9 (2) to act as the state's authority for the approval of
10 all types of veterans' educational programs, financially
11 supported in whole or in part by the federal government,
12 (3) to supervise and administer any educational or
13 training program which may hereafter be established
14 within the state by the federal government, except
15 higher education in approved colleges, (4) to coordinate
16 educational activities in the state that pertain to
17 elementary and secondary education, and such other
18 educational programs as are placed by statute under the
19 jurisdiction of the board, (5) to receive and distribute
20 according to law any money, commodities, goods, or
21 services made available to the board from the state or
1 federal government or from any other source and to
2 distribute money in accordance with the terms of any
3 grant received, including the distribution of money from
4 grants by the federal government to schools, preschools,
5 day care centers, day care homes, nonprofit agencies,
6 and political subdivisions of the state or institutions
7 of learning not owned or exclusively controlled by the
8 state or a political subdivision thereof, so long as no
9 public funds of the state, any political subdivision, or
10 any public corporation are added thereto, (6) to
11 publish, from time to time, directories of schools and
12 educators, pamphlets, curriculum guides, rules and
13 regulations, handbooks on school constitution and other
14 matters of interest to educators, and similar
15 publications, which publications may be distributed
16 without charge to schools and school officials within
17 this state or may be sold at a price not less than the

18 actual cost of printing with the proceeds of such sale
19 being transmitted to the State Treasurer for deposit in
20 the state treasury to the credit of the State Department
21 of Education Cash Fund which may be used by the State
22 Department of Education for the purpose of printing and
23 distributing further such publications on a nonprofit
24 basis, and to furnish eight copies thereof to the
1 Nebraska Publications Clearinghouse, and (7) when
2 necessary for the proper administration of the functions
3 of the department and with the approval of the Governor
4 and the Department of Administrative Services, to rent
5 or lease space outside the State Capitol.”.

6 2. On page 17, line 6, after “sections”
7 insert “79-329,” and after “79-4,140.04” insert a comma.

8 3. Renumber the remaining sections
9 accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 174 in the Journal. No objections. So ordered.

AM2446

1 1. Insert the following new sections:

2 “Section 1. For purposes of section 2 of this
3 act, tangible personal property shall mean all business
4 equipment and machinery required to be reported to the
5 county assessor including, but not limited to, office
6 equipment, machinery, tools, supplies, property held for
7 rental or lease, and household goods and personal
8 effects owned or used for financial gain or profit, but
9 shall not include motor vehicles, trailers, boats,
10 airplanes, mobile homes, or improvements on leased land.

11 Sec. 2. For all taxable years beginning on or
12 after January 1, 1986, in order to establish a uniform
13 and consistent method for determining actual value of
14 tangible personal property in all counties, tangible
15 personal property shall be valued at actual value using
16 the method of original cost less depreciation.

17 Sec. 6. Since an emergency exists, this act
18 shall be in full force and take effect, from and after
19 its passage and approval, according to law.”.

20 2. Renumber remaining sections accordingly.

Mrs. Morehead asked unanimous consent to print the following amendment to LB 898 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2301.)

UNANIMOUS CONSENT - Expedite LB 877

Mr. Chambers asked unanimous consent to expedite LB 877. No objections. So ordered.

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 1190. Placed on General File as amended.
Standing Committee amendment to LB 1190:
AM2492

- 1 1. On page 2, line 5, after "grants," insert
- 2 "fees,".

(Signed) Jerome Warner, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 79, 305, 322, 481, 543, 642, and 674.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 642

The following changes, required to be reported for publication in the Journal, have been made:
ER0151

1. On page 3, line 11, an underscored comma has been inserted after "programs" and "that" has been inserted after "except".
2. In the E & R amendments, AM5255, adopted March 3, 1986, on page 1, line 5, "a" has been struck; and in line 6 the matter beginning with the first "in" through the semicolon has been struck.

(Signed) Mary E. Sommermeyer
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 1172. Title read. Considered.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Standing Committee amendments, AM2108, found in the Journal on page 797 for the Twenty-Fifth Day were considered.

Mr. Vickers renewed his pending amendment, AM2365, found in the Journal on page 1234 to the Standing Committee amendments.

The Vickers amendment was adopted with 13 ayes, 0 nays, 28 present and not voting, and 8 excused and not voting.

Mr. Vickers moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

MR. CARSTEN PRESIDING

Mr. Vickers renewed his pending amendment, AM2366, found in the Journal on page 1234.

The Vickers amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Vickers moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

SPEAKER NICHOL PRESIDING

Mr. Vickers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Abboud	Barrett	Chronister	Harris	Johnson, R.
Baack	Chizek	Eret	Hartnett	Johnson, V.

Labedz	Marsh	Morehead	Scofield	Vickers
Landis	McFarland	Nelson	Sieck	Wesely
Lynch	Miller	Pappas	Smith	Withem

Voting in the negative, 17:

Beyer	Goll	Hannibal	Lundy	Pirsch
Carsten	Goodrich	Hefner	Nichol	Remmers
Conway	Haberman	Johnson, L.	Peterson	Warner
DeCamp	Hall			

Absent and not voting, 2:

Chambers Lamb

Excused and not voting, 5:

Higgins Hoagland Rogers Rupp Schmit

Advanced to E & R for Review with 25 ayes, 17 nays, 2 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

MOTION - Introduce New Bills

Mr. Warner moved for the introduction of a new bill by the Appropriations Committee, Req. 1920.

The motion prevailed with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Mr. Warner moved for the introduction of a new bill by the Appropriations Committee, Req. 1905.

The motion prevailed with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Messrs. Conway and DeCamp asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Warner moved for the introduction of a new bill by the Appropriations Committee, Req. 1913.

The motion prevailed with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Mr. Warner moved for the introduction of a new bill by the Appropriations Committee, Req. 1902.

The motion prevailed with 32 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Mr. Warner moved for the introduction of a new bill by the Appropriations Committee, Req. 1903.

The motion prevailed with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1250. By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Goodrich, 20th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 36th District; Marsh, 29th District; Scofield, 49th District.

A BILL FOR AN ACT relating to salaries of state employees; to state intent; to provide duties; and to declare an emergency.

LEGISLATIVE BILL 1251. By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Goodrich, 20th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 36th District; Marsh, 29th District; Scofield, 49th District.

A BILL FOR AN ACT relating to appropriations; to make appropriations for the expenses of Nebraska State Government for the year ending June 30, 1987; to provide an operative date; to provide severability; to repeal Laws 1985, LB 101A, Laws 1985, LB 129A, Laws 1985, LB 132A, Laws 1985, LB 208A, Laws 1985, LB 209A, Laws 1985, LB 250A, Laws 1985, LB 253A, Laws 1985, LB 269A, Laws 1985, LB 271A, Laws 1985, LB 272A, Laws 1985, LB 273A, Laws 1985, LB 313A, Laws 1985, LB 323A, Laws 1985, LB 347A, Laws 1985, LB 383A, Laws 1985, LB 391A, Laws 1985, LB 395A, Laws 1985, LB 407A, Laws 1985, LB 408A, Laws 1985, LB 421A, Laws 1985, LB 432A, Laws 1985, LB 608A, Laws 1985, LB

715A, Laws 1985, LB 722, Laws 1985, LB 723, Laws 1985, Second Special Session, LB 1, and Laws 1985, Second Special Session, LB 7A; and to declare an emergency.

LEGISLATIVE BILL 1252. By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Goodrich, 20th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 36th District; Marsh, 29th District; Scofield, 49th District.

A BILL FOR AN ACT relating to appropriations; to make appropriations for capital construction as prescribed; to state intent; to provide duties; to repeal capital construction provisions; to provide an operative date; to repeal Laws 1985, LB723; and to declare an emergency.

LEGISLATIVE BILL 1253. By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Goodrich, 20th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 36th District; Marsh, 29th District; Scofield, 49th District.

A BILL FOR AN ACT relating to medical assistance; to amend section 68-1022, Revised Statutes Supplement, 1984; to provide for the liability for certain payments as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1254. By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th District; Goodrich, 20th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 36th District; Marsh, 29th District; Scofield, 49th District.

A BILL FOR AN ACT relating to medical assistance; to amend sections 68-1031 to 68-1033, 68-1035, and 68-1036, Revised Statutes Supplement, 1984; to repeal a termination date; to harmonize provisions; to repeal the original sections, and also section 68-1037, Revised Statutes Supplement, 1984.

MOTION - Suspend Rules

Mr. Warner moved to suspend the rules, Rule 3, Section 4(e) and 13 and Rule 6, Section 1, to place LBs 1250, 1251, 1252, 1253, 1254 on General File.

The motion prevailed with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Messrs. Hoagland and L. Johnson asked unanimous consent to print the following amendment to LB 105 in the Journal. No objections. So ordered.

AM2433

(Amendments to AM2198)

- 1 1. On page 4, line 8, after "child" insert
- 2 "by personal service".

Messrs. Hoagland, L. Johnson, Mesdames Labedz, and Smith asked unanimous consent to print the following amendment to LB 105 in the Journal. No objections. So ordered.

AM2439

(Amendments to AM2198)

- 1 1. On page 1, after line 17, insert the
- 2 following:
- 3 "(c) The parents of the minor child have never
- 4 been married but paternity has been legally
- 5 established."
- 6 2. On page 2, line 22, after "deceased"
- 7 insert "or have never been married,".

Mr. Vickers asked unanimous consent to print the following amendment to LB 1129 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2494.)

ANNOUNCEMENT

Mr. Warner announced members of the Appropriations Committee will be available beginning at 5:00 p.m., Monday, March 17, 1986, in Room 1019, to answer questions regarding the Appropriations Committee budget bills introduced March 12 and the accompanying report.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1172A. By Vickers, 38th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1172, Eighty-ninth Legislature, Second Session, 1986.

UNANIMOUS CONSENT - Print in Journal

Mr. Beyer asked unanimous consent to print the following amendment to LB 783 in the Journal. No objections. So ordered.

AM2421

- 1 1. Insert the following new section:
- 2 "Sec. 6. That section 60-1307, Revised
- 3 Statutes Supplement, 1985, be amended to read as
- 4 follows:
- 5 60-1307. (1) Whenever any person is arrested
- 6 at one of the state weighing stations or portable scales
- 7 for a violation of the laws relating to the trip permit
- 8 provided in section 66-410.03 or to the size, weight,
- 9 load, and registration of buses, motor trucks,
- 10 truck-tractors, semitrailers, trailers, or towed
- 11 vehicles, the arresting officer shall take the name and
- 12 address of such person and the license number of his or
- 13 her motor vehicle and issue a summons or otherwise
- 14 notify him or her in writing to appear at a time and
- 15 place to be specified in such summons or notice, such
- 16 time to be at least five days after such arrest, unless
- 17 the person arrested shall demand an earlier hearing.
- 18 Such person shall, if he or she desires, have a right to
- 19 an immediate hearing or a hearing within twenty-four
- 20 hours at a convenient hour. The hearing shall be before
- 21 a magistrate within the county wherein such offense was
- 1 committed. Such officer shall, upon such person giving
- 2 a written promise to appear at such time and place,
- 3 forthwith release him or her from custody. Such person
- 4 arrested and released shall not be permitted to operate
- 5 the motor vehicle concerned until it is in compliance
- 6 with section 39-6,185 and Chapter 60, article 3. Any
- 7 person refusing to give such written promise to appear
- 8 shall be immediately taken by the arresting officer
- 9 before the nearest or most accessible magistrate. Any
- 10 person who willfully violates a written promise to
- 11 appear, given in accordance with this section, shall be

12 guilty of a Class III misdemeanor, regardless of the
13 disposition of the charge upon which he or she was
14 originally arrested.

15 ~~(2) The provisions of subsection~~ Subsection
16 (1) of this section shall not apply to any person not a
17 resident of the State of Nebraska. The arresting
18 officer shall take such person forthwith before the
19 nearest or most accessible magistrate.

20 (3) When any person appears before the
21 magistrate and pleads not guilty, the arresting officer
22 may prohibit such person from operating the motor
23 vehicle concerned until the motor vehicle is in
24 compliance with sections 39-6,179 and 39-6,180 or in
1 conformity with the exceptions permitted by section
2 39-6,185, and all the violations pending before the
3 magistrate relating to sections 39-6,179 and 39-6,180,
4 have been the subject of a conviction, acquittal, or
5 dismissal and all related fines and costs have been
6 paid. Nothing in this section shall (a) prevent the
7 owner or the owner's representative of such motor
8 vehicle or the cargo on the motor vehicle from taking
9 possession of the cargo and transferring it to another
10 vehicle or taking possession of the cargo and the
11 trailer, if the trailer can be separated from the power
12 unit, and (b) create any liability for the state arising
13 out of damage to such motor vehicle and its cargo."

14 2. On page 8, line 21, strike "39-6,184 and"
15 and after "60-1306" insert "and 60-1307".

16 3. In the Standing Committee amendments,
17 strike amendment 3 and renumber the remaining amendment
18 accordingly.

19 4. Renumber the remaining section
20 accordingly.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1250A. By Appropriations Committee:
Warner, 25th District, Chairperson; Carsten, 2nd District; Goll, 16th
District; Goodrich, 20th District; Hannibal, 4th District; L. Johnson,
15th District; Lundy, 36th District; Marsh, 29th District; Scofield,
49th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1250, Eighty-ninth Legislature, Second Session, 1986; and to declare an emergency.

VISITORS

Visitors to the Chamber were 35 students and teacher from York College; and 22 seniors and teacher from Bertrand High School.

ADJOURNMENT

At 4:35 p.m., on a motion by Mr. McFarland, the Legislature adjourned until 9:00 a.m., Thursday, March 13, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIRST DAY - MARCH 13, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

FORTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 13, 1986

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Rev. Andrew Wasmundt, First United Pentecostal Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Baack, Chambers, Goodrich, Haberman, Hall, V. Johnson, Miller, Rupp, Schmit, Warner, Mesdames Labeledz, Marsh, Morehead, Nelson, Pirsch, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1332, line 21, strike "Lamb" and insert "Hefner".
The Journal for the Fortieth Day was approved as corrected.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 359, LR 360, LR 361, and LR 362.

ATTORNEY GENERAL'S OPINION

Opinion No. 86033

March 7, 1986

To: Senator Rod Johnson

Subject: LB 999. Homestead exemption, partial exemption of real estate subject to foreclosure, receivers.

This is in response to your opinion request concerning the retrospective application of LB 999, pertaining to real estate foreclosures. LB 999 amends several Nebraska statutes and provides a new mechanism for partial redemption. Additionally, it increases the maximum period for a stay of execution and provides that a farmer-debtor be appointed receiver in the event of foreclosure. One of your main concerns is whether not these provisions will, or can be, applied to current mortgages and/or deeds of trust.

The Supreme Court of Nebraska has consistently held for a number of years that a legislative act will operate only prospectively and not retrospectively unless the legislative intent and purpose that it should act retrospectively is clearly disclosed. Moore v. Peterson, 218 Neb. 615, 358 N.W.2d 193 (1984); Wheelock v. Heath, 201 Neb. 835, 272 N.W.2d 768 (1978); Travelers Insurance Company v. Ohler, 119 Neb. 121, 227 N.W. 449 (1929). We find no wording in LB 999 which would indicate a clear and specific intention of the Legislature that it operate retrospectively. However, if that intent were disclosed, the application of the foregoing provisions would be an unconstitutional impairment of the obligations of contract.

It is well established that the laws in force at the time a contract is entered into form a part of it and enter into its obligation and, accordingly, the legislative act will not be permitted to operate retrospectively where it will have the effect of invalidating or impairing the obligation of contracts or interfering with vested rights. Dell v. City of Lincoln, 170 Neb. 176, 102 N.W.2d 62 (1960); Article I, Section 16, Constitution of Nebraska. In Norris v. Tower, 102 Neb. 434, 167 N.W. 728 (1918), the Supreme Court acknowledged that "generally speaking, the laws in force when a contract is entered into form a part of it and enter into its obligation. But there is a consensus of opinion that the laws giving a remedy for its breach may be modified or changed without impairing its obligation, provided an adequate remedy is left." Id. The Court further indicated that it is within the authority of the Legislature to change the form of a remedy, provided that it does not affect injuriously the rights of either party to the contract.

This distinction between contractual rights and a remedy for a breach thereof, was subsequently treated in Davis v. Brittell, 103 Neb. 703, 286 N.W. 284 (1919). The Court reiterated the proposition that

the Legislature may not withdraw all remedies, but that modes of procedure in the courts of the state are within its control so that a particular remedy existing at the time of the making of a contract, may be abrogated altogether without impairing the obligation of the contract "if another and equally adequate remedy for the enforcement of that obligation remains or is substituted for the one taken away." However, the Court recognized that there is conflict concerning this proposition and stated that:

The difficulties in the way of stating a rule render it imperative that every case be determined on its own particular circumstances; and the question whether a change of remedy impairs a substantial right in the last analysis is ordinarily one as to reasonableness.

Id.

One of the specific features of LB 999 is that it increases the maximum period for a stay of execution from nine to twelve months. Neb.Rev.Stat. §25-1506. This precise issue has been treated by the United States Supreme Court. Bradley v. Lightcap, 195 U.S. 1 (1904); Barnitz v. Beverly, 163 U.S. 118 (1896). The Supreme Court specifically held that a "state statute which authorized redemption of property sold in foreclosure of a mortgage, where no such right previously existed, or extended the period of redemption beyond the time previously allowed, could not apply to a sale under a mortgage executed before its passage . . ." See, also, State ex rel. Cleveringa v. Klein, 249 N.W. 118 (N.D. 1933).

In an earlier case, the North Dakota Supreme Court noted that: {T}he Legislature may not, under the guise of a statute relating to the remedy, change the substantial rights of the parties. . . . (cites omitted). Under the constitutional inhibition against legislation impairing the obligation of contracts, it is immaterial whether the obligation of a contract is impaired by acting on the remedy or directly upon the contract. Impairment in either case is prohibited. Citing, Story, Constitution (5th Edition), Section 1385, the court continued as follows:

It is perfectly clear that any law which enlarges, abridges, or in any manner changes the intention of the parties, resulting from the stipulations in the contract, necessarily impairs it. The manner or degree in which this change is effected can in no respect influence the conclusion; for whether the law affect the validity, the construction, the duration, the discharge, or the evidence of the contract, it impairs its obligation, through it may not do so to the same extent in all the supposed cases. Any deviation from its terms by postponing or accelerating the period of performance which it prescribes, imposing conditions not expressed in the contract, or dispensing with the performance of those which are a part of the

contract, however minute or apparently immaterial to their effect upon it, impairs its obligation.

E. J. Lander & Co. v. Deemy, 176 N.W. 922 (N.D. 1920).

The provisions of LB 999 not only extend the period of time in which a stay of execution is granted, but also provide for a partial redemption and a right to cure a default. Additionally, the new provisions of §25-1530 substantially increase the definition of a homestead exemption. These changes and provisions lead us to the conclusion that substantial vested rights of the parties would be interfered with if such provisions were to be applied retrospectively.

It may be conceded that, ordinarily, the rules of the court procedure alone may at any time be changed by legislative enactment, but if a legislative enactment does, in fact, impair or affect a vested right it is unenforceable or inapplicable as against the enforcement of rights so impaired. What belongs merely to the remedy may be altered, provided that the alteration does not impair the obligation of the contract or interfere with the vested right. If it does the latter, then it is invalid and contrary to the Fourteenth Amendment of the federal Constitution.

Travelers Ins. Co. v. Ohler, *supra*, at 125-26.

You have also asked whether or not the additional requirement concerning the receivership provisions in Neb.Rev.Stat. §25-1084, is in conflict with the general statutes concerning individuals who may be appointed receivers. We would point out that Neb.Rev.Stat. §25-1086, provides in part that "no person shall be appointed receiver who is party, solicitor, counsel, or in any manner interested in the suit." The proposed language in 25-1084, is as follows:

If a receiver is appointed in an action for the foreclosure of a farm mortgage, the farmer-debtor shall be appointed receiver unless a preponderance of the evidence indicates that the farmer-debtor would be unable to preserve the property. The farmer-debtor, if appointed receiver, shall be exempt from the bond requirements of section 25-1084.

We find this provision to be inconsistent with the general proposition that a receiver should be impartial and disinterested. When there are adversary rights to be determined, a person who is appointed receiver should be indifferent as to claims between the parties. 75 C.J.S. Receivers, §71. See also, Veith v. Ress, 60 Neb. 52, 82 N.W. 116 (1958).

Very truly yours,
ROBERT M. SPIRE
Attorney General

(Signed) Ruth Anne Evans
Assistant Attorney General

RAE:pjs

cc: Patrick J. O'Donnell
Clerk of the Legislature

RESOLUTIONS

LEGISLATIVE RESOLUTION 363. Read. Considered.

LR 363 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 364. Read. Considered.

LR 364 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 365. Read. Considered.

LR 365 was adopted with 26 ayes, 0 nays, and 23 not voting.

MOTION - Approve Committee on Committees Report

Mr. Chronister renewed his pending report found in the Journal on page 1298 to appoint Senator McFarland to Judiciary, Constitutional Revision and Recreation, and Rules Committees.

The report was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 809, 816, 820, 908, and 910.

(Signed) Timothy Hall, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. R. Johnson asked unanimous consent to have his name added as co-introducer to LB 849. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 849. Title read. Considered.

Standing Committee amendments, AM1988, found in the Journal on page 802 for the Twenty-Fifth Day were adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

MR. CARSTEN PRESIDING

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 958. Title read. Considered.

Standing Committee amendments, AM2130, found in the Journal on page 842 for the Twenty-Sixth Day were adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp moved to indefinitely postpone LB 958.

Mrs. Morehead and Mr. Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. DeCamp moved for a call of the house. The motion prevailed with 17 ayes, 2 nays, and 30 not voting.

Mr. DeCamp requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 30:

Abboud
Baack

Barrett
Beyer

Carsten
Chronister

Conway
DeCamp

Goll
Haberman

Hannibal	Lamb	Nelson	Remmers	Scofield
Hefner	Lundy	Nichol	Rogers	Sieck
Johnson, L.	Miller	Pappas	Rupp	Smith
Johnson, R.	Morehead	Peterson	Schmit	Warner

Voting in the negative, 12:

Chambers	Hall	Hoagland	Landis	Vickers
Chizek	Harris	Labedz	Lynch	Wesely
Eret	Higgins			

Present and not voting, 6:

Goodrich	Marsh	McFarland	Pirsch	Withem
Hartnett				

Excused and not voting, 1:

Johnson, V.

The DeCamp motion to indefinitely postpone prevailed with 30 ayes, 12 nays, 6 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 494.

Correctly Engrossed

The following bills were correctly engrossed: 753 and 877.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 494

(Final Reading Second Copy)

The following changes, required to be reported for publication in the Journal, have been made:

ER0152

1. In the Withem amendment, AM2333, adopted March 12, 1986:
 - a. On page 2, line 13, "(1)" has been inserted after "when"; in line 15 "and" has been struck, shown as stricken, and "(2)" inserted; in line 18 an underscored comma has been inserted after "effect" and "(3)" has been inserted after "and"; in line 21 ", if not made within such ninety-day period." has been inserted after "and"; and in line 24 the matter beginning with the comma through "such" has been struck, the old matter shown as stricken, and an underscored period inserted; and
 - b. On page 3, line 1, "ninety-day period." has been struck and shown as stricken.
2. On page 1, line 4, after the semicolon "to change provisions relating to refunds;" has been inserted.

Enrollment and Review Change to LB 877

The following changes, required to be reported for publication in the Journal, have been made:
ER0153

1. On page 2, line 2, " , no" has been struck and "No" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of the following Governor appointment.

Public Works

Ray Hogrefe - Director - State Engineer

(Signed) Calvin F. Carsten, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARING **Public Works**

Governor Appointment Tuesday, March 18, 1986 1:15 P.M.
Raymond H. Hogrefe - Director - State Engineer

(Signed) Loran Schmit, Chairperson

UNANIMOUS CONSENT - Bracket LB 603

Mr. Schmit asked unanimous consent to bracket LB 603 until April 5, 1986.

Mrs. Higgins objected.

Mr. Schmit moved to bracket LB 603 until April 5, 1986.

The motion to bracket prevailed with 22 ayes, 0 nays, 26 present and not voting, and 1 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 775. Title read. Considered.

Standing Committee amendments, AM2107, found in the Journal on page 867 for the Twenty-Seventh Day were considered.

Mr. Rogers offered the following amendment to the Standing Committee amendments:

Pg 2 line 6 strike "July 1, 1987" and insert "October 1, 1987"

The Rogers amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 783. Title read. Considered.

Standing Committee amendments, AM2163, found in the Journal on page 869 for the Twenty-Seventh Day were adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Mr. Beyer renewed his pending amendment, AM2421, found in the Journal on page 1352.

The Beyer amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Mr. Beyer offered the following amendment:

AM2396

- 1 1. On page 8, line 16, strike "and"; and in
- 2 line 17 after "60-1309" insert ", and sections 1 to 6,
- 3 Legislative Bill 301, Eighty-ninth Legislature, Second
- 4 Session, 1986".

The Beyer amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 1004. Title read. Considered.

Standing Committee amendments, AM1961, found in the Journal on page 872 for the Twenty-Seventh Day were considered.

Mr. Hoagland offered the following amendment to the Standing Committee amendments:

AM2436

(Amendments to Committee Amendments to LB 1004)

- 1 1. Insert the following new section:
- 2 "Sec. 22. The Superintendent of Law
- 3 Enforcement and Public Safety and the supervisor of the
- 4 program of Highway Safety in the Department of Motor
- 5 Vehicles shall certify to the Legislature by February 1
- 6 of each year, the following information on motorcycle
- 7 accidents in Nebraska:
- 8 (1) Total number of fatalities from motorcycle
- 9 accidents;
- 10 (2) Total number of fatal accidents involving
- 11 a motorcycle;
- 12 (3) Total number of fatalities that were
- 13 motorcycle passengers;
- 14 (4) Average age of the victims;
- 15 (5) Total number of known head injuries caused
- 16 by a motorcycle accident;
- 17 (6) Total number of fatalities who were
- 18 wearing a helmet at the time of the accident; and
- 19 (7) Based upon available information, an
- 20 estimate of how many fatalities could have been avoided
- 21 if the cyclist or passenger had been wearing a helmet at
- 1 the time of the accident."
- 2 2. On page 3, line 14, strike "21" and insert

3 "22".

4 3. Renumber the remaining section
5 accordingly.

Mrs. Smith requested a ruling of the Chair on whether the Hoagland amendment is germane to the Standing Committee amendments.

The Chair ruled the Hoagland amendment is not germane to the Standing Committee amendments.

Mr. Hoagland challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

The Hoagland motion to overrule the Chair lost with 4 ayes, 17 nays, 26 present and not voting, and 2 excused and not voting.

The Chair was sustained.

The Standing Committee amendments were adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER NICHOL PRESIDING

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1004A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 1004 in the Journal. No objections. So ordered.

AM2514

- 1 1. On page 2, line 9, after "has" insert "(1)
- 2 obtained at least a two thousand dollar medical
- 3 insurance policy for injuries which may be sustained due
- 4 to the operation of the motorcycle and provided proof of
- 5 such policy to the Department of Motor Vehicles and (2)"
- 6 and strike "(1)", show as stricken, and insert "(a)";
- 7 and in line 13 strike "(2)", show as stricken, and
- 8 insert "(b)".

Mr. Hoagland asked unanimous consent to print the following amendment to LB 1004 in the Journal. No objections. So ordered.

AM2436

- 1 1. Insert the following new section:
- 2 "Sec. 22. The Superintendent of Law
- 3 Enforcement and Public Safety and the supervisor of the
- 4 program of Highway Safety in the Department of Motor
- 5 Vehicles shall certify to the Legislature by February 1
- 6 of each year, the following information on motorcycle
- 7 accidents in Nebraska:
- 8 (1) Total number of fatalities from motorcycle
- 9 accidents;
- 10 (2) Total number of fatal accidents involving
- 11 a motorcycle;
- 12 (3) Total number of fatalities that were
- 13 motorcycle passengers;
- 14 (4) Average age of the victims;
- 15 (5) Total number of known head injuries caused
- 16 by a motorcycle accident;
- 17 (6) Total number of fatalities who were
- 18 wearing a helmet at the time of the accident; and
- 19 (7) Based upon available information, an
- 20 estimate of how many fatalities could have been avoided
- 21 if the cyclist or passenger had been wearing a helmet at
- 1 the time of the accident."
- 2 2. On page 3, line 14, strike "21" and insert
- 3 "22".
- 4 3. Renumber the remaining section
- 5 accordingly.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 90 in the Journal. No objections. So ordered.

AM2379

(Amendments to the Standing Committee amendments)

1 1. On page 1, line 7, strike "(10)" and
2 insert "(13)"; and strike lines 12 through 23 and insert
3 the following new subsections:

4 "(2) Upon written request of the prosecuting
5 attorney and upon sufficient cause shown, the court
6 shall order the taking of a videotape deposition of a
7 child-victim of or child-witness to any felony offense.
8 When deciding whether to grant the request for such
9 videotape deposition the court shall consider the
10 following factors:

11 (a) The child's chronological age, level of
12 development, and capacity to comprehend the significance
13 of the events and to verbalize about them;

14 (b) The child's general physical and mental
15 health;

16 (c) Whether the events about which the child
17 will testify constitute criminal or antisocial conduct
18 against the child or a person with whom the child had a
19 close emotional relationship, and if such conduct
20 constituted a physical or sexual assault, its duration
1 and the extent of physical or emotional injury caused by
2 such assault;

3 (d) The child's custodial situation and the
4 attitude of other household members to the events about
5 which the child will testify and to the underlying
6 proceeding;

7 (e) The child's familial or emotional
8 relationship to the defendant in the underlying
9 proceeding;

10 (f) The child's behavior at or reaction to
11 previous interviews concerning the events involved;

12 (g) Whether the child blames himself or
13 herself for the events involved or has ever been told by
14 any person not to disclose such events, whether the
15 child's prior reports to associates or authorities of
16 the events have been disbelieved or not acted upon, and
17 whether the child's subjective belief regarding what
18 consequences to himself or herself or persons with whom
19 the child has a close emotional relationship will ensue
20 from providing testimony;

21 (h) Whether the child manifests or has
22 manifested symptoms associated with posttraumatic stress
23 disorder or other mental disorders, including, but not

24 limited to, reexperiencing the events, fear of
1 repetition, withdrawal, regression, guilt, anxiety,
2 stress, nightmares, lack of self-esteem, mood changes,
3 compulsive behaviors, school problems, delinquent or
4 antisocial behavior, phobias, or changes in
5 interpersonal relationships;

6 (i) The number of separate investigative and
7 judicial proceedings at which the child's testimony may
8 be required, the likely length of time until the last
9 such proceeding, and the mental or emotional strain
10 associated with keeping the child's recollection of
11 events witnessed fresh for that period of time; and

12 (j) Whether the videotape deposition
13 procedures ordered by the court would reduce the mental
14 or emotional strain of testifying, and whether the
15 deposition could be used to reduce the number of times
16 the child will be required to testify.

17 (3)(a) If the court grants a request for a
18 videotape deposition, the court in its order shall seek
19 to ensure that:

20 (i) The deposition is taken in a way which
21 minimizes the child's mental and emotional strain;

22 (ii) The videotaped record thereof conveys to
23 the viewer impressions as nearly identical as possible
24 to those the viewer would receive if observing the
1 child's testimony in person; and

2 (iii) Each defendant has appropriate and
3 adequate opportunity to cross-examine the child.

4 (b) In order to carry out its obligations
5 prescribed in subdivision (a) of this subsection, the
6 court shall:

7 (i) Schedule the deposition on a date when the
8 child's recollection is likely to be fresh and at a time
9 of day when the child's energy and attention span are
10 greatest;

11 (ii) Schedule the deposition in a room which
12 provides adequate privacy, freedom from distractions,
13 informality, and comfort appropriate to the child's
14 developmental level;

15 (iii) Order a recess whenever the energy,
16 comfort, or attention span of the child so warrants;

17 (iv) Determine that the child understands that
18 it is wrong to tell a lie and will testify truthfully,
19 if the child's developmental level or verbal skills are
20 such that administration of an oath or affirmation in

21 the usual form would be inappropriate;

22 (v) Before questioning by the parties begins,
23 attempt to place the child at ease, explain to the child
24 the purpose of the deposition, and identify all persons
1 attending;

2 (vi) Allow any questioner to have an advisor
3 to assist the questioner and, upon permission of the
4 court, to conduct the questioning;

5 (vii) Supervise the spatial arrangements of
6 the room and the location, movement, and deportment of
7 all persons in attendance;

8 (viii) Allow the child to testify while
9 sitting on the floor, on a platform, on an appropriately
10 sized chair, or on the lap of a trusted adult, or while
11 moving about the room within range of the visual and
12 audio recording equipment;

13 (ix) Preside at the taking of the deposition;
14 and

15 (x) Permit the defendant to be in a position
16 from which the defendant can see and hear the child's
17 testimony and can communicate privately and conveniently
18 with counsel."

19 2. On page 2, strike lines 1 through 6; in
20 line 7 strike "(3)" and insert "(5)" and strike "(7)"
21 and insert "(9)"; in line 18 strike "(4)" and insert
22 "(6)"; and in line 23 strike "(5)" and insert "(7)".

23 3. On page 3, line 3, strike "(6)" and insert
24 "(8)"; in line 12 strike "(7)" and insert "(9)"; after
1 line 23 insert the following new subsection:

2 "(10) A videotape deposition which is part of
3 the court record shall be subject to a protective order
4 of the court for the purpose of protecting the privacy
5 of the child."; and in line 24 strike "(8)" and insert
6 "(11)".

7 4. On page 4, line 2, strike "(9)" and insert
8 "(12)"; and in line 5 strike "(10)" and insert "(13)".

9 5. Insert the following new section:

10 "Sec. 2. (1) An out-of-court statement made
11 by a child-victim of or child-witness to any felony
12 offense not otherwise admissible by statute or court
13 rule which provides an exception to the objection of
14 hearsay, shall be admissible in any proceedings relating
15 to such offense if:

16 (a) The court finds, in a hearing conducted
17 outside the presence of the jury, that the time,

18 context, and circumstances of the statement provide
19 sufficient safeguards of reliability; and

20 (b) The child either:

21 (i) Testifies at the proceedings or by
22 videotape deposition; or

23 (ii) Is unavailable as a witness and there is
24 corroborative evidence of the subject of the statement.

1 (2) If a statement is admitted pursuant to
2 this section, the court shall instruct the jury that the
3 jury shall determine the weight and credit to be given
4 the statement, and that when making such determination,
5 the jury shall consider the age and maturity of the
6 child, the nature of the statement, the circumstances
7 under which the statement was made, and any other
8 relevant factors.

9 (3) The party intending to introduce a
10 statement pursuant to this section shall give the
11 opposing party reasonable notice of his or her intention
12 to offer the statement and the particulars of such
13 statement.

14 (4) For purposes of this section, child shall
15 be as defined in subsection (12) of section 1 of this
16 act.

17 (5) The Supreme Court shall adopt and
18 promulgate rules of procedure necessary to carry out
19 this section.”.

Mrs. Pirsch asked unanimous consent to print the following amendment to LB 956 in the Journal. No objections. So ordered.

AM2258

1 1. Strike the original sections and insert
2 the following new sections:

3 “Section 1. A sentencing court may order the
4 defendant to make restitution to any victim of any
5 offense in addition to or in lieu of any other penalty
6 authorized by law. Whenever the court believes that
7 restitution may be a proper sentence or the victim of
8 any offense or the prosecuting attorney requests, the
9 court shall order that the presentence report include
10 documentation regarding the nature and amount of the
11 actual damages sustained by the victim.

12 Sec. 2. To determine the amount of
13 restitution, the court may hold a hearing at the time of
14 sentencing. The amount of restitution shall be based on

15 the actual damages sustained by the victim and shall be
16 supported by evidence which shall become a part of the
17 court record. The court shall consider the defendant's
18 earning ability, employment status, financial resources,
19 and family or other legal obligations and shall balance
20 such considerations against the obligation to the
21 victim. The court may order that restitution be made
1 immediately, in specified installments, or within a
2 specified period of time, not to exceed five years after
3 the defendant's final release date from imprisonment.

4 Sec. 3. In determining restitution, if the
5 offense results in damage, destruction, or loss of
6 property, the court may require: (1) Return of the
7 property to the victim, if possible; (2) payment of the
8 reasonable value of repairing the property, including
9 property returned by the defendant; or (3) payment of
10 the reasonable replacement value of the property if
11 return or repair is impossible, impractical, or
12 inadequate. If the offense results in bodily injury,
13 the court may require payment of necessary medical care,
14 including, but not limited to, physical or psychological
15 treatment and therapy, and payment for income lost due
16 to such bodily injury. If the offense results in the
17 death of the victim, the court may require payment to be
18 made to the estate of the victim for the cost of any
19 medical care prior to death and for funeral and burial
20 expenses.

21 Sec. 4. The court shall not impose
22 restitution for a loss for which the victim has received
23 compensation, except that the court may order payment by
24 the defendant to any person who has compensated the
1 victim to the extent that such compensation has been
2 provided. Any amount paid to a victim pursuant to an
3 order of restitution shall be set off against any amount
4 later recovered as compensatory damages in a civil
5 action.

6 Sec. 5. If the defendant is placed on
7 probation or paroled, any restitution ordered under this
8 act shall be a condition of such probation or parole.
9 The court may revoke probation and the Board of Parole
10 may revoke parole if the defendant fails to comply with
11 such order. In determining whether to revoke probation
12 or parole, the court or Board of Parole shall consider
13 the defendant's earning ability and financial resources,
14 the willfulness of the defendant's failure to pay, and

15 any special circumstances affecting the defendant's
16 ability to pay. If the defendant fails to comply with a
17 restitution order which is not a condition of probation
18 or parole, the court may order the defendant to appear
19 at a time, date, and place for a hearing or issue a
20 warrant for his or her arrest. If, after notice and a
21 hearing, the court finds that noncompliance with the
22 restitution order is willful, the court may punish the
23 defendant by a fine or imprisonment as provided by the
24 original offense charged, with credit for time served or
1 fines or restitution paid.

2 Sec. 6. A defendant, victim, or the personal
3 representative of the victim's estate may petition the
4 sentencing court to adjust or otherwise waive payment or
5 performance of any ordered restitution or any unpaid or
6 unperformed portion thereof. The court may schedule a
7 hearing and give the parties notice of the hearing,
8 date, place, and time and inform the parties that he or
9 she will have an opportunity to be heard. If the court
10 finds that the circumstances upon which it based the
11 imposition or amount and method of payment or other
12 restitution ordered no longer exist or that it otherwise
13 would be unjust to require payment or other restitution
14 as imposed, the court may adjust or waive payment of the
15 unpaid portion thereof or other restitution or modify
16 the time or method of making restitution.

17 Sec. 7. An order of restitution may be
18 enforced by a victim named in the order to receive the
19 restitution or the personal representative of the
20 victim's estate in the same manner as a judgment in a
21 civil action. If the victim is deceased and no claim is
22 filed by the personal representative of the estate or if
23 the victim cannot be found, the Attorney General may
24 enforce such order of restitution for the benefit of the
1 Victim's Compensation Fund.

2 Sec. 8. (1) This act shall not limit or
3 impair the right of a victim to sue and recover damages
4 from the defendant in a civil action.

5 (2) The findings in the sentencing hearing and
6 the fact that restitution was required or paid is not
7 admissible as evidence in a civil action and has no
8 legal effect on the merits of a civil action.

9 (3) Any restitution paid by the defendant to
10 the victim shall be set off against any judgment in
11 favor of the victim in a civil action arising out of the

12 facts or events which were the basis for the
13 restitution. The court trying the civil action shall
14 hold a separate hearing to determine the validity and
15 amount of any set off asserted by the defendant.

16 Sec. 9. If restitution is imposed on an
17 organization, it shall be the duty of any person
18 authorized to order the disbursement of assets of the
19 organization, and his or her superiors, to pay the
20 restitution from assets of the organization under his or
21 her control. Failure to do so renders a person subject
22 to an order to show cause why he or she should not be
23 held in contempt of court.

24 Sec. 10. (1) Whenever a victim is paid by the
1 Victim's Compensation Fund for loss arising out of a
2 criminal act, the fund is subrogated to the rights of
3 the victim to any restitution ordered by the court.

4 (2) The rights of the Victim's Compensation
5 Fund are subordinate to the claims of victims who have
6 suffered loss arising out of the offenses or any
7 transaction which is part of the same continuous scheme
8 of criminal activity."

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Conway asked unanimous consent to have his name added as co-introducer to LB 849. No objections. So ordered.

VISITORS

Visitors to the Chamber were 42 fourth grade students and teachers from Meadows School, Ralston; 39 members of the Field Club Area Senior Center, Omaha; Phillis Lyons from McCook and Margaret Baker from Pallisade; 40 members of Women Involved in Farm Economics (WIFE) from across the state; and Mr. Kale, Mr. Thiemele, Mr. Kone, Mr. Manning, and Mrs. Kindo of the Ivory Coast National Assembly.

RECESS

At 12:06 p.m., on a motion by Mr. McFarland, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., President McGinley presiding.

ROLL CALL

The roll was called and all members were present except Mr. Nichol who was excused; and Messrs. Conway, Lamb, Landis, Peterson, Sieck, Warner, Mesdames Morehead, and Pirsch who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 219. Title read. Considered.

Mr. Baack asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Haberman offered the following amendment:

AM2413

- 1 1. On page 9, line 21, strike "Materials" and
- 2 insert "Until July 1, 1991, materials".

The Haberman amendment was adopted with 25 ayes, 3 nays, 11 present and not voting, and 10 excused and not voting.

Mr. Haberman offered the following amendment:

AM2447

- 1 1. On page 9, strike beginning with "farm" in
- 2 line 22 through the first "and" in line 23.

Mr. Chambers and Ms. Scofield asked unanimous consent to be excused until they return. No objections. So ordered.

The Haberman amendment was adopted with 27 ayes, 1 nay, 10 present and not voting, and 11 excused and not voting.

Mr. V. Johnson moved to indefinitely postpone LB 219.

Mr. Miller moved the previous question. The question is, "Shall the debate now close?" The motion lost with 10 ayes, 16 nays, and 23 not voting.

MR. CARSTEN PRESIDING

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. V. Johnson requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 14:

Carsten	Hannibal	Johnson, V.	Marsh	Wesely
Goll	Hoagland	Landis	Pirsch	Withem
Hall	Johnson, L.	Lundy	Warner	

Voting in the negative, 29:

Abboud	DeCamp	Higgins	Morehead	Rupp
Barrett	Eret	Johnson, R.	Nelson	Schmit
Beyer	Goodrich	Labeledz	Pappas	Sieck
Chizek	Haberman	Lamb	Peterson	Smith
Chronister	Harris	Lynch	Remmers	Vickers
Conway	Hefner	Miller	Rogers	

Present and not voting, 2:

Hartnett	McFarland
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Excused and not voting, 4:

Baack	Chambers	Nichol	Scofield
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The V. Johnson motion to indefinitely postpone lost with 14 ayes, 29 nays, 2 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1124A. By Wesely, 26th District; Hefner, 19th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1124, Eighty-ninth Legislature, Second Session, 1986.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 1108 in the Journal. No objections. So ordered.

AM2100

- 1 1. On page 5, in lines 2 and 6, after
- 2 "against" insert "or discipline".

RESOLUTION

LEGISLATIVE RESOLUTION 366.

Introduced by Schmit, 23rd District; Vickers, 38th District; Eret, 32nd District; Lamb, 43rd District; Carsten, 2nd District; R. Johnson, 34th District.

WHEREAS, there are approximately two hundred thousand farmers that hold two-thirds of the farm debt and one half of this group, a number estimated to be one hundred thousand to one hundred twenty-five thousand, face serious financial difficulties and are at a point where, to avoid liquidation, substantial debt restructuring will be needed throughout the next two years; and

WHEREAS, the forced liquidation of a significant number of farms could create a domino effect including failed banks, failed agricultural businesses, and the decline of rural America in general; and

WHEREAS, legislation passed last December to rescue the Farm Credit System, served to assist the Farm Credit Banks and restore investor confidence in the Farm Credit Bonds, but to date the Farm Credit System has shown no indication of altering its current policy of shunting troubled loans or forcing liquidations with little thought to debt restructuring; and

WHEREAS, the American Farm Bureau Federation has proposed a new two tiered debt restructuring program that will help financially troubled farmers deal with massive debts and prevent bankruptcy; and

WHEREAS, this program represents a positive step by the American Farm Bureau to help farmers and lenders reach their mutual goal of financial stability through debt restructuring, not debt forgiveness; and

WHEREAS, the success or failure of such a proposal will depend upon the acceptance and support of the Reagan administration, the Department of Agriculture, the Federal Reserve Bank, the Farmer's Home Administration, the F.D.I.C., and the Farm Credit System.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Legislature commends the American Farm Bureau for the initiative it has shown in developing a proposal to restructure farm debt, and that it supports the American Farm Bureau in its presentation of the plan to federal authorities.

2. That the Nebraska Legislature urges the Farm Credit System, the Farmers Home Administration, and commercial lenders through the authority of the F.D.I.C. to recognize and adopt the American Farm Bureau's two tiered debt restructuring plan.

3. That a copy of this resolution be sent to Dean Kleckner, President of the American Farm Bureau; Bryce Neidig, President of the Nebraska Farm Bureau; Paul Volcker, Chairman of the Federal Reserve Board; Vance Clark, Chairman of the Farmers Home Administration; Frank Naylor, Chairman of the Farm Credit Administration; H. Brent Beesley, President of the Farm Credit System; Richard Lyng, Secretary of the U.S. Department of Agriculture; and the entire Nebraska congressional delegation.

Laid over.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 86034

March 11, 1986

To: Senator Rod Johnson

Subject: LB 1239, Environmental Protection Act, Exemption for Political Subdivisions

You have requested an opinion from our office concerning a proposed exemption for political subdivisions from the requirements of the Environmental Protection Act relative to Nebraska water quality standards. The proposed language in Neb.Rev.Stat. §81-1528 (Supp. 1984) is as follows:

(7) The Environmental Protection Act shall not apply to any political subdivision with respect to the ownership, control, or operation of any dam, water control structure, or hydroelectric plant or facility if the activities of such political subdivision with respect to the ownership, control, or operation of such dam, water control structure, or hydroelectric plant or facility do not result in the introduction of any toxic substance or agent into the air, water, or land.

We note that subsection (1) of §81-1528 provides that:

The Environmental Protection Act shall not apply in any political subdivision which provides for the control of air, water, or land pollution by resolution, ordinance, or regulation not inconsistent with the substantive provisions of the Environmental Protection Act or any rule or regulation adopted pursuant to such act, except that no such resolution, ordinance, or regulation shall become effective until a certificate of exemption has been issued by the director. Such certificate of exemption shall be available for inspection in the office of the county, city, or village clerk as the case may be.

(Emphasis added.) It is evident that political subdivisions may be exempted from the Environmental Protection Act under certain circumstances. However, those political subdivisions must provide for their own regulation not inconsistent with the general provisions of the Environmental Protection Act and any rules and regulations adopted pursuant to the same. Title 117, Nebraska Water Quality Standards for Surface Waters of the State, Chapter 1, Application of Standards, provides in part as follows:

024 "Surface Waters shall mean all waters within the jurisdiction of this State, including all streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, springs, canal systems, drainage systems, and all other bodies or accumulations of water, natural or artificial, public or private, situated wholly or partly within or bordering upon the State.

The provisions of Title 117, Chapter 3 set forth the antidegradation requirements. Subsection 001 indicates that:

The environmental quality of surface waters, consistent with uses applied in these standards, shall be maintained and protected.

Water quality degradation which would adversely affect existing recognized uses will not be allowed.

Beneficial water uses are set forth in Chapter 4 relative to recreation, aquatic life, water supply, and aesthetics and public health. Subsection 001 of Chapter 3 provides that "the environmental quality of surface waters, consistent with uses applied in these standards, shall be maintained and protected." Chapter 4 sets forth general numeric criteria applicable to all surface waters of the State with

respect to beneficial uses relative to hydrogen ion concentrations, temperatures, turbidity, petroleum oil, toxic substances, and primary and secondary contact recreation.

The proposed exemption in LB 1239 would exempt political subdivisions with respect to the ownership, control, or operation of any dam, water control structure, or hydroelectric plant or facility if the activities of the same did not result in "the introduction of any toxic substance or agent into the air, water, or land." Thus, these political subdivisions would, in essence, be exempt from the requirements of Title 117 regulating other water quality standards such as temperature, hydrogen ion concentrations, etc.

It is our opinion that the exemption of political subdivisions from the requirements of the Environmental Protection Act is unconstitutional as a violation of Article III, Section 18 of the Nebraska Constitution which prohibits the passing of local or special laws. It is a general proposition of law that even though questions of classification are primarily for the Legislature, there must be some rational basis for the classification. State ex rel. Douglas v. Marsh, 207 Neb. 598, 300 N.W.2d 181 (1980). In general, the Legislature may make reasonable classifications, resting on grounds of public policy, or some substantial difference of situation or circumstance that would naturally suggest the justice or expediency of diverse legislation with respect to the object being classified. Duerfeldt v. State Game and Parks Commission, 184 Neb. 242, 166 N.W.2d 737 (1969).

Our reading of the Environmental Protection Act reveals that political subdivisions may be exempted from the Act only in certain circumstances. Those circumstances arise when the political subdivision by resolution, ordinance, or regulation provides for the control of air, water, or land pollution which is not inconsistent with the substantive provisions of Act. The proposed exemption for political subdivisions would make the Act applicable to them only in the event of the introduction of any toxic substance or agent into the air, water, or land. That exemption is inconsistent with the general provisions of the Act relative to the maintenance of adequate water quality standards for surface waters of the state. Therefore, it is our conclusion that the proposed exemption is unconstitutional. Further, we see no reasonable basis for this classification or any substantial difference in situation or circumstance to treat political subdivisions differently with respect to the purposes of the Environmental Protection Act to protect surface waters of the State.

To the extent that we have answered the first question concerning the constitutionality of this exemption, we find it unnecessary to address the other questions posed in your opinion request. Should you have further questions, please do not hesitate to contact this office.

Very truly yours,
ROBERT M. SPIRE

Attorney General

(Signed) Ruth Anne Evans
Assistant Attorney General

RAE:cw

cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 86035
March 13, 1986

To: Senator John W. DeCamp

Subject: LB 788 - Amendments to Child Pornography Prevention Act

You have requested our opinion regarding the constitutionality of LB 788, a bill proposing to amend certain provisions of the Child Pornography Prevention Act, Neb.Rev.Stat. §§28-1463.01 to 28-1463.05 (Supp. 1985). Specifically, you ask whether the Act as amended violates the First Amendment by failing to define "pornography" in terms of the three-part definition of "obscenity" in Miller v. California, 413 U.S. 15 (1973), requiring that, to be obscene, materials must, "taken as a whole, appeal to the prurient interest, must contain patently offensive depictions or descriptions of specified sexual conduct, and on the whole have no serious literary, artistic, political, or scientific value." Brockett v. Spokane Arcades, Inc., 472 U.S. ___, ___, 86 L.Ed.2d 394, 404, 105 S.Ct. 2794, 2800 (1985).

In New York v. Ferber, 458 U.S. 747 (1982), the Supreme Court considered the issue of the constitutionality of a New York criminal statute prohibiting persons from knowingly promoting a sexual performance by a child under the age of 16 by distributing material which depicted such a performance. The statute defined "sexual performance" as "any performance or part thereof which includes sexual conduct by a child less than sixteen years of age," and defined "sexual conduct" as "actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, sado-masochistic abuse, or lewd exhibition of the genitals." Id. at 751.

In upholding the constitutionality of the New York statutory scheme, the Court rejected the argument that the three-part "obscenity" standard articulated in Miller v. California, supra, was applicable in outlining the extent of the state's power to prohibit the

production and distribution of materials depicting sexual conduct involving children:

The Miller standard, like all general definitions of what may be banned as obscene, does not reflect the State's particular and more compelling interest in prosecuting those who promote the sexual exploitation of children. Thus, the question under the Miller test of whether a work, taken as a whole, appeals to the prurient interest of the average person bears no connection to the issue of whether a child has been physically or psychologically harmed in the production of the work. Similarly, a sexually explicit depiction need not be "patently offensive" in order to have required the sexual exploitation of a child for its production. In addition, a work which, taken on the whole, contains serious literary, artistic, political, or scientific value may nevertheless embody the hardest core of child pornography. . . . We therefore cannot conclude that the Miller standard is a satisfactory solution to the child pornography problem.

458 U.S. at 761 (footnote omitted).

The Court in Ferber, stating that child pornography constituted "a category of material outside the protection of the First Amendment," established the following guidelines concerning legislation in this area:

There are, of course, limits on the category of child pornography which, like obscenity, is unprotected by the First Amendment. As with all legislation in this sensitive area, the conduct to be prohibited must be adequately defined by the applicable state law, as written or authoritatively construed. Here the nature of the harm to be combated requires that the state offense be limited to works that visually depict sexual conduct by children below a specified age. The category of "sexual conduct" proscribed must also be suitably limited and described.

Id. at 763, 764 (footnote omitted).

Applying these standards to the Child Pornography Prevention Act, as amended by LB 788, we believe it is clear that the Act is constitutional under the guidelines enunciated in Ferber. The conduct prohibited is adequately defined, and the criminal offenses provided for under the Act are limited to materials which visually depict sexual conduct by children under 17 years of age. Furthermore, the types of sexual conduct proscribed, as defined in Section 1 of LB 788, are adequately limited and described. In fact, the definitions utilized in the Act are similar to those contained in the federal Child Protection Act of 1984, 18 U.S.C. §§2251 to 2255. The constitutionality of the federal Act was recently upheld in United States v. Tolczeki, 614 F.Supp. 1424 (N.D. Ohio, E.D. 1985).

We note that, in your letter, you direct our attention to a recent Seventh Circuit decision, American Booksellers, Inc. v. Hudnut, 771 F.2d 323 (7th Cir. 1985), involving the constitutionality of an Indianapolis pornography ordinance. The ordinance challenged in Hudnut defined "pornography" as "the graphic sexually explicit subordination of women, whether in pictures or in words." Id. at 324. The court held that this definition, which did not refer to prurient interests, to offensiveness, or to standards of the community, and which also demanded attention to particular depictions and not to the work judged as a whole, violated the First Amendment. Id. at 332.

In our view, the decision in Hudnut does not in any way bring into question the constitutionality of the Nebraska Child Pornography Prevention Act. As was noted, the Supreme Court in Ferber specifically rejected the notion that the test for child pornography must be identical to the obscenity standard enunciated in Miller v. California. Ferber recognizes that a state may, consistent with the First Amendment, prohibit the production and distribution of materials which depict children engaged in sexual conduct, regardless of whether such material is "obscene." In fact, the court in Hudnut, supra, specifically recognized that Ferber clearly provides states with greater leeway in the regulation of materials containing pornographic depictions of children:

New York v. Ferber, 458 U.S. 747, 102 S.Ct. 3348, 73 L.Ed.2d 1113 (1982), suggests that when a state has a strong interest in forbidding the conduct that makes up a film (in Ferber sexual acts involving minors), it may restrict or forbid dissemination of the film in order to reinforce the prohibition of the conduct.
771 F.2d at 332.

Based upon the foregoing, it is our opinion that the Child Pornography Prevention Act, as amended by LB 788, is constitutional.

Sincerely,
ROBERT M. SPIRE
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

LJB/bae

cc: Patrick J. O'Donnell
Clerk of the Legislature

STANDING COMMITTEE REPORTS Appropriations

LEGISLATIVE BILL 851. Placed on General File as amended.

Standing Committee amendments to LB 851:
AM2513

1 1. Insert the following new sections:

2 "Sec. 5. That section 60-106, Reissue Revised
3 Statutes of Nebraska, 1943, be amended to read as
4 follows:

5 60-106. (1) Application for a certificate of
6 title shall be made upon a form prescribed by section
7 60-114; and shall be sworn to before a notary public or
8 other officer empowered to administer oaths.

9 (2) Such application shall be filed with the
10 county clerk of the county in which the applicant
11 resides, if the applicant is a resident of this state,
12 or, if a nonresident, in the county in which the
13 transaction is consummated, and shall be accompanied by
14 the fee prescribed in this act.

15 (3) If a certificate of title has previously
16 been issued for such motor vehicle in this state, the
17 application for a new certificate of title shall be
18 accompanied by such certificate of title duly assigned,
19 unless otherwise provided for in this act. If a
20 certificate of title has not previously been issued for
21 such motor vehicle in this state, such application,
1 unless otherwise provided for in this act, shall be
2 accompanied by a manufacturer's or importer's
3 certificate, as provided for in this act, a duly
4 certified copy thereof, a certificate of title, a court
5 order issued by a court of record, a manufacturer's
6 certificate of origin, or an assigned registration
7 certificate, if the law of the other state from which
8 such motor vehicle was brought into this state does not
9 have a certificate of title law. The county clerk shall
10 retain the evidence of title presented by the applicant
11 and on which the certificate of title is issued.

12 (4) The county clerk shall use reasonable
13 diligence in ascertaining whether or not the statements
14 in the application for a certificate of title are true
15 by checking the application and documents accompanying
16 the same with the records of motor vehicles in his or
17 her office. If he or she is satisfied that the
18 applicant is the owner of such motor vehicle and that
19 the application is in the proper form, the county clerk
20 shall issue a certificate of title over his or her
21 signature and sealed with his or her seal, but not
22 otherwise.

23 (5) In the case of the sale of a motor
24 vehicle, the certificate of title shall be obtained in
1 the name of the purchaser upon application signed by the
2 purchaser, except that, for titles to be held by husband
3 and wife, applications may be accepted by the clerk upon
4 the signature of either one as a signature for himself
5 or herself and as agent for his or her spouse.

6 (6) In all cases of transfers of motor
7 vehicles, commercial trailers, semitrailers, or cabin
8 trailers, the application for a certificate of title
9 shall be filed within fifteen days after the delivery of
10 such motor vehicles, commercial trailers, semitrailers,
11 or cabin trailers. Licensed dealers need not apply for
12 certificates of title for motor vehicles, commercial
13 trailers, semitrailers, or cabin trailers in stock or
14 acquired for stock purposes, but upon transfer of the
15 same, they shall give the transferee a reassignment of
16 the certificate of title on such motor vehicle,
17 commercial trailer, semitrailer, or cabin trailer or an
18 assignment of a manufacturer's or importer's
19 certificate.

20 (7) An application for a certificate of title
21 shall include a statement that an identification
22 inspection has been conducted on the vehicle unless (a)
23 the title sought is a salvage certificate of title as
24 defined in section 60-129, (b) the surrendered ownership
1 document is a Nebraska certificate of title, a
2 manufacturer's statement of origin, an importer's
3 statement of origin, or a United States Government
4 Certificate of Release of a motor vehicle, or (c) the
5 application for a certificate of title contains a
6 statement that such vehicle is to be registered under
7 section 60-305.09. Such statement shall be furnished by
8 the county sheriff of the county in which application is
9 made or by any other holder of a current certificate of
10 training and shall be in a format as determined by the
11 department. The clerk may accept a certificate of
12 inspection, approved by the ~~Department of Motor Vehicles~~
13 Superintendent of Law Enforcement and Public Safety,
14 from an officer of a state police agency of another
15 state. For each inspection, a fee of ten dollars shall
16 be paid to the county treasurer. All such fees shall be
17 credited to the county sheriff's vehicle inspection
18 account within the county general fund. The
19 identification inspection required by this subsection

20 shall include examination and notation of the current
21 odometer reading and a comparison of the vehicle
22 identification number with the number listed on the
23 ownership records, except that if a lien is registered
24 against a vehicle and recorded on the vehicle's
1 ownership records, the county clerk shall provide a copy
2 of the ownership records for use in making such
3 comparison. If such numbers are not identical; or if
4 there is reason to believe further inspection is
5 necessary, the person performing the inspection shall
6 make a further inspection of the vehicle which may
7 include, but shall not be limited to, examination of
8 other identifying numbers placed on the vehicle by the
9 manufacturer and an inquiry into the numbering system
10 used by the state issuing such ownership records to
11 determine ownership of a vehicle. The identification
12 inspection shall also include a statement that the
13 vehicle identification number has been checked for entry
14 in the National Crime Information Center and the
15 Nebraska Crime Information Service. If there is cause
16 to believe that odometer fraud exists, written
17 notification shall be given to the Attorney General's
18 office. If after such inspection the sheriff or his or
19 her designee determines that the vehicle is not the
20 vehicle described by the ownership records, no statement
21 shall be issued. In the case of an assembled vehicle
22 such inspection shall include, but not be limited to, an
23 examination of the records showing the date of receipt
24 and source of each major component part, as defined in
1 section 60-2601.

2 Sec. 16. That section 81-2007, Reissue
3 Revised Statutes of Nebraska, 1943, be amended to read
4 as follows:

5 81-2007. The subordinate officers ~~and~~
6 ~~employees~~ of the Nebraska State Patrol, when on duty,
7 shall be dressed in distinctive uniform and display a
8 badge of office, except that the superintendent may
9 authorize not more than thirty-five per cent of such
10 officers to be on duty without wearing a distinct
11 uniform. The superintendent shall issue to each member
12 of the Nebraska State Patrol a serially numbered badge
13 of office with a the seal of this state in the center
14 thereof, the words Nebraska State Patrol encircling the
15 seal, and ~~below~~ containing the designation of the
16 position held by the subordinate officer, ~~or employee~~

17 to whom issued. ~~Every such badge shall be serially~~
 18 ~~numbered; PROVIDED, that not more than fifteen per cent~~
 19 ~~of the members of the Nebraska State Patrol may be on~~
 20 ~~duty without wearing a distinctive uniform."~~

21 2. On page 7, line 5, strike "Twenty-five"
 22 and insert "Twenty"; in line 14 strike "The remaining
 23 fifty", show the old matter as stricken, and insert
 24 "Forty-five"; in line 15 before "charged" insert "of the
 1 fee"; and in line 18 after the period insert "The
 2 remaining ten cents of the fee charged for the
 3 certificate of title shall be paid to the State
 4 Treasurer to be credited to the Nebraska Motor Vehicle
 5 Industry Licensing Fund for the purpose of conducting
 6 preliminary investigations of motor vehicle licensing
 7 violations relating to odometer and motor vehicle
 8 fraud.".

9 3. On page 13, line 20, strike "5 to 14 and
 10 16" and insert "5 to 16 and 18"; in line 23 after
 11 "sections" insert "60-106,"; and in line 24 strike "and"
 12 and after the last comma insert "and 81-2007,".

13 4. Renumber remaining sections accordingly.

LEGISLATIVE BILL 870. Placed on General File as amended.
 Standing Committee amendment to LB 870:

AM2518

1 1. On page 3, line 19, strike the new matter.

(Signed) Jerome Warner, Chairperson

SELECT COMMITTEE REPORT Enrollment and Review

LEGISLATIVE BILL 1038. Placed on Select File as amended.
 E & R amendments to LB 1038:

AM5348

1 1. In the Standing Committee amendments,
 2 AM2137, adopted March 5, 1986, on page 2, line 10,
 3 strike "complete" and insert "continue".
 4 2. On page 1, line 2, strike "and" and after
 5 "appropriations" insert "for certain projects; to
 6 provide an operative date; and to declare an emergency.

(Signed) Timothy Hall, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 367.

Introduced by Eret, 32nd District.

WHEREAS, a sanitary and safe environment is paramount to the health of Nebraskans who work in a public or private building; and

WHEREAS, a sanitary and safe environment is paramount to the health of the infirmed and elderly who reside in public and private buildings such as hospitals and long-term care centers; and

WHEREAS, a sanitary and safe environment has a psychological effect on Nebraskans; and

WHEREAS, the Nebraska State Custodian Association is an organization for custodians concerned about a sanitary and safe environment in Nebraska; and

WHEREAS, the Nebraska State Custodian Association is dedicated to promoting high levels of cleanliness for a sanitary and safe environment in Nebraska hospitals, long-term care centers, public institutions, public and private office buildings, and business establishments; and

WHEREAS, the Nebraska State Custodian Association promotes research in building care programs; and

WHEREAS, the Nebraska State Custodian Association is dedicated to professionalism.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes that all citizens and institutions, public and private, have the duty to promote and support a safe and sanitary environment for Nebraskans.

2. That the Legislature hereby declares the week of April 20th to April 26th, 1986, to be Custodian Week in Nebraska.

3. That a copy of this resolution be sent to Wayne Gilmer, President of the Nebraska State Custodian Association.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 219. Considered.

Mr. Hannibal asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmit moved the previous question. The question is, "Shall the debate now close?"

Mr. Haberman moved for a call of the house. The motion prevailed with 10 ayes, 1 nay, and 38 not voting.

The motion to cease debate lost with 19 ayes, 13 nays, and 17 not voting.

The Chair declared the call raised.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Mr. Haberman moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. V. Johnson requested a record vote on the advancement of the bill.

Voting in the affirmative, 28:

Abboud	Chronister	Hefner	Miller	Rogers
Baack	Conway	Higgins	Morehead	Schmit
Barrett	DeCamp	Johnson, R.	Pappas	Sieck
Beyer	Eret	Labeledz	Peterson	Smith
Carsten	Goodrich	Lamb	Remmers	Vickers
Chizek	Haberman	Lynch		

Voting in the negative, 15:

Goll	Hoagland	Lundy	Pirsch	Warner
Hall	Johnson, V.	Marsh	Rupp	Wesely
Harris	Landis	Nelson	Scofield	Withem

Present and not voting, 3:

Hartnett Johnson, L. McFarland

Excused and not voting, 3:

Chambers Hannibal Nichol

Advanced to E & R for Review with 28 ayes, 15 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Withem asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 219A. Title read. Considered.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 2 nays, and 23 not voting.

Mr. R. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

Mr. Haberman moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Advanced to E & R for Review with 25 ayes, 7 nays, 12 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Bracket LB 1126

Mr. Barrett asked unanimous consent to bracket LB 1126 until March 20, 1986, at 1:30 p.m. pursuant to Rule 6, Section (3)e.

Mr. Hall objected.

Mr. Hall withdrew his objection.

No objections. So ordered.

UNANIMOUS CONSENT - Bracket LB 807

Mr. Pappas asked unanimous consent to bracket LB 807 until next Wednesday, March 19, 1986.

Mr. Hall objected.

Mr. Hall withdrew his objection.

No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Chronister asked unanimous consent to print the following amendment to LB 131 in the Journal. No objections. So ordered.

AM2528

- 1 1. On page 3, after line 6, insert the
- 2 following new paragraph:
- 3 "In order to be granted a license to practice
- 4 optometry in Nebraska, optometrists graduating after
- 5 1985 and applying for a license in Nebraska and all
- 6 optometrists applying for a license under reciprocity
- 7 shall be certified by the department to use
- 8 pharmaceutical agents for diagnostic purposes and for
- 9 therapeutic purposes."; and in line 25 after "purposes"
- 10 insert "authorized".
- 11 2. On page 4, line 5, after "certified"
- 12 insert "by the department upon the recommendation of the
- 13 Board of Examiners in Optometry"; and in line 6 after
- 14 "agents" insert "for therapeutic purposes".

Mr. Withem asked unanimous consent to print the following amendment to LB 219 in the Journal. No objections. So ordered.

AM2173

- 1 1. On page 7, line 7, strike "the", show as
- 2 stricken, and insert ":(i) The"; in line 9 strike ", or
- 3 by", show as stricken, and insert ":(ii)"; in line 11
- 4 strike ", or by", show as stricken, and insert ";
- 5 (iii)"; in line 12 strike the second "or", show as
- 6 stricken, and insert "and"; and in line 13 after
- 7 "district" insert "; and (iv) any sanitary and
- 8 improvement district established under Chapter 31,
- 9 article 7".

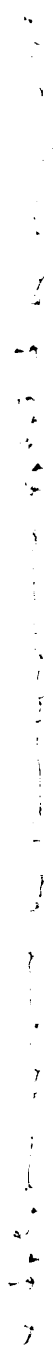
VISITORS

Visitors to the Chamber were Senator Hefner's son, daughter-in-law, and grandchildren, Doug, Sharron, Jill, Jason, and Laura; 14 ninth grade students and teachers from Livingword Christian School, Lincoln; and Rose Griess from Sutton and Gloria Griess from Aurora.

ADJOURNMENT

At 4:22 p.m., on a motion by Mrs. Morehead, the Legislature adjourned until 8:00 a.m., Friday, March 14, 1986.

Patrick J. O'Donnell
Clerk of the Legislature



FORTY-SECOND DAY - MARCH 14, 1986

LEGISLATIVE JOURNAL

FORTY-SECOND DAY - MARCH 14, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

FORTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 14, 1986

Pursuant to adjournment, the Legislature met at 8:04 a.m., Mr. Carsten presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Haberman, Hall, Hoagland, V. Johnson, Landis, McFarland, Schmit, Mesdames Labedz, Pirsch, and Ms. Scofield who were excused until they arrive.

PRESIDENT MCGINLEY PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-First Day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

Correctly Engrossed

The following bills were correctly engrossed: 516, 795, 795A, 796, and 899.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Changes to LB 516

The following changes, required to be reported for publication in the Journal, have been made:

ER0147

1. In the V. Johnson amendment, AM2362, adopted March 5, 1986:

a. The amendment has been incorporated into AM2326 instead of AM1408;

b. On page 1, line 2, "18" has been struck and "10" inserted; in line 9 the first stricken comma has been reinstated and the first "or" has been struck; and in line 13 the stricken comma has been reinstated;

c. On page 2, line 2, "19" has been struck and "11" inserted;

d. On page 3, line 20, "(a)" has been struck and "(i)" inserted; in line 21 "(b)" has been struck and "(ii)" inserted, "forthwith" has been struck and "immediately" inserted, and "office of the" has been inserted after "the"; in line 22 "court's office" has been struck and "court" inserted and "(c)" has been struck and "(iii)" inserted;

e. On page 4, line 1, "(d)" has been struck and "(iv)" inserted; in line 3 the first comma has been struck; in line 12 "takes" has been struck and "shall take" inserted; in line 21 "prescribed" has been struck and "prescribe" inserted; in line 22 "such order's" has been struck and "the" inserted; and in line 23 "of the order" has been inserted after "modification";

f. On page 5, lines 21, 23, and 24, the comma has been struck and shown as stricken;

g. On page 6, line 7, "(a)" has been struck and "(i)" inserted; in line 8 "(b) be filed forthwith in" has been struck and "(ii) be filed immediately in the office of" inserted; in line 9 "court's office" has been struck and "court" inserted and "(c)" has been struck and "(iii)" inserted; in line 12 "(d)" has been struck and "(iv)" inserted; and in line 14 the first comma has been struck;

h. On page 7, lines 7 and 15, the stricken comma has been reinstated; in line 13 "are" has been struck, shown as stricken, and "shall be" inserted; and in line 24 "20" has been struck and "12" inserted; and

i. On page 8, line 7, "upon" has been struck; in line 11 "21. This" has been struck and "13. Sections 10 to 13 of this" inserted.

2. In the V. Johnson amendment adopted March 5, 1986, found on page 1171 of the Journal, on page 1, line 2 "14" has been inserted after "Sec."; and in line 7 the comma has been struck and shown as stricken.

3. In the Hoagland-Barrett-Baack amendment, AM2354, adopted March 5, 1986:

a. On page 1, line 14, the last comma has been struck and shown as stricken; and

b. On page 2, line 13; and page 3, line 14, "Such" has been struck and "Any such" inserted.

4. The Barrett amendment adopted March 5, 1986, found on page 1170 of the Journal, has been incorporated into AM2326 as a new section 8.

5. In the Hoagland-Barrett-Baack amendment, AM2326, adopted March 5, 1986:

a. On page 3, line 13, "listed" has been inserted after the second "district";

b. On page 5, line 6, "Reissue" has been inserted after the comma; in line 7 "Supplement, 1985" has been struck and "of Nebraska, 1943" inserted; and in line 18 "listed" has been inserted after "district";

c. On page 8, line 15, an underscored comma has been inserted after the first "appointed"; and in line 22 the underscored comma has been struck and an underscored comma has been inserted after "compensation";

d. On page 9, line 3, "8" has been struck and "9" inserted and "Reissue" has been inserted after the comma; in line 4 "Supplement, 1984" has been struck and "of Nebraska, 1943" inserted; in line 20 the stricken comma has been reinstated and moved to follow "declared"; and in line 23 the comma has been struck and shown as stricken;

e. On page 10, line 6, the comma has been struck and shown as stricken;

f. On page 11, line 1, "said" has been struck, shown as stricken, and "the" inserted; and in line 23 "9" has been struck and "15" inserted; and

g. On page 12, the matter beginning with "Sec." in line 4 through the first period in line 8 has been struck and the following inserted:

"Sec. 16. That original sections 24-312, 24-503, 24-516, 24-810, 25-1062.01, 25-1064, and 43-2,125, Reissue Revised Statutes of Nebraska, 1943, and section 5-105, Revised Statutes Supplement, 1985, and also sections 25-1065 and 25-1066, Reissue Revised Statutes of Nebraska, 1943, are repealed."

6. On page 1, the matter beginning with "judges" in line 1 through line 12 has been struck and "courts; to amend sections 24-312, 24-503, 24-516, 24-810, 25-1062.01, 25-1064, and 43-2,125, Reissue Revised Statutes of Nebraska, 1943, and section 5-105, Revised Statutes Supplement, 1985; to change provisions relating to the number of judges in judicial and county judge districts; to authorize the designation and appointment of judges to serve in additional circumstances as prescribed; to create a commission; to provide for

terms and expenses; to provide for designation of primary service locations; to change provisions relating to judicial vacancies; to authorize certain temporary restraining orders without notice as prescribed; to eliminate certain provisions relating to injunctions; to provide severability; and to repeal the original sections, and also sections 25-1065 and 25-1066, Reissue Revised Statutes of Nebraska, 1943." has been inserted.

Enrollment and Review Change to LB 795

The following changes, required to be reported for publication in the Journal, have been made:
ER0154

1. On page 2, line 8, "and" has been inserted after "state".

(Signed) Mary E. Sommermeyer
E & R Attorney

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 775A. By Rogers, 41st District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 775, Eighty-ninth Legislature, Second Session, 1986.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 363, LR 364, and LR 365.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 811.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 16-1010, 16-1011, 16-1030, 16-1031, 23-2409, 24-902, 33-106, 44-219, 44-222, 44-359, 44-767, 44-1206, 44-1402, 44-2002, 44-2404, 44-2406, 44-2411, 48-103, 48-106, 48-108 to 48-112, 48-114 to 48-118, 48-120, 48-122.01, 48-123 to 48-126, 48-127 to 48-134, 48-136 to

48-159, 48-159.08 to 48-173, 48-175, 48-175.01, 48-177 to 48-180, 48-182, 48-185 to 48-188, 48-190 to 48-198, 48-1,100, 48-1,102, 48-1,103, 48-1,105 to 48-1,109, 52-401, 55-159, 60-537, 60-2503, 81-8,219, and 81-8,239.01 to 81-8,239.04, Reissue Revised Statutes of Nebraska, 1943, sections 15-1006, 15-1008, 23-120, and 24-701, Revised Statutes Supplement, 1984, and sections 16-1012, 16-1032, 24-209, 48-122, and 48-655, Revised Statutes Supplement, 1985; to rename an act; to rename a court; to rename funds; to provide for the transfer of funds; to provide duties for the Revisor of Statutes; to harmonize provisions; to eliminate obsolete sections; and to repeal the original sections, and also sections 48-159.07 and 48-182.01, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Abboud	Goll	Hoagland	Miller	Rupp
Baack	Goodrich	Johnson, L.	Morehead	Schmit
Barrett	Haberman	Johnson, R.	Nelson	Scofield
Beyer	Hall	Johnson, V.	Nichol	Sieck
Carsten	Hannibal	Labeledz	Pappas	Smith
Chizek	Harris	Lamb	Peterson	Vickers
Chronister	Hartnett	Lundy	Pirsch	Warner
Conway	Hefner	Lynch	Remmers	Wesely
DeCamp	Higgins	Marsh	Rogers	Withem
Eret				

Voting in the negative, 0.

Excused and not voting, 3:

Chambers Landis McFarland

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 84.

A BILL FOR AN ACT relating to Class IV school districts; to amend sections 79-908 to 79-912, Reissue Revised Statutes of Nebraska, 1943; to provide for an associate superintendent of instruction and a school district treasurer; to eliminate the elections

of certain officials; to change provisions relating to the election of officers by the board of education; to provide duties for the school district treasurer; to harmonize provisions; to eliminate a duty of the city treasurer; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Goll	Hoagland	McFarland	Rupp
Baack	Goodrich	Johnson, L.	Miller	Schmit
Barrett	Haberman	Johnson, R.	Morehead	Scofield
Beyer	Hall	Johnson, V.	Nelson	Sieck
Carsten	Hannibal	Labedz	Pappas	Smith
Chizek	Harris	Lamb	Peterson	Vickers
Chronister	Hartnett	Lundy	Pirsch	Warner
Conway	Hefner	Lynch	Remmers	Wesely
DeCamp	Higgins	Marsh	Rogers	Withem
Eret				

Voting in the negative, 0.

Present and not voting, 1:

Nichol

Excused and not voting, 2:

Chambers Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 124.

A BILL FOR AN ACT relating to ground water; to amend sections 2-3213 and 46-634.01, Reissue Revised Statutes of Nebraska, 1943, and Laws 1981, LB 81, section 5; to extend the termination date for ground water conservation districts; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Eret	Hefner	Marsh	Rogers
Baack	Goll	Higgins	Morehead	Rupp
Barrett	Goodrich	Johnson, L.	Nelson	Schmit
Beyer	Haberman	Johnson, R.	Nichol	Scofield
Carsten	Hall	Labeledz	Pappas	Sieck
Chizek	Hannibal	Lamb	Peterson	Smith
Chronister	Harris	Lundy	Pirsch	Warner
Conway	Hartnett	Lynch	Remmers	Withem
DeCamp				

Voting in the negative, 6:

Hoagland	Landis	Miller	Vickers	Wesely
Johnson, V.				

Present and not voting, 1:

McFarland

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 137

Messrs. R. Johnson and DeCamp withdrew their pending amendment, AM2334, found in the Journal on page 1119 to LB 137.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 137. With Emergency.

A BILL FOR AN ACT relating to warehouses; to amend section 88-517, Reissue Revised Statutes of Nebraska, 1943, and section

88-502, Revised Statutes Supplement, 1984; to create a fund for the surveillance of grain warehouses; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

Abboud	Eret	Higgins	Lynch	Rogers
Baack	Goll	Hoagland	Marsh	Rupp
Barrett	Goodrich	Johnson, L.	Morehead	Schmit
Beyer	Haberman	Johnson, R.	Nelson	Sieck
Carsten	Hall	Johnson, V.	Nichol	Smith
Chizek	Hannibal	Labeledz	Pappas	Vickers
Chronister	Harris	Lamb	Peterson	Warner
Conway	Hartnett	Landis	Pirsch	Wesely
DeCamp	Hefner	Lundy	Remmers	Withem

Voting in the negative, 0.

Present and not voting, 3:

McFarland Miller Scofield

Excused and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 380.

A BILL FOR AN ACT relating to state wastepaper products; to define a term; to state intent; to provide powers and duties; to create a fund; to repeal the Nebraska Resource Conservation and Recovery Act; to eliminate a fund; and to repeal sections 81-1140 to 81-1161, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Abboud	Goll	Johnson, L.	Miller	Rupp
Baack	Goodrich	Johnson, R.	Morehead	Schmit
Barrett	Haberman	Johnson, V.	Nelson	Scofield
Beyer	Hall	Labeledz	Nichol	Sieck
Carsten	Hannibal	Lamb	Pappas	Smith
Chizek	Harris	Landis	Peterson	Vickers
Chronister	Hartnett	Lundy	Pirsch	Warner
Conway	Hefner	Lynch	Remmers	Wesely
DeCamp	Higgins	Marsh	Rogers	Withem
Eret	Hoagland	McFarland		

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 448. With Emergency.

A BILL FOR AN ACT relating to the Protection from Domestic Abuse Act; to amend section 42-903, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud	Eret	Hoagland	Marsh	Remmers
Baack	Goll	Johnson, L.	McFarland	Rogers
Barrett	Goodrich	Johnson, R.	Miller	Rupp
Beyer	Haberman	Johnson, V.	Morehead	Scofield
Carsten	Hall	Labeledz	Nelson	Sieck
Chizek	Hannibal	Lamb	Nichol	Smith
Chronister	Harris	Landis	Pappas	Vickers
Conway	Hefner	Lundy	Peterson	Warner
DeCamp	Higgins	Lynch	Pirsch	Wesely

Withem

Voting in the negative, 1:

Schmit

Present and not voting, 1:

Hartnett

Excused and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Amendment to LB 491

Messrs. Chizek, Schmit, and R. Johnson withdrew their pending amendment, AM2325, printed separate from the Journal and referred to on page 1197 to LB 491.

MOTION - Return LB 491 to Select File

Mr. Schmit moved to return LB 491 to Select File for the following specific amendment:
(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2543.)

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

The Schmit motion to return prevailed with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 491. The Schmit specific amendment, AM2543, printed separate from the Journal and referred to in this day's Journal was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 512.

A BILL FOR AN ACT relating to county government and officers; to amend sections 23-1901, 32-308, and 39-1506, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to county engineers and surveyors as prescribed; to eliminate an obsolete provision; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Abboud	Goll	Johnson, R.	Miller	Rupp
Baack	Goodrich	Johnson, V.	Morehead	Schmit
Barrett	Hall	Labeledz	Nelson	Scofield
Beyer	Hannibal	Lamb	Nichol	Sieck
Carsten	Harris	Landis	Pappas	Smith
Chizek	Hartnett	Lundy	Peterson	Vickers
Chronister	Hefner	Lynch	Pirsch	Warner
Conway	Higgins	Marsh	Remmers	Wesely
DeCamp	Hoagland	McFarland	Rogers	Withem
Eret	Johnson, L.			

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Haberman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 530.

A BILL FOR AN ACT relating to civil and criminal procedure; to amend section 25-1912, Revised Statutes Supplement, 1984; to allow reduction of sentences as prescribed; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Goll	Johnson, R.	Miller	Schmit
Baack	Goodrich	Johnson, V.	Morehead	Scofield
Barrett	Hall	Labeledz	Nelson	Sieck
Beyer	Hannibal	Lamb	Nichol	Smith
Carsten	Harris	Landis	Pappas	Vickers
Chizek	Hartnett	Lundy	Peterson	Warner
Conway	Hefner	Lynch	Remmers	Wesely
DeCamp	Hoagland	Marsh	Rogers	Withem
Eret	Johnson, L.	McFarland	Rupp	

Voting in the negative, 2:

Higgins Pirsch

Present and not voting, 1:

Chronister

Excused and not voting, 2:

Chambers Haberman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 534.

A BILL FOR AN ACT relating to schools; to amend section 79-12,111, Revised Statutes Supplement, 1984; to provide for annual evaluations of certain probationary certificated employees; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Goodrich	Johnson, R.	Miller	Rupp
Baack	Hall	Johnson, V.	Morehead	Schmit
Barrett	Hannibal	Labeledz	Nelson	Scofield
Beyer	Harris	Lamb	Nichol	Sieck
Carsten	Hartnett	Landis	Pappas	Smith
Chizek	Hefner	Lundy	Peterson	Vickers
Chronister	Higgins	Lynch	Pirsch	Warner
Conway	Hoagland	Marsh	Remmers	Wesely
DeCamp	Johnson, L.	McFarland	Rogers	Withem
Eret				

Voting in the negative, 0.

Present and not voting, 1:

Goll

Excused and not voting, 2:

Chambers Haberman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Lundy asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 550.

A BILL FOR AN ACT relating to the Nebraska Comprehensive Community Mental Health Services Act; to amend section 71-5007, Reissue Revised Statutes of Nebraska, 1943; to prohibit program administrators from engaging in a private practice which provides mental health services as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Beyer	Chronister	Eret	Hall
Baack	Carsten	Conway	Goll	Hannibal
Barrett	Chizek	DeCamp	Goodrich	Harris

Hartnett	Labeledz	Miller	Pirsch	Sieck
Hefner	Lamb	Morehead	Remmers	Smith
Higgins	Landis	Nelson	Rogers	Vickers
Hoagland	Lynch	Nichol	Rupp	Warner
Johnson, L.	Marsh	Pappas	Schmit	Wesely
Johnson, R.	McFarland	Peterson	Scofield	Withem
Johnson, V.				

Voting in the negative, 0.

Excused and not voting, 3:

Chambers Haberman Lundy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 561.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704, Revised Statutes Supplement, 1985; to provide an exemption for certain oxygen equipment; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Goll	Johnson, L.	McFarland	Rupp
Baack	Goodrich	Johnson, R.	Miller	Schmit
Barrett	Hall	Johnson, V.	Morehead	Scofield
Beyer	Hannibal	Labeledz	Nelson	Sieck
Carsten	Harris	Lamb	Nichol	Smith
Chizek	Hartnett	Landis	Pappas	Vickers
Chronister	Hefner	Lundy	Peterson	Warner
Conway	Higgins	Lynch	Pirsch	Wesely
DeCamp	Hoagland	Marsh	Remmers	Withem
Eret				

Voting in the negative, 0.

Present and not voting, 1:

Rogers

Excused and not voting, 2:

Chambers Haberman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 573.

A BILL FOR AN ACT relating to insurance; to amend section 60-509, Reissue Revised Statutes of Nebraska, 1943; to adopt the Underinsured Motorist Insurance Coverage Act; to harmonize provisions; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Eret	Johnson, L.	McFarland	Rogers
Baack	Goll	Johnson, R.	Miller	Rupp
Barrett	Goodrich	Johnson, V.	Morehead	Schmit
Beyer	Hall	Labedz	Nelson	Scofield
Carsten	Hannibal	Lamb	Nichol	Sieck
Chizek	Harris	Landis	Pappas	Smith
Chronister	Hartnett	Lundy	Peterson	Warner
Conway	Hefner	Lynch	Pirsch	Wesely
DeCamp	Hoagland	Marsh	Remmers	Withem

Voting in the negative, 0.

Present and not voting, 2:

Higgins Vickers

Excused and not voting, 2:

Chambers Haberman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 780.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-2304 and 60-2307, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to odometer statements; to provide a penalty; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Goll	Johnson, L.	McFarland	Rupp
Baack	Goodrich	Johnson, R.	Miller	Schmit
Barrett	Hall	Johnson, V.	Morehead	Scofield
Beyer	Hannibal	Labeledz	Nelson	Sieck
Carsten	Harris	Lamb	Nichol	Smith
Chizek	Hartnett	Landis	Peterson	Vickers
Chronister	Hefner	Lundy	Pirsch	Warner
Conway	Higgins	Lynch	Remmers	Wesely
DeCamp	Hoagland	Marsh	Rogers	Withem
Eret				

Voting in the negative, 0.

Present and not voting, 1:

Pappas

Excused and not voting, 2:

Chambers Haberman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 781.

A BILL FOR AN ACT relating to aircraft; to provide for disclosure of insurance coverage in a rental; and to provide duties for the Department of Aeronautics.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Abboud	Goll	Johnson, L.	McFarland	Rupp
Baack	Goodrich	Johnson, R.	Morehead	Schmit
Barrett	Hall	Johnson, V.	Nelson	Scofield
Beyer	Hannibal	Labeledz	Nichol	Sieck
Carsten	Harris	Lamb	Pappas	Smith
Chizek	Hartnett	Landis	Peterson	Vickers
Chronister	Hefner	Lundy	Pirsch	Warner
Conway	Higgins	Lynch	Remmers	Wesely
DeCamp	Hoagland	Marsh	Rogers	Withem
Eret				

Voting in the negative, 0.

Present and not voting, 1:

Miller

Excused and not voting, 2:

Chambers Haberman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 819. Mr. V. Johnson asked unanimous consent to pass over. No objections. So ordered.

LEGISLATIVE BILL 831.

A BILL FOR AN ACT relating to fire protection districts; to amend section 35-508, Revised Statutes Supplement, 1985; to change provisions relating to the powers of the board of directors; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Abboud	Eret	Johnson, L.	McFarland	Rupp
Baack	Goll	Johnson, R.	Morehead	Schmit
Barrett	Goodrich	Johnson, V.	Nelson	Scofield
Beyer	Hall	Labeledz	Nichol	Sieck
Carsten	Hannibal	Lamb	Pappas	Smith
Chizek	Harris	Landis	Peterson	Vickers
Chronister	Hefner	Lundy	Pirsch	Warner
Conway	Higgins	Lynch	Remmers	Wesely
DeCamp	Hoagland	Marsh	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 2:

Hartnett Miller

Excused and not voting, 2:

Chambers Haberman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 864.

A BILL FOR AN ACT relating to motor vehicles; to provide for the issuance of special license plates to survivors of the attack on Pearl Harbor.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Eret	Hoagland	McFarland	Rupp
Baack	Goll	Johnson, L.	Morehead	Schmit
Barrett	Goodrich	Johnson, R.	Nelson	Scofield
Beyer	Hall	Johnson, V.	Nichol	Sieck
Carsten	Hannibal	Labeledz	Pappas	Smith
Chizek	Harris	Lamb	Peterson	Vickers
Chronister	Hartnett	Lundy	Pirsch	Warner
Conway	Hefner	Lynch	Remmers	Wesely
DeCamp	Higgins	Marsh	Rogers	Withem

Voting in the negative, 2:

Landis Miller

Excused and not voting, 2:

Chambers Haberman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 869. With Emergency.

A BILL FOR AN ACT relating to accountants; to amend section 1-136, Revised Statutes Supplement, 1984; to eliminate corporate surety bond and insurance policy requirements; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

Abboud	Goll	Johnson, L.	McFarland	Rupp
Barrett	Goodrich	Johnson, R.	Morehead	Schmit
Beyer	Hall	Johnson, V.	Nelson	Scofield
Carsten	Hannibal	Labedz	Nichol	Sieck
Chizek	Harris	Lamb	Pappas	Smith
Chronister	Hartnett	Landis	Peterson	Vickers
Conway	Hefner	Lundy	Pirsch	Warner
DeCamp	Higgins	Lynch	Remmers	Wesely
Eret	Hoagland	Marsh	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 2:

Baack Miller

Excused and not voting, 2:

Chambers Haberman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 871.

A BILL FOR AN ACT relating to liquors; to amend section 53-125, Reissue Revised Statutes of Nebraska, 1943, and sections 53-103 and 53-123.13, Revised Statutes Supplement, 1985; to eliminate a definition; to eliminate certain provisions relating to beneficial interests; to harmonize provisions; and to repeal the original sections, and also sections 53-124.02 to 53-124.05, 53-124.07, and 53-124.09, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Goll	Johnson, L.	McFarland	Rupp
Baack	Goodrich	Johnson, R.	Miller	Schmit
Barrett	Hall	Johnson, V.	Morehead	Scofield
Beyer	Hannibal	Labeledz	Nelson	Sieck
Carsten	Harris	Lamb	Nichol	Smith
Chizek	Hartnett	Landis	Pappas	Vickers
Conway	Hefner	Lundy	Peterson	Warner
DeCamp	Higgins	Lynch	Pirsch	Wesely
Eret	Hoagland	Marsh	Remmers	Withem

Voting in the negative, 0.

Present and not voting, 2:

Chronister Rogers

Excused and not voting, 2:

Chambers Haberman

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 886.

A BILL FOR AN ACT relating to ground water; to amend sections 46-602, 46-603, 46-604, 46-606, and 46-657, Reissue Revised Statutes of Nebraska, 1943; to define a term; to change provisions relating to well registration forms and certificates of well drillers; to eliminate an obsolete statute; to harmonize provisions; and to repeal the original sections, and also section 46-605, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Abboud	Goll	Johnson, L.	McFarland	Rupp
Baack	Goodrich	Johnson, R.	Miller	Schmit
Barrett	Haberman	Johnson, V.	Morehead	Scofield
Beyer	Hall	Labeledz	Nelson	Sieck
Carsten	Hannibal	Lamb	Nichol	Smith
Chizek	Harris	Landis	Pappas	Vickers
Chronister	Hartnett	Lundy	Peterson	Warner
Conway	Hefner	Lynch	Pirsch	Wesely
DeCamp	Higgins	Marsh	Remmers	Withem
Eret	Hoagland			

Voting in the negative, 0.

Present and not voting, 1:

Rogers

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 904.

A BILL FOR AN ACT relating to handicapped persons; to abolish the Nebraska Coordinating Council for the Handicapped; and to repeal sections 43-654.01 to 43-654.03 and 43-655.01 to 43-657, Reissue Revised Statutes of Nebraska, 1943, and section 43-654, Revised Statutes Supplement, 1985.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Abboud	Goll	Hoagland	McFarland	Rogers
Baack	Goodrich	Johnson, L.	Miller	Rupp
Barrett	Haberman	Johnson, R.	Morehead	Schmit
Beyer	Hall	Johnson, V.	Nelson	Scofield
Carsten	Hannibal	Labeledz	Nichol	Sieck
Chizek	Harris	Lamb	Pappas	Smith
Chronister	Hartnett	Landis	Peterson	Vickers
Conway	Hefner	Lundy	Pirsch	Wesely
DeCamp	Higgins	Marsh	Remmers	Withem

Voting in the negative, 0.

Present and not voting, 3:

Eret Lynch Warner

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1114. With Emergency.

A BILL FOR AN ACT relating to insurance; to amend sections 44-2407, 44-2716, 44-3110, 77-907, and 77-910 to 77-913, Reissue Revised Statutes of Nebraska, 1943, sections 13-206 and 77-908, Revised Statutes Supplement, 1984, and sections 13-203, 13-207, 44-4233, and 77-2734.03, Revised Statutes Supplement, 1985; to define and redefine terms; to change the premium tax rate as prescribed; to provide for refunds as prescribed; to provide a procedure to challenge payment of a tax as prescribed; to require prepayments; to create a fund; to change provisions relating to the distribution of such tax; to eliminate a premium tax; to harmonize provisions; to provide duties for the Revisor of Statutes; to provide an operative date; to provide severability; to repeal the original sections, and also sections 44-1213 and 77-914, Reissue Revised

Statutes of Nebraska, 1943, and section 77-909, Revised Statutes Supplement, 1984; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 49:

Abboud	Eret	Hoagland	McFarland	Rupp
Baack	Goll	Johnson, L.	Miller	Schmit
Barrett	Goodrich	Johnson, R.	Morehead	Scofield
Beyer	Haberman	Johnson, V.	Nelson	Sieck
Carsten	Hall	Labeledz	Nichol	Smith
Chambers	Hannibal	Lamb	Pappas	Vickers
Chizek	Harris	Landis	Peterson	Warner
Chronister	Hartnett	Lundy	Pirsch	Wesely
Conway	Hefner	Lynch	Remmers	Withem
DeCamp	Higgins	Marsh	Rogers	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1114A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1114, Eighty-ninth Legislature, Second Session, 1986; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Abboud	Barrett	Carsten	Chizek	Conway
Baack	Beyer	Chambers	Chronister	DeCamp

Eret	Hefner	Lamb	Morehead	Scofield
Goll	Higgins	Landis	Nelson	Sieck
Goodrich	Hoagland	Lundy	Pappas	Smith
Haberman	Johnson, L.	Lynch	Pirsch	Vickers
Hall	Johnson, R.	Marsh	Remmers	Warner
Hannibal	Johnson, V.	McFarland	Rogers	Wesely
Harris	Labeledz	Miller	Rupp	Withem
Hartnett				

Voting in the negative, 0.

Present and not voting, 2:

Nichol Schmit

Excused and not voting, 1:

Peterson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

EXPLANATION OF VOTE

Had I been present, I would have voted yes on LBs 380, 448E, 512, 530, 534, 550, 561, 573, 780, 781, 831, 864, 869, and 871.

(Signed) Rex Haberman

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 13, 1986. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Alexoff, Carl - North Brunswick, NJ, (Withdrawn 86/02/28),
Webcraft Games, Inc. (Withdrawn 86/02/28)
Downing, William - North Brunswick, NJ, (Withdrawn 86/02/28),
Webcraft Games, Inc. (Withdrawn 86/02/28)

Erickson & Sederstrom

- Gordon, James E. - Lincoln, Nebraska and Omaha Food Retailers Assn. Inc. (Withdrawn 85/03/28)
- Frost, Denise E. - Lincoln, (Withdrawn 85/06/05), Nebraska Civil Liberties Union (Withdrawn 85/06/05)
- Giddings, V. G. - Omaha, Northwestern Bell Telephone Company
- Goc, John J. - Lincoln, (Withdrawn 85/06/06), Nebraska Businessmen's Commerce Group (Withdrawn 85/06/06)
- Jennings, Patrick - Topeka, KS, United Telephone Company of the West
- Palmer, Steven C. - North Brunswick, NJ, (Withdrawn 86/02/28), Webcraft Games, Inc. (Withdrawn 86/02/28)
- Richardson, Jody L. - Wahoo, Committee for Fair Phone Rates
- Scott, Richard - Lincoln, (Withdrawn 85/06/06), Nebraska Sheriffs' Association (Withdrawn 85/06/06)
- Storie, Clyde - Pender, (Withdrawn 85/06/06), Nebraska Sheriffs' Association (Withdrawn 85/06/06)

UNANIMOUS CONSENT - Print in Journal

Messrs. Lundy, Hoagland, Barrett, Peterson, Abboud, Chronister, Goll, Miller, Landis, Rogers, Beyer, Sieck, L. Johnson, Hefner, Lamb, Eret, Remmers, R. Johnson, Carsten, Mesdames Pirsch, Marsh, Nelson, Smith, and Morehead asked unanimous consent to print the following motion in the Journal. No objections. So ordered.

Indefinitely postpone LR 322.

SELECT COMMITTEE REPORTS**Enrollment and Review**

LEGISLATIVE BILL 310. Placed on Select File as amended.

E & R amendments to LB 310:

AM5349

- 1 1. In the Standing Committee amendments,
- 2 AM1798, adopted March 4, 1986:
- 3 a. On page 4, line 3, after "a" insert "pump
- 4 installation";
- 5 b. On page 6, line 12, strike "pump" and
- 6 insert "pumping";
- 7 c. On page 7, line 4, after "Well" insert
- 8 "Standards and"; and in line 21 after "appointed" insert
- 9 "and qualified";
- 10 d. On page 8, line 16, after "but" insert
- 11 "members"; in line 17 strike "his or her" and insert

- 12 “their”; and in line 22 strike “its” and after
 13 “secretary” insert “of the board”;
 14 e. On page 9, line 16, after “licensure”
 15 insert “or certification”;
 16 f. On page 10, line 10, after “retake” insert
 17 “of an”; and in line 11 strike “the retake” and insert
 18 “upon retaking the”;
 19 g. On page 13, strike beginning with
 20 “Licensees” in line 21 through “have” in line 22 and
 21 insert “Any licensee or certificate holder who has”;
 1 h. On page 16, line 19; page 17, line 20; page
 2 21, line 5; page 23, line 24; and page 27, line 9, after
 3 “adopted” insert “and promulgated”;
 4 i. On page 18, line 4, before “Individuals”
 5 insert “No licenses or certificates required by the
 6 Water Well Standards and Contractors’ Licensing Act
 7 shall be required until January 1, 1987.”;
 8 j. On page 21, line 5, strike “this act or”
 9 and insert “the Water Well Standards and Contractors’
 10 Licensing Act or the rules and”; and
 11 k. On page 28, strike beginning with the
 12 second comma in line 17 through “1987” in line 19.
 13 2. On page 1, line 3, after “Well” insert
 14 “Standards and”; and in line 5 after the first semicolon
 15 insert “to change provisions relating to certain well
 16 abandonment rules and regulations;”.

LEGISLATIVE BILL 310A. Placed on Select File.

(Signed) Timothy Hall, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 355 in the Journal. No objections. So ordered.

AM2275

(Amendments to AM1983)

- 1 1. On page 1, line 12, before “An” insert
 2 “(1)”; and after line 17 insert the following new
 3 subsection:
 4 “(2) A certified athletic trainer may practice
 5 athletic training in educational institutions and for
 6 professional athletic organizations and national and
 7 international competitive amateur athletic organizations”

8 approved by the board.".

SELECT FILE

LEGISLATIVE BILL 997. E & R amendments, AM5322, found in the Journal on page 1162 for the Thirty-Seventh Day were adopted.

Mr. Vickers offered the following amendment:

AM2344

- 1 1. Insert the following new section:
- 2 "Sec. 6. That section 79-1241, Revised
- 3 Statutes Supplement, 1985, be amended to read as
- 4 follows:
- 5 79-1241. Any local school board or governing
- 6 authority of a private school may establish alternating
- 7 biennial secondary course offerings, not to exceed one
- 8 course in each of four subject fields as designated by
- 9 such school board or governing authority, for
- 10 nonsequential curricula as part of the total
- 11 instructional units provided each school term for the
- 12 purpose of meeting minimum annual criteria for
- 13 accreditation under sections 79-328 and 79-1247.02.
- 14 Reporting of biennial course offerings which are to
- 15 receive annual instructional unit credit in meeting
- 16 accreditation standards shall be on forms prescribed by
- 17 the State Department of Education."
- 18 2. On page 17, line 6, after "79-4,140.04"
- 19 insert ", 79-1241,".
- 20 3. Renumber the remaining sections
- 21 accordingly.

The Vickers amendment was adopted with 27 ayes, 0 nays, and 22 present and not voting.

Mr. Vickers withdrew his pending amendment, AM2342, found in the Journal on page 1222.

Messrs. Vickers and Baack offered the following amendment:
AM2505

- 1 1. Insert the following new sections:
- 2 "Sec. 7. There is hereby established the
- 3 educational service unit planning committee which shall
- 4 be composed of twelve members representative of all
- 5 geographic areas of the state. Four members shall be
- 6 appointed from the general public by the State Board of

7 Education upon the recommendation of the Commissioner of
8 Education. Eight members shall be appointed by the
9 Executive Board of the Legislative Council, of which
10 four shall be from the general public and four shall be
11 from the Legislature. One of the appointed Senators
12 shall be designated chairperson of the planning
13 committee. The Commissioner of Education and the
14 chairperson of the Education Committee of the
15 Legislature shall sit as ex officio, nonvoting members
16 of the planning committee. The staff for the planning
17 committee shall be designated by the Director of
18 Research of the Legislative Council and the Commissioner
19 of Education. Members of the planning committee shall
20 receive no salary but shall be reimbursed for expenses
21 pursuant to sections 84-306.01 to 84-306.05 for state
1 employers.

2 Sec. 8. The educational service unit planning
3 committee shall solicit participation from
4 representatives of (1) parents of public school
5 students, (2) boards of education and school boards of
6 the school districts, (3) teachers, (4) public school
7 administration, (5) educational service unit boards, (6)
8 educational service unit administration, (7) educational
9 service unit employees, and (8) small businesses.

10 Sec. 9. (1) The educational service unit
11 planning committee shall consider the following:

12 (a) Any need for changes in boundaries to
13 provide better services to schools and students;

14 (b) The types of services educational service
15 units should provide and which types of services all
16 educational service units should uniformly provide;

17 (c) The most equitable means of financing the
18 services including a consideration of state and local
19 tax sources and methods to equalize the financial
20 resources and service capability of educational service
21 units;

22 (d) The need for procedures to evaluate
23 educational service unit programs to ensure quality,
24 efficiency, and effectiveness;

1 (e) The effectiveness and accountability of
2 elected lay educational service unit boards compared to
3 such boards appointed by or from school board members;
4 and

5 (f) The future role and mission of
6 educational service units in the state educational

7 service delivery system, including a clarification of
8 the role of the educational service units in relation to
9 the State Board of Education and the State Department of
10 Education.

11 (2) The planning committee shall establish a
12 plan for the future role and structure of educational
13 service units in the state and shall present such plan
14 to the State Board of Education by October 1, 1986. The
15 board shall hold informational hearings on the proposed
16 plan and report its recommendations and comments to the
17 planning committee by November 15, 1986. The planning
18 committee shall submit the proposed plan, with its
19 recommendations and comments and the recommendations and
20 comments of the State Board of Education, to the
21 Education Committee of the Legislature by December 1,
22 1986. The proposed plan shall include any needed
23 legislative changes in boundaries, service, deliver,
24 financing, evaluation, and governance of educational
1 service units and shall present a comprehensive plan for
2 implementing such needed changes within the context of
3 an overall role and mission statement for educational
4 service units in relation to the entire sate educational
5 service delivery system.

6 Sec. 10. Sections 7, 8, and 9 of this act
7 shall terminate on January 1, 1987.”.

8 2. Renumber the remaining section
9 accordingly.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 811, 84, 124, 137, 380, 448, 512, 530, 534, 550, 561, 573, 780, 781, 831, 864, 869, 871, 886, 904, 1114, and 1114A.

SELECT FILE

LEGISLATIVE BILL 997. Mr. Lamb offered the following amendment to the pending Vickers-Baack amendment:

Pg. 1 line 4 strike “twelve” and insert “ten”

Pg. 1 line 5 strike “four” and insert “two”

MR. CARSTEN PRESIDING

Mrs. Pirsch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Lamb moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Abboud	DeCamp	Hefner	Lundy	Peterson
Barrett	Eret	Johnson, L.	Morehead	Pirsch
Beyer	Goll	Johnson, R.	Nelson	Remmers
Carsten	Haberman	Labeledz	Nichol	Scofield
Chronister	Hannibal	Lamb	Pappas	Warner

Voting in the negative, 19:

Baack	Hall	Johnson, V.	McFarland	Vickers
Chambers	Harris	Landis	Rupp	Wesely
Chizek	Hartnett	Lynch	Schmit	Withem
Conway	Higgins	Marsh	Sieck	

Present and not voting, 4:

Hoagland	Miller	Rogers	Smith
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Absent and not voting, 1:

Goodrich

The Lamb amendment was adopted with 25 ayes, 19 nays, 4 present and not voting, and 1 absent and not voting.

The Chair declared the call raised.

The Vickers-Baack pending amendment, as amended, was adopted with 30 ayes, 0 nays, and 19 present and not voting.

Mr. Hall asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hartnett renewed his pending amendment found in the Journal on page 1305.

Mr. Chronister moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Mr. Hartnett moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Hartnett requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Abboud	Goodrich	Labedz	Lynch	Pirsch
Carsten	Hannibal	Lamb	Nichol	Schmit
Chizek	Hartnett	Landis	Pappas	Scofield
Chronister	Hoagland	Lundy	Peterson	Withem
DeCamp	Johnson, V.			

Voting in the negative, 23:

Baack	Goll	Johnson, R.	Remmers	Smith
Barrett	Haberman	Marsh	Rogers	Vickers
Beyer	Hefner	Miller	Rupp	Warner
Conway	Higgins	Morehead	Sieck	Wesely
Eret	Johnson, L.	Nelson		

Present and not voting, 3:

Chambers	Harris	McFarland
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Excused and not voting, 1:

Hall

The Hartnett amendment lost with 22 ayes, 23 nays, 3 present and not voting, and 1 excused and not voting.

Pending.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 756, 762, 888, 891, 896, 901, 948, 967, 969, 973, 975, 1045, and 1052.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 967

The following changes, required to be reported for publication in the Journal, have been made:
ER0155

1. In the E & R amendment, AM5297, adopted March 5, 1986, amendment 4 has been struck.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Add Co-Introducer

Mr. DeCamp asked unanimous consent to have his name added as co-introducer to LB 131. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 14, 1986, at 11:45 a.m., were the following bills: 811, 84, 124, 137, 380, 448, 512, 530, 534, 550, 561, 573, 780, 781, 831, 864, 869, 871, 886, 904, 1114, and 1114A.

(Signed) Pam Moravec, Enrolling Clerk

ANNOUNCEMENT

Mr. L. Johnson announced the Building Maintenance Committee will meet on Tuesday, March 18th, at 8:00 a.m. in the Task Force For Building Renewal office on the 10th floor of the State Capitol Building.

VISITORS

Visitors to the Chamber were 70 students and teacher from Big Springs High School; 8 students, sponsors, and teachers from Leyton High School; 11 students and sponsor from Trinity Lutheran School, Madison; Mr. and Mrs. John McBride, Hastings; 80 fourth grade

students and teachers from Golden Hills School, Omaha; Dr. Stines and Dr. Bunger from Grand Island; 26 students and teachers from the Nebraska School for the Deaf; and Dr. J. L. Colburn from Scottsbluff.

RECESS

At 12:02 p.m., on a motion by Mr. McFarland, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Baack, Beyer, Chambers, Haberman, Hall, Hannibal, Harris, Hefner, Lamb, Lynch, McFarland, Peterson, Remmers, Schmit, Sieck, Mesdames Higgins, Labedz, Morehead, Pirsch, and Ms. Scofield who were excused until they arrive.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Chambers asked unanimous consent to have his name added as co-introducer to LB 999. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

March 14, 1986

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1114 and 1114A were received in my office on March 14, 1986.

These bills were signed by me on March 14, 1986 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY

Governor

RK:jm

REPORT

Received statement of deposits from the Department of Roads to the Highway Cash Fund and Roads Operation Cash Fund for February, 1986.

SELECT FILE

LEGISLATIVE BILL 997. Mr. Vickers renewed his pending amendment, AM2463, found in the Journal on page 1344.

The Vickers amendment was adopted with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

Mr. Vickers offered the following amendment:
AM2520

- 1 1. Insert the following new sections:
- 2 "Section 1. As used in sections 1 to 6 of
- 3 this act, unless the context otherwise requires:
- 4 (1) Board shall mean the governing board of
- 5 any educational service unit;
- 6 (2) Certificated employee shall mean all
- 7 teachers, nurses, and other persons required to have a
- 8 certificate from the State Department of Education who
- 9 are employed by an educational service unit;
- 10 (3) Just cause shall mean incompetency,
- 11 neglect of duty, unprofessional conduct,
- 12 insubordination, immorality, physical or mental
- 13 incapacity, or other conduct which interferes
- 14 substantially with the continued performance of duties
- 15 or a change in circumstances such as financial exigency
- 16 or a diminution of demand for services by the school
- 17 districts served by the educational service unit
- 18 necessitating a reduction in the number of teachers or
- 19 nurses to be employed by the board;
- 20 (4) Permanent certificated employee shall mean
- 21 a certificated employee (a) who has served under a
- 1 contract with the educational service unit for at least
- 2 three successive years under any contract which was
- 3 entered into to create initial employment on or after
- 4 September 1, 1986 or (b) who was initially employed by

5 the educational service unit prior to September 1, 1986;
6 and

7 (5) Probationary certificated employee shall
8 mean a certificated employee who has served under a
9 contract with the educational service unit for less than
10 three successive years under any contract which was
11 entered into to create initial employment on or after
12 September 1, 1986.

13 Sec. 2. The contract of a certificated
14 employee shall be deemed renewed and remain in full
15 force and effect unless amended, terminated, or not
16 renewed in accordance with sections 1 to 6 of this act.

17 Sec. 3. (1) Any certificated employee whose
18 contract of employment may be amended, terminated, or
19 not renewed for the following school year shall be
20 notified in writing on or before April 15 of each year
21 of such possible action on the contract. If the
22 certificated employee wishes a hearing, a written
23 request shall be sent to the secretary of the board or
24 the administrator of the educational service unit within
1 seven calendar days after receipt of the written notice.
2 If a hearing on such amendment, termination, or
3 nonrenewal is not requested within the time provided in
4 this section, the board shall make a final
5 determination. With regard to all hearings under
6 sections 1 to 6 of this act, the certificated employee
7 shall be advised in writing at least five days prior to
8 the hearing of the date, time, and place of the hearing.
9 All such hearings shall be held within thirty days of
10 the date of the request for the hearing, except when the
11 parties or their representatives, by a mutual agreement
12 confirmed in writing, extend the time for hearings or
13 final determinations by the board under sections 1 to 5
14 of this act. Unless continued by written agreement
15 between the parties or their representatives, final
16 action by the board shall be taken on or before May 15
17 of each year.

18 (2) Prior to the hearing or action on the
19 matter, if requested by the certificated employee, the
20 notice of possible amendment, termination, or nonrenewal
21 and the supporting reasons shall be considered a
22 confidential employment matter as provided in sections
23 79-4,156 to 79-4,158 and 84-1410 and shall not be
24 released to the public or news media.

1 Sec. 4. The board may on its own behalf, or

2 shall upon the request of the certificated employee, his
3 or her representative, or the educational service unit's
4 administration: (1) Subpoena and compel the attendance
5 of witnesses residing within or without this state for
6 the purpose of appearing and testifying at any hearing
7 provided for in sections 1 to 6 of this act and for the
8 purpose of taking the deposition of such witnesses in
9 the manner prescribed by law for the taking of
10 depositions in civil actions in the district courts; and
11 (2) issue subpoenas for the production of any papers,
12 books, accounts, and documents.

13 Sec. 5. (1) Upon request by the probationary
14 certificated employee as provided in subsection (1) of
15 section 3 of this act, notice shall be provided which
16 shall contain written reasons for the proposed amendment
17 or nonrenewal of the probationary certificated
18 employee's contract and shall be sufficiently specific
19 so as to provide such employee the opportunity to
20 prepare a response and the reasons set forth in the
21 notice shall be employment related.

22 (2) The board may elect to amend or not renew
23 the contract of a probationary certificated employee for
24 any reason it deems sufficient if such nonrenewal or
1 amendment is employment related and such nonrenewal or
2 amendment is not for constitutionally impermissible
3 reasons. Such nonrenewal or amendment shall be in
4 accordance with sections 1 to 6 of this act. Amendment
5 or nonrenewal for reasons of reduction in force shall be
6 in accordance with the procedures provided in sections
7 79-1254.05 to 79-1254.08 and sections 1 to 6 of this
8 act.

9 (3) At any time prior to the holding of a
10 hearing or prior to final determination by the board to
11 amend or not renew the contract involved, the
12 probationary certificated employee may submit a letter
13 of resignation for the ensuing school year, which
14 resignation shall be accepted by the board.

15 (4) The hearing, if requested, involving the
16 question of the nonrenewal or amendment of a
17 probationary certificated employee's contract shall not
18 be a formal due process hearing, but shall be an
19 informal hearing before the board at which the
20 probationary certificated employee involved or his or
21 her representative shall be afforded the opportunity to
22 discuss and explain to the board his or her position

23 with regard to continued employment, to present
24 information, and to ask questions of those appearing on
1 behalf of the administration of educational service
2 unit. Such hearing shall be in closed session at the
3 request of the probationary certificated employee
4 involved or his or her representative and upon
5 affirmative vote of the majority of the board members
6 present and voting, but the formal action of the board
7 for nonrenewal or amendment shall be in open session.

8 (5) The hearing for a probationary
9 certificated employee may be held before committee of
10 the board consisting of not less than three of the
11 board's total members, and total membership of the
12 committee shall be odd-numbered. Notice of such hearing
13 shall be sent to all board members five days prior to
14 such hearing. If a hearing is held before a committee,
15 the majority opinion of the committee shall constitute a
16 recommendation to the board with the final determination
17 being made by a majority vote of the members of the
18 board without additional hearing.

19 Sec. 6. (1) The board by a vote of the
20 majority of its members may determine that a permanent
21 certificated employee's contract shall be amended or
22 terminated for any of the following reasons: (a) Just
23 cause as defined in section 1 of this act; (b) reduction
24 in force as set forth in sections 79-1254.05 to
1 79-1254.08; (c) a change of leave of absence policy; (d)
2 failure of the permanent certificated employee upon
3 written request of the board or the administrators of
4 the educational service unit to accept employment for
5 the next school year within the time designated in the
6 request, except that the permanent certificated employee
7 shall not be required to signify such acceptance prior
8 to March 15 of each year; or (e) revocation,
9 cancellation, suspension, or termination of the
10 permanent certificated employee's certificate by the
11 State Board of Education.

12 (2) If a hearing is requested by the permanent
13 certificated employee, the formal due process hearing
14 for the purpose of this section shall mean a hearing
15 procedure adopted by the board which contains at least
16 the following: (a) Notification to the permanent
17 certificated employee in writing at least five days
18 prior to the hearing of the grounds alleged for the
19 termination or amendment of the permanent certificated

20 employee's contract; (b) upon request of the permanent
21 certificated employee, a list of the names of any
22 witnesses who will be called to testify against the
23 certificated employee and an opportunity to examine any
24 documents that will be presented at the hearing shall be
1 provided at least five days prior to the hearing; (c)
2 the right to be represented; and (d) an opportunity to
3 cross-examine all witnesses, examine all documents, and
4 present evidence material to the issues.

5 (3) Notice of the hearing shall be given in
6 accordance with sections 84-1408 to 84-1414. Upon an
7 affirmative vote of a majority of the board's members
8 present and voting and upon specific request of the
9 permanent certificated employee or the permanent
10 certificated employee's representative, the hearing
11 shall be conducted in a closed session, but the formal
12 action of the board shall be taken in open session.

13 (4) A majority of the members of the board
14 shall render its decision to amend or terminate a
15 permanent certificated employee's contract based solely
16 upon the evidence produced at the hearing, shall reduce
17 its findings and determination to writing, and shall
18 deliver a written copy of the findings and determination
19 to the permanent certificated employee."

20 2. Renumber remaining sections accordingly.

The Vickers amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1041. E & R amendments, AM5346, found in the Journal on page 1338 for the Fortieth Day were adopted.

Mr. DeCamp withdrew his pending amendment, AM2406, found in the Journal on page 1204.

Mr. Schmit withdrew his pending amendment, AM2457, found in the Journal on page 1322.

Mr. Hartnett offered the following amendment:

1) In section 4 of the bill, amend current subsection (3) of 2-1207 to read as follows:

"(3) No minor shall be permitted to make any parimutuel wager, and there shall be no wagering except under the parimutuel method

outlined in this section. Any person, association, or corporation who knowingly permits a minor to make a parimutuel wager shall be guilty of a Class IV misdemeanor.”

2) In section 4 of the bill, amend current language to add a new subsection (4) to 2-1207 to read as follows:

“(4) No minor shall be permitted within the enclosure of any racetrack where a race or race meeting licensed and conducted under section 2-1201 to 2-1218 for more than fifty days in any year is being held, except that the provisions of this subsection shall not apply to any person who is licensed by the Nebraska State Racing Commission under the provisions of Sec. 2-1203.01. Any person, association, or corporation that permits a minor to enter or remain within the enclosure of a of the racetrack shall be guilty of a Class IV misdemeanor.”

Mr. V. Johnson requested a ruling of the Chair on whether the Hartnett amendment is germane to the bill.

The Chair ruled the Hartnett amendment is not germane to the bill.

Mr. Chambers requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 27 ayes, 2 nays, 10 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1041A. Mr. Conway offered the following amendment:

AM2544

- 1 1. On page 2, in lines 2 and 3, strike
- 2 “\$950,000” and insert “\$856,000”; and strike lines 9
- 3 through 13 and insert:
- 4 “There shall be no expenditures for salaries
- 5 and per diems from funds appropriated in this section.”.

The Conway amendment was adopted with 25 ayes, 2 nays, 12 present and not voting, and 10 excused and not voting.

Mr. Chambers requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 25 ayes, 3 nays, 11 present and not voting, and 10 excused and not voting.

MOTION - Introduce New Bills

Mr. Barrett moved for the introduction of a new bill, Req. 1908 by the Business and Labor Committee.

The Barrett motion prevailed with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

Mr. Barrett moved for the introduction of a new bill, Req. 1909 by the Business and Labor Committee.

The Barrett motion prevailed with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

Mr. Barrett moved for the introduction of a new bill, Req. 1910 by the Business and Labor Committee.

The Barrett motion prevailed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1255. By Business and Labor Committee: Barrett, 39th District, Chairperson; Chronister, 18th District; Eret, 32nd District; Labedz, 5th District; Vickers, 38th District; Wesely, 26th District.

A BILL FOR AN ACT relating to certain claims against the state; to make appropriations for the payment of certain claims against the state; to provide how payments shall be made; to authorize certain write-offs as prescribed; and to declare an emergency.

LEGISLATIVE BILL 1256. By Business and Labor Committee: Barrett, 39th District, Chairperson; Chronister, 18th District; Eret, 32nd District; Labedz, 5th District; Vickers, 38th District; Wesely, 26th District.

A BILL FOR AN ACT relating to certain claims against the state; to make appropriations for the payment of certain claims against the state and concomitant appropriations for the employer share of F.I.C.A. and retirement; to provide how payment shall be made; and to declare an emergency.

LEGISLATIVE BILL 1257. By Business and Labor Committee: Barrett, 39th District, Chairperson; Chronister, 18th District; Eret, 32nd District; Labeledz, 5th District; Vickers, 38th District; Wesely, 26th District.

A BILL FOR AN ACT relating to disallowed claims against the state.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 1048 in the Journal. No objections. So ordered.

AM2515

1 1. Insert the following new sections:
2 "Sec. 2. That section 79-1051, Reissue
3 Revised Statutes of Nebraska, 1943, be amended to read
4 as follows:

5 79-1051. The funds of the retirement system
6 which are not required for current operations shall be
7 invested and reinvested by the trustees subject to the
8 approval of the board of education as provided in
9 sections 79-1051.01 to 79-1051.05 and section 5 of this
10 act. Except as otherwise provided herein, no trustee
11 and no member of the board shall have any direct
12 interest in the income, gains, or profits of any
13 investment made by the trustees, nor shall any such
14 person receive any pay or emolument for services in
15 connection with any such investment. No trustee or
16 member of the board shall become an endorser or surety
17 or in any manner an obligor for money loaned by or
18 borrowed from the system. Any person who shall have
19 violated any of these restrictions shall be guilty of a
20 Class II misdemeanor.

21 Sec. 3. That section 79-1051.03, Revised
1 Statutes Supplement, 1984, be amended to read as
2 follows:

3 79-1051.03. ~~Investments~~ Except as provided in
4 section 5 of this act, investments may be made in bonds
5 and debt obligations issued or guaranteed by a
6 corporation created or existing under the laws of the
7 United States, any state, district, or territory of the
8 United States of America, or Canada or any province
9 thereof if the principal and interest on such securities
10 are payable in United States currency as follows: (1)

11 In obligations of the United States, this state, any
12 federal agency, or instrumentality, or obligations of
13 Canada or any province thereof, (2) in bonds, notes, and
14 certificates of indebtedness, and other obligations of
15 the state, of any county, township, municipal
16 corporation, school district, any conservancy district,
17 or sanitary district of the state, or any other legally
18 constituted taxing or bond-issuing authority,
19 subdivision, or municipal corporation within the state,
20 (3) in revenue bonds issued by a taxing subdivision of
21 the state, (4) in bonds or other interest-bearing
22 obligations of any other state of the United States
23 which, within twenty years prior to the making of such
24 investment, has not defaulted for more than ninety days
1 in the payment of principal or interest on any of its
2 bonds or other interest-bearing obligations, (5) in
3 savings accounts in a national bank located in this
4 state or a state bank located in and organized under the
5 laws of this state by depositing such funds therein, but
6 no such deposit shall be made unless the deposits of the
7 depository bank are insured by the Federal Deposit
8 Insurance Corporation created under an act of Congress,
9 entitled the Federal Deposit Insurance Act, and
10 amendments thereto, and the deposit of funds in any such
11 savings accounts in any one bank shall not exceed the
12 sum insured under such act and the amendments thereto,
13 (6) in obligations consisting of notes, bonds,
14 debentures, or equipment trust certificates issued under
15 an indenture which are the direct obligations, or in the
16 case of equipment trust certificates, are secured by
17 direct obligations, of a railroad, industrial, or
18 financial corporation, or a corporation engaged directly
19 and primarily in the production, transportation,
20 distribution, or sale of electricity or gas, or the
21 operation of telephone or telegraph systems or
22 waterworks, or in some combination of them, but only if
23 the obligor corporation is one which is incorporated
24 under the laws of the United States, or any state
1 thereof, of the District of Columbia, or of Canada or
2 any province thereof, and such obligations shall be
3 rated at the time of purchase in one of the four highest
4 classifications established by at least two standard
5 rating services selected from a list of the standard
6 rating services which shall be prescribed by the
7 Director of Banking and Finance, or (7) in notes, bonds,

8 or debentures, secured by mortgages as provided in
9 section 79-1051.05.

10 Sec. 4. That section 79-1051.04, Revised
11 Statutes Supplement, 1984, be amended to read as
12 follows:

13 79-1051.04. Investments Except as provided in
14 section 5 of this act, investments may also be made in
15 stock, common or preferred, issued or guaranteed by a
16 corporation created or existing under the laws of the
17 United States, any state, district, or territory of the
18 United States, or Canada or any province thereof if the
19 principal and interest on such securities are payable in
20 United States currency, subject to the following: (1)
21 For a period of five fiscal years for which the
22 necessary statistical data are available next preceding
23 the date of investment, such corporation as disclosed by
24 its published annual financial statement shall have had
1 an average annual net income plus its average annual
2 fixed charges at least equal to one and one half times
3 the sum of its average annual dividend requirements for
4 preferred stock and its annual average fixed charges for
5 the same period, and during neither of the last two
6 years of such period shall the sum of its annual net
7 income and its annual fixed charges have been less than
8 one and one half times the sum of its dividend
9 requirements for preferred stock and its fixed charges
10 for the same period, and as used in this subdivision,
11 fixed charges shall mean interest on funded or unfunded
12 debt, contingent interest charges, amortization of debt
13 discount and expense in rentals for leased property and,
14 in the case of consolidated earnings statements of
15 parent and subsidiary corporations, shall include all
16 fixed charges of preferred dividend requirements, if
17 any, of the subsidiaries; (2) such corporation has no
18 arrears of dividends on its preferred stock; (3) the
19 preferred stock of such corporation, if any be
20 outstanding, shall qualify for investment under this
21 section; (4) such corporation, having no preferred stock
22 outstanding, shall have had earnings for the five fiscal
23 years next preceding the date of investment of at least
24 twice the interest on all mortgages, bonds, debentures,
1 and funded debts, if any, after deduction of the proper
2 charges for replacements, depreciation, and
3 obsolescence; and (5) such corporation shall have had
4 earnings available for payment of dividends on common

5 stock of not less than one hundred thousand dollars per
6 annum for at least three years of the five-year period
7 next preceding the date of investment.

8 In applying any earnings test under the
9 provisions of this section to any issuing, assuming, or
10 guaranteeing corporation, when such corporation has
11 acquired its property or any substantial part thereof
12 within a five-year period immediately preceding the date
13 of investment by consolidation or merger, or by the
14 purchase of all or a substantial portion of the property
15 of any other corporation or corporations, or has
16 acquired the assets of any unincorporated business
17 enterprise by purchase or otherwise, net income, fixed
18 charges, and preferred dividend of predecessor or
19 constituent corporations or enterprises shall be
20 consolidated and adjusted so as to ascertain whether or
21 not the applicable requirements of this section have
22 been complied with. The total value of common stocks
23 shall not exceed fifty per cent and the total value of
24 all preferred stocks shall not exceed ten per cent of
1 the total value of all funds of the system, and not more
2 than five per cent of the total value of such funds
3 shall be invested in the common stock of a single
4 corporation. The total number of common shares
5 purchased in a single corporation shall not exceed one
6 per cent of the issued and outstanding common stock of
7 such corporation.

8 Sec. 5. An investment which is authorized by
9 sections 79-1051 to 79-1051.05 shall not be made if it
10 does not meet the requirements for the investment of
11 state funds pursuant to sections 72-1270 to 72-1276.
12 After July 1, 1987, no funds shall remain invested in
13 any stock or bond which does not meet the requirements
14 of sections 72-1270 to 72-1276."

15 2. On page 3, line 15, after "section" insert
16 "79-1051, Reissue Revised Statutes of Nebraska, 1943,
17 and sections 79-1051.03, 79-1051.04, and"; and in line
18 16 strike "is" and insert "are".

19 3. Renumber remaining sections accordingly.

Mr. Chronister asked unanimous consent to print the following amendment to LB 190 in the Journal. No objections. So ordered.

AM2478

- 1 1. Strike the original sections 1 to 4 and 6

2 to 13.

3 2. On page 2, strike beginning with "created"
4 in line 26 through line 27 and insert "appropriated
5 \$1,460,900 from the General Fund to the Nebraska
6 Coordinating Commission for Postsecondary Education for
7 the period July 1, 1986, to June 30, 1987, for the
8 purpose of carrying out the provisions of".

9 3. On page 3, strike line 1; and strike
10 beginning with "any" in line 2 through line 5.

11 4. Renumber the remaining section
12 accordingly.

SELECT FILE

LEGISLATIVE BILL 131. E & R amendments, AM5345, found in the Journal on page 1338 for the Fortieth Day were adopted.

Mr. Chronister renewed his pending amendment, AM2528, found in the Journal on page 1390.

The Chronister amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Messrs. Hoagland and V. Johnson offered the following amendment:

On page 1, line 2, after "anti-glaucoma" insert ". corticosteroid, antiviral and antifungal".

MR. CARSTEN PRESIDING

Mr. Haberman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Hoagland-V. Johnson amendment lost with 13 ayes, 25 nays, 9 present and not voting, and 2 excused and not voting.

Mr. Chronister moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 7 nays, and 16 not voting.

Mrs. Marsh requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 26 ayes, 13 nays, 8 present and not voting, and 2 excused and not voting.

Messrs. R. Johnson and Barrett asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 131A. Advanced to E & R for Engrossment.

Messrs. Rogers and Hannibal asked unanimous consent to be excused. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Ms. Scofield asked unanimous consent to print the following amendment to LB 579 in the Journal. No objections. So ordered.

AM2465

(Amendments to AM2187)

- 1 1. On page 2, line 7, strike "or"; in line 8
- 2 strike "registered"; in line 10 strike "11" and insert
- 3 "13"; and in line 16 strike "Chapter 71, article 1," and
- 4 insert "the Uniform Licensing Law".
- 5 2. On page 3, line 11, after
- 6 "characteristics" insert ", except that nothing in this
- 7 subdivision shall be construed to authorize a certified
- 8 professional counselor or registered counselor to engage
- 9 in the practice of clinical psychology as defined in
- 10 sections 71-1,221 and 71-1,222"; and in line 23 strike
- 11 "professional".
- 12 3. On page 4, strike beginning with "holds"
- 13 in line 3 through "act" in line 5 and insert "is
- 14 registered with the department pursuant to section 5 of
- 15 this act"; in lines 5 and 13 strike "professional"; in
- 16 line 18 strike "January" and insert "September"; in line
- 17 23 after "under" insert "Chapter 7 or under"; and in
- 18 line 24 strike "article 1" and insert "articles 1, 13,
- 19 17, and 28".
- 20 4. On page 5, line 1, strike "or"; and in
- 1 line 2 after "(2)" insert "(3) Any person employed by an
- 2 agency, bureau, or division of the federal government,
- 3 state government, or any other political subdivision,
- 4 including agencies formed under the Interlocal
- 5 Cooperation Act, from discharging his or her official
- 6 duties, except that if such person engages in the
- 7 practice of professional counseling in this state
- 8 outside the scope of such official duty, he or she shall
- 9 be certified or registered; or
- 10 (3)".

11 5. On page 6, line 22, strike "professional";
12 and in line 24 before "The" insert "(1)".
13 6. On page 7, line 1 after "certificate"
14 insert ", signed by the Director of Health,"; in line 2
15 strike "or registered"; strike lines 3 and 4 and insert
16 "The department shall issue a letter of confirmation of
17 registration to each person who submits his or her name
18 and address to the department,"; after line 4 insert the
19 following new subsection:

20 "(2) A certificate of registration shall not
21 be construed to provide any assessment or endorsement by
22 the State of Nebraska of the qualifications of a
23 registered counselor and no such registrant shall use
24 the title registered counselor or any initial or
1 combination of initials implying registration in
2 connection with a business or advertisement based upon
3 having been registered under the Uniform Licensing
4 Law,"; in line 12 strike "January" and insert
5 "September"; in line 18 strike the second
6 "professional"; and in line 24 strike "may" and insert
7 "shall".

8 7. On page 8, lines 2 and 5, strike
9 "professional"; in line 9 after "conduct" insert "(a)";
10 in line 10 after the second comma insert "for a
11 certified professional counselor and (b) as defined in
12 the rules and regulations of the board adopted and
13 promulgated pursuant to section 12 of this act for a
14 registered counselor,"; in line 12 strike "and"; and in
15 line 13 after "confidentiality" insert ", and (7) for a
16 registered counselor, a statement setting forth the
17 provisions of subsection (2) of section 6 of this act".

18 8. On page 11, line 14, strike "designed" and
19 insert "designated"; and in line 19 strike "biannually"
20 and insert "biennially".

21 9. On page 12, line 8, strike "professional";
22 in line 12 after "of" insert "(a)" and strike "or"; in
23 line 13 strike "persons", strike the first comma and
24 insert "(b)", and strike "such"; in line 14 strike
1 "person's own" and insert "the" and strike the comma and
2 insert "of the person's estate, any"; in line 15 after
3 "sue" insert "on behalf of such person"; in line 22
4 after "the" insert "certified"; and in line 23 before
5 the period insert "or registered counselor".

6 10. On page 13, line 1, strike "certificates"
7 and insert "certificate or registration"; in line 2

8 strike "renewed" and insert "valid", and strike "one
9 year on May 1, 1988" and insert "two years and shall
10 expire on September 1, 1989"; in line 3 strike "May" and
11 insert "September" each time it appears, and strike
12 "certificates" and insert "a certificate or
13 registration"; in lines 6 and 7 after the first
14 "certificate" insert "and registration"; strike
15 beginning with the underscored comma in line 6 through
16 the underscored comma in line 7; in line 9 strike
17 "professional"; and strike beginning with "The" in line
18 9 through line 13.

19 11. Insert the following new sections:

20 "Sec. 12. The department, upon the
21 recommendation of the board, shall adopt and promulgate
22 rules and regulations which define unprofessional
23 conduct for a registered counselor. Unprofessional
24 conduct may include any one or more of the acts
1 enumerated in section 71-148 and such other acts as may
2 be defined in such rules and regulations adopted and
3 promulgated by the department.

4 Sec. 13. (1) Any person who engages in the
5 practice of professional counseling without first being
6 certified or registered pursuant to the Uniform
7 Licensing Law shall be guilty of a Class IV misdemeanor.

8 (2) Any person certified pursuant to the
9 Uniform Licensing Law who engages in the practice of
10 professional counseling without complying with such law
11 may have such certification denied, refused renewal,
12 limited, revoked, or suspended, and shall otherwise be
13 subject to disciplinary measures under sections 71-147
14 to 71-161.08 and sections 71-161.11 to 71-161.18.

15 (3) Any person registered pursuant to the
16 Uniform Licensing Law who engages in the practice of
17 professional counseling in violation of the rules and
18 regulations adopted pursuant to section 12 of this act
19 may have such registration denied, refused renewal,
20 limited, revoked, or suspended pursuant to sections
21 71-155 to 71-161.08 and sections 71-161.11 to
22 71-161.18."

23 12. On page 16, line 5 strike "11" and insert
24 "13"; and strike beginning with "certified" in line 20
1 through "counseling" in line 21 and insert "a certified
2 professional counselor".

3 13. On page 21, line 3 strike "May" and
4 insert "September".

- 5 14. On page 25, line 10, strike the second
 6 "professional"; and in lines 11, 19, and 20 strike
 7 "professional" and insert "counselor".
 8 15. On page 41, strike beginning with
 9 "certificates" in line 13 through "registration" in line
 10 14 and insert "a certificate to practice professional
 11 counseling".
 12 16. On page 78, lines 12 and 18, strike
 13 "professional"; in line 22 strike the period and in sert
 14 ","; and in line 24 after "licensed" insert "or a
 15 certificate holder is certified".
 16 17. On page 79, lines 1 and 2, after
 17 "license" insert "or certificate"; and in line 4 after
 18 "license" insert ", certification,".
 19 18. Renumber the remaining sections
 20 accordingly.
 21 19. In the E & R amendments, AM5332, on page
 22 2, strike beginning with the semicolon in line 1 through
 23 the last quotation marks in line 2.

Mr. Hannibal asked unanimous consent to print the following amendment to LB 243 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2420.)

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1255, 1256, and 1257.

LB	Committee
1255	Business and Labor
1256	Business and Labor
1257	Business and Labor

(Signed) Calvin F. Carsten, Chairperson
 Legislative Council
 Executive Board

RESOLUTION

LEGISLATIVE RESOLUTION 368.

Introduced by Baack, 47th District.

WHEREAS, Mary Frederick Egging of Gurley has been selected as the 1986 Nebraska Mother of the Year by the Nebraska Mothers Association of American Mothers Incorporated; and

WHEREAS, this honor reflects Mary Frederick Egging's extraordinary dedication and competence in the rearing of sixteen children, while also assisting her husband in the management of a small manufacturing company which they began in 1957; and

WHEREAS, Mary Frederick Egging exemplifies the qualities of perseverance, selflessness and willingness to help others.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Nebraska Legislature hereby commend Mary Frederick Egging for her unique contribution to the State of Nebraska and offer their congratulations on her selection as Mother of the Year for 1986.

2. That a copy of this resolution be sent to Mary Frederick Egging.

Laid over.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Pappas asked unanimous consent to have his name added as co-introducer to LB 890. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 105. E & R amendments, AM5333, found in the Journal on page 1270 for the Thirty-Ninth Day were adopted.

Messrs. Hoagland and L. Johnson renewed their pending amendment, AM2433, found in the Journal on page 1351.

The Hoagland-L. Johnson amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Messrs. Hefner, Lamb, Haberman, and Lundy asked unanimous consent to be excused. No objections. So ordered.

Messrs. L. Johnson, Hoagland, Mesdames Labedz, and Smith renewed their pending amendment, AM2439, found in the Journal on page 1351.

Mrs. Labedz moved the previous question. The question is, "Shall the debate now close?"

Mrs. Labedz moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The motion to cease debate prevailed with 26 ayes, 1 nay, and 22 not voting.

SPEAKER NICHOL PRESIDING

Mr. L. Johnson requested a roll call vote on the L. Johnson et al. amendment.

Voting in the affirmative, 25:

Abboud	DeCamp	Hartnett	Labedz	Rupp
Carsten	Eret	Higgins	Lynch	Schmit
Chizek	Goll	Hoagland	Marsh	Smith
Chronister	Goodrich	Johnson, L.	Nichol	Warner
Conway	Hall	Johnson, V.	Pappas	Withem

Voting in the negative, 13:

Baack	Landis	Nelson	Scofield	Vickers
Beyer	Miller	Peterson	Sieck	Wesely
Chambers	Morehead	Remmers		

Present and not voting, 2:

Harris	McFarland
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Excused and not voting, 9:

Barrett	Hannibal	Johnson, R.	Lundy	Rogers
Haberman	Hefner	Lamb	Pirsch	

The L. Johnson et al. amendment was adopted with 25 ayes, 13 nays, 2 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Landis offered the following amendment to LB 105:
AM2545

1. In the portion of the L. Johnson-Hoagland

2 amendment, AM2198, adopted February 24, 1986, on page 2,
3 line 15, after the period insert the following new
4 subsection:

5 “(3) If the court determines that visitation
6 shall be granted to a grandparent it may order the
7 payment of child support by the grandparent, in an
8 amount not to exceed the cost of the child or children’s
9 necessities. An order for support made pursuant to this
10 section may be enforced or modified in the same manner
11 as an order for support against a parent.”; and in line
12 16 strike “(3)” and insert “(4)”.

Mr. Hoagland requested a ruling of the Chair on whether the Landis amendment is germane to the bill.

The Chair ruled the Landis amendment is not germane to the bill.

Mr. Landis challenged the ruling of the Chair. The question is, “Shall the Chair be overruled?”

Mrs. Smith moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Landis moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Landis requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 21:

Baack	Goodrich	Landis	Nelson	Vickers
Chambers	Hall	McFarland	Peterson	Warner
Conway	Harris	Miller	Scofield	Wesely
Eret	Johnson, V.	Morehead	Smith	Withem
Goll				

Voting in the negative, 18:

Abboud	DeCamp	Johnson, L.	Nichol	Remmers
Carsten	Hartnett	Labeledz	Pappas	Rupp
Chizek	Higgins	Lynch	Pirsch	Schmit
Chronister	Hoagland	Marsh		

Present and not voting, 2:

Beyer Sieck

Excused and not voting, 8:

Barrett Hannibal Johnson, R. Lundy Rogers
Haberman Hefner Lamb

The Landis motion to overrule the Chair prevailed with 21 ayes, 18 nays, 2 present and not voting, and 8 excused and not voting.

The Chair was overruled.

The Chair declared the call raised.

Mr. Miller moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mrs. Nelson asked unanimous consent to be excused. No objections. So ordered.

The Landis amendment lost with 13 ayes, 22 nays, 5 present and not voting, and 9 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 675, 757, 757A, 912, 971, 992, 995, 1035, 1037, 1037A, 1108, 1228, and 1246.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 992

The following changes, required to be reported for publication in the Journal, have been made:

ER0157

1. On page 3, line 12, "with respect to the duties imposed by Chapter 84, article 9" has been inserted after "State".

Enrollment and Review Change to LB 1037

The following changes, required to be reported for publication in the Journal, have been made:

ER0156

1. In the E & R amendments, AM5306, adopted March 5, 1986, on page 1, the matter beginning with "line" in line 1 through "in" in line 3 has been struck.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Sieck asked unanimous consent to print the following amendment to LB 890 in the Journal. No objections. So ordered.

AM2557

- 1 1. On page 2, line 12, strike "submit" and
- 2 insert "order the submission of the question by
- 3 submitting"; strike beginning with the underscored comma
- 4 in line 16 through "other" in line 18, show the old
- 5 matter as stricken, and insert "The question may
- 6 include any"; in line 20 strike "including, but not
- 7 limited to," and insert "such as"; and in line 22 after
- 8 the underscored comma insert "and shall include".

Mr. Sieck asked unanimous consent to print the following amendment to LB 890 in the Journal. No objections. So ordered.

AM2558

- 1 1. Insert the following new section:
- 2 "Sec. 4. That section 77-27,143, Reissue
- 3 Revised Statutes of Nebraska, 1943, be amended to read
- 4 as follows:
- 5 77-27,143. (1) The administration of all
- 6 sales and use taxes adopted under sections 77-27,142 to
- 7 77-27,148 shall be by the Tax Commissioner; who may
- 8 prescribe forms and adopt and promulgate reasonable
- 9 rules and regulations in conformity with sections
- 10 77-27,142 to 77-27,148 for the making of returns and for
- 11 the ascertainment, assessment, and collection of taxes
- 12 imposed ~~hereunder~~ under sections 77-27,142 to 77-27,148.
- 13 The incorporated municipality shall furnish a certified

14 copy of the adopting or repealing ordinance to the Tax
15 Commissioner in accordance with such rules and
16 regulations as he or she may prescribe adopt and
17 promulgate. For ordinances passed prior to October 1,
18 1969, the effective date of any tax imposed under the
19 authority of sections 77-27,142 to 77-27,148 shall be
20 either sixty days after receipt by the Tax Commissioner
21 of the certified copy of the adopting ordinance or the
1 first day of the next calendar quarter following such
2 receipt, whichever is later. For ordinances passed
3 after October 1, 1969, the effective date shall be the
4 first day of the next calendar quarter following receipt
5 by the Tax Commissioner of the certified copy of the
6 adopting ordinance; ~~PROVIDED~~, if the certified copy of
7 the adopted ordinance is received sixty days prior to
8 the start of the next calendar quarter.

9 (2) For ordinances containing a termination
10 date and passed after October 1, 1986, the termination
11 date shall be the first day of a calendar quarter. The
12 incorporated municipality shall furnish a certified
13 statement to the Tax Commissioner no more than one
14 hundred twenty days and at least sixty days prior to the
15 termination date that the termination date stated in the
16 ordinance is still valid. If the certified statement is
17 not furnished within the prescribed time, the tax shall
18 remain in effect, and the Tax Commissioner shall
19 continue to collect the tax until the first day of the
20 calendar quarter which is at least sixty days after
21 receipt of the certified statement notwithstanding the
22 termination date stated in the ordinance.”.

23 2. In AM2087, beginning on page 787 of the
24 1986 Journal, strike amendments 2 and 3.

1 3. In AM2142, beginning on page 1072 of the
2 1986 Journal:

3 a. On page 1, line 2, strike the first “2”
4 and insert “3”; and

5 b. Strike amendment 2 and insert the
6 following new amendment:

7 “2. On page 3, line 10, strike “section” and
8 insert “sections 77-27,142.03 and 77-27,143, Reissue
9 Revised Statutes of Nebraska, 1943, and sections
10 77-27,142 and”; and in line 11 strike “is” and insert
11 “are”.

12 4. Renumber the remaining section
13 accordingly.

Mrs. Smith asked unanimous consent to print the following amendment to LB 829 in the Journal. No objections. So ordered.

AM2561

1 1. Insert the following new section:
2 "Sec. 7. (1). There is hereby created the
3 Care Management Services Cash Fund to be administered by
4 the Department of Social Services and to which the State
5 Treasurer shall credit such money as shall (a) be
6 appropriated to the fund by the Legislature, (b) be paid
7 as fees, deposits, payments, and repayments relating to
8 the fund, both principal and interest, and (c) be
9 donated as gifts, bequests, grants, or other
10 contributions to such fund from public or private
11 entities. Funds made available by any department or
12 agency of the United States may also be credited to such
13 fund if so directed by such department.

14 (2) The money in the cash fund shall not be
15 subject to any fiscal year limitation or lapse provision
16 of unexpended balance at the end of any such fiscal
17 year.

18 (3) Any money in the fund available for
19 investment shall be invested by the state investment
20 officer pursuant to sections 72-1237 to 72-1269."

21 2. On page 2, line 14, after "certification"
2 insert "and operation"; in line 15 after "be" insert
3 "jointly"; strike beginning with "after" in line 16
4 through "from" in line 17 and insert "and"; and in line
5 17 after "Aging" insert "prior to January 1, 1987".

6 3. On page 3, line 4, after "plans" insert "
7 Such process shall (a) utilize assessment procedures
8 currently used by area agencies on aging and (b) utilize
9 current assessment criteria designed to reduce
10 reassessment for potentially related long-term care
11 services administered by the Department of Social
12 Services"; in line 15 strike "adult"; and in line 16
13 after "individuals" insert "under the age of sixty-five
14 who are in need of or anticipate the need for long-term
15 care services".

16 4. In the Smith amendment, adopted February
17 28, 1986, on page 1, strike beginning with "line" in
line 1 through "and" in line 4.

Mrs. Smith asked unanimous consent to print the following amendment to LB 829A in the Journal. No objections. So ordered.

AM2566

- 1 1. Insert the following new section:
- 2 "Sec. 4. All receipts of the Care Management
- 3 Services Cash Fund are hereby appropriated to the
- 4 Department of Social Services, for Program 341, for the
- 5 period July 1, 1986, to June 30, 1987."

Mr. Sieck asked unanimous consent to print the following amendment to LB 474 in the Journal. No objections. So ordered.

AM2533

(Amendments To AM1756)

- 1 1. On page 1, strike beginning with "housing"
- 2 in line 14 through the first comma in line 15; and in
- 3 line 15 after the third comma insert "pipelines."
- 4 2. On page 5, strike beginning with
- 5 "Disturbing" in line 22 through "establishes" in line 24
- 6 and insert "Activities related to the construction of
- 7 housing, industrial, and commercial developments";
- 8 3. On page 6, strike line 1.
- 9 4. On page 8, line 17, after "that" insert
- 10 "such"; and strike beginning with "shall" in line 17
- 11 through "procedure" in line 20 and insert "shall be made
- 12 according to the procedures".
- 13 5. On page 10, strike beginning with
- 14 "program" in line 2 through "a" in line 4; in line 4
- 15 strike "to" and insert "may"; strike beginning with "to"
- 16 in line 6 through "activities" in line 7; in line 9
- 17 after "in" insert "substantial"; strike beginning with
- 18 the first "the" in line 12 through "exercised" in line
- 19 15 and insert "it shall enforce such rules and
- 20 regulations within the"; and in line 18 after "in"
- 1 insert "substantial".
- 2 6. On page 11, line 10, strike "The" and
- 3 insert "Except to the extent jurisdiction has been
- 4 assumed by a municipality or county, the"; in line 12
- 5 strike the comma and insert "which alleges that soil
- 6 erosion is occurring in excess of the applicable soil
- 7 loss limit. Complaints shall be filed"; strike
- 8 beginning with the comma in line 13 through "limit" in
- 9 line 14; and in line 15 strike "occupant" and insert
- 10 "operator".

11 7. On page 12, line 2, strike "resident"
12 through "operator" and insert "owner and, if
13 appropriate, the operator"; in line 5 strike beginning
14 with "Anytime" through "owner" and insert "The owner,
15 the operator if appropriate,"; strike beginning with
16 "In" in line 8 through the period in line 9; in line 12
17 after "reached" insert an underscored comma; strike
18 beginning with "and" in line 12 through "which" in line
19 13; in line 13 strike "are presented" and insert "shall
20 be presented to the district board of directors"; in
21 line 14 strike "the occupant" and insert ", if
22 appropriate, the operator" and strike "are" and insert
23 "shall be"; in line 15 strike the comma and insert "at a
24 meeting of the board or, if requested, at a public
1 hearing. If"; in line 18 strike "the board of directors
2 of the district" and insert "it"; in line 19 after "and"
3 insert ", if appropriate,"; in line 20 strike "occupant,
4 if known" and insert "operator"; and strike beginning
5 with "and" in line 22 through "limit" in line 23 and
6 insert ". When the complained of erosion is the result
7 of agricultural or horticultural activities, the
8 district shall direct the owner and, if appropriate, the
9 operator to bring the land into conformance with the
10 applicable soil loss limit".

11 8. On page 13, line 2, strike "either to" and
12 insert "and, if appropriate, the operator to either"; in
13 line 10 strike "either" and after "by" insert "either";
14 in line 11 strike "by", and after "certified" insert "or
15 registered"; in line 15 strike "not more" and insert
16 "which shall be not less" and after "days" insert "nor
17 more than fifteen days"; and in line 18 strike "thirty"
18 and insert "forty-five".

19 9. On page 14, line 7, strike ", occupier,
20 or" and insert "or, if appropriate, the"; in line 14
21 strike ", occupying,"; in line 15 after "agricultural"
22 insert ", horticultural," in line 19 after
23 "agricultural" insert ", horticultural,"; and in line 24
24 strike the comma and insert "or".

1 10. On page 15, line 1, strike ", or
2 occupier"; in line 5 after "agricultural" insert ",
3 horticultural,"; in line 7, strike ", occupier,"; in
4 line 10, strike the first underscored comma and after
5 "owner" insert "or"; strike beginning with the second
6 comma in line 10 through "occupier" in line 11; and in
7 line 14 after "owner" insert "or operator".

- 8 11. On page 16, line 12, strike the comma and
 9 insert "or"; in line 13 strike the comma and insert an
 10 underscored semicolon and strike "or when" and insert;
 11 "(3) The work is not of a type or quality
 12 specified by the district and when"; in line 14, after
 13 the comma insert "it will not or"; in line 17 after the
 14 comma insert "will not or"; and in line 20 strike "(3)"
 15 and insert "(4)".
- 16 12. On page 17, line 2, after "landowner"
 17 insert "or operator"; in line 7 after "owner" insert "or
 18 operator"; and in line 11 strike "either", after the
 19 first "by" insert "either", strike the second "by", and
 20 after "certified" insert "or registered".
- 21 13. On page 18, line 8, after "agricultural"
 22 insert ", horticultural".

Mr. Wesely asked unanimous consent to print the following amendment to LB 572 in the Journal. No objections. So ordered.

AM2555

(Amendments to Final Reading Copy)

- 1 1. On page 1, strike beginning with "to" in
 2 line 6 through the semicolon in line 8; and strike
 3 bginning with the comma in line 9 through line 10 and
 4 insert a period.
- 5 2. On page 5, line 7, after the first "for"
 6 insert "additional"; and strike beginning with "and" in
 7 line 11 through "are" in line 13 and insert "is".

Mr. Hoagland asked unanimous consent to print the following amendment to LB 289 in the Journal. No objections. So ordered.

AM2530

(Amendments to Amendment 1704)

- 1 1. On page 1, line 9, strike "the effective
 2 date of this act" and insert "January 1, 1987".
- 3 2. Strike sections 2 and 7 and insert the
 4 following new section:
 5 "Sec. 4. That section 2, Legislative Bill 14,
 6 Eighty-ninth Legislature, Second Special Session, 1985,
 7 be amended to read as follows:
 8 Sec. 2. The total amount recoverable under
 9 the Political Subdivisions Tort Claims Act for claims
 10 arising out of an occurrence after November 16, 1985,
 11 except as provided in section 2 of this act, shall be

12 limited to:

13 (1) One million dollars for any person for any
14 number of claims arising out of a single occurrence; and

15 (2) Five million dollars for all claims
16 arising out of a single occurrence.”.

17 3. On page 2, line 24, strike “to” and insert
18 “and 2”.

19 4. On page 3, line 1, strike “3”; in lines 1
20 and 2 strike “the effective date of this act” and insert
1 “January 1, 1987.”; in line 12 strike “to 3” and insert
2 “and 2”; and in line 22 strike “is” and insert “and
3 section 2, Legislative Bill 14, Eighty-ninth
4 Legislature, Second Special Session, 1985, are”.

5 5. Renumber the remaining sections
6 accordingly.

UNANIMOUS CONSENT - Bracket LB 70

Mr. Hoagland asked unanimous consent to bracket LB 70 until
March 25, 1986.

Mr. Chambers objected.

MOTION - Adjournment

Mr. Chambers moved to adjourn. The motion prevailed, and at 4:38
p.m., on a motion by Mr. Chambers, the Legislature adjourned until
9 a.m., Monday, March 17, 1986.

Patrick J. O'Donnell
Clerk of the Legislature



FORTY-THIRD DAY - MARCH 17, 1986

LEGISLATIVE JOURNAL

FORTY-THIRD DAY - MARCH 17, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

FORTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 17, 1986

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

EASE

The Legislature was at ease from 9:04 a.m. until 10:29 a.m.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Eret, Hall, Miller, Rogers, Mesdames Higgins, Labeledz, and Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Second Day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Chronister asked unanimous consent to be excused until he returns. No objections. So ordered.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

LEGISLATIVE BILL 579A. Placed on Select File as amended.

E & R amendments to LB 579A:

AM5350

- 1 1. In the Scofield amendment, AM2249, adopted
- 2 March 6, 1986, on page 1, line 6, strike "Licensed
- 3 Professional Counselor" and insert "General"; and in
- 4 lines 16 to 17 strike "Bureau of Examining Boards' Cash"
- 5 and insert "Professional Counselor".
- 6 2. On page 1, line 4, after "1986" insert ";
- 7 and to provide for a transfer of funds".
- 8 3. On page 2, lines 2 and 4, strike
- 9 "Licensed"; and in line 4 after "Counselor" insert
- 10 "Fund".

LEGISLATIVE BILL 804A. Placed on Select File.

LEGISLATIVE BILL 899A. Placed on Select File.

LEGISLATIVE BILL 992A. Placed on Select File.

LEGISLATIVE BILL 991. Placed on Select File as amended.

E & R amendment to LB 991:

AM5351

- 1 1. On page 2, line 15, strike "have" and
- 2 insert "has".

(Signed) Timothy Hall, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 369.

Introduced by Nichol, 48th District.

WHEREAS, kidney disease is a major health problem in Nebraska and the United States; and

WHEREAS, seventy-five thousand Nebraskans and thirteen million people in the United States suffer from kidney-related diseases and seventy-eight thousand people in the United States die each year from end-stage renal disease; and

WHEREAS, over seventy-eight thousand people, including three hundred fifty Nebraskans must depend on dialysis to maintain life; and

WHEREAS, eighty-five hundred people, including almost twenty Nebraskans, are on the waiting list to receive a kidney transplant; and

WHEREAS, nearly fifty kidney transplants are performed in Nebraska each year and nearly seven thousand kidney transplants are performed nationally each year; and

WHEREAS, additional organs, such as the heart, lungs, and pancreas, are needed for transplantation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature encourages Nebraskans to give the gift of life by signing and carrying the Uniform Organ Donor card which authorizes the use of one's kidneys and other organs after death.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 1004 in the Journal. No objections. So ordered.

AM2531

- 1 1. On page 7, line 2, after the period insert
- 2 the following new subsection:
- 3 "(3) Every participant in a basic and advanced
- 4 motorcycle safety course shall wear a helmet while
- 5 driving a motorcycle during laboratory instruction."

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Pappas asked unanimous consent to have his name added as co-introducer to LB 105. No objections. So ordered.

Mrs. Marsh asked unanimous consent to have her name added as co-introducer to LB 91. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 79.

A BILL FOR AN ACT relating to parental support and paternity; to amend section 43-1412, Reissue Revised Statutes of Nebraska, 1943, and section 43-1406, Reissue Revised Statutes of Nebraska, 1943, as amended by section 74, Legislative Bill 7, Eighty-ninth Legislature, Second Special Session, 1985; to provide for the award

of court costs and attorney's fees in child support orders and paternity proceedings as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud	Goodrich	Johnson, R.	Miller	Rupp
Baack	Haberman	Johnson, V.	Morehead	Schmit
Barrett	Hall	Labeledz	Nelson	Scofield
Beyer	Hannibal	Lamb	Nichol	Sieck
Carsten	Harris	Landis	Pappas	Vickers
Chizek	Hartnett	Lundy	Peterson	Warner
Conway	Hefner	Lynch	Pirsch	Wesely
DeCamp	Hoagland	Marsh	Remmers	Withem
Goll	Johnson, L.	McFarland		

Voting in the negative, 0.

Excused and not voting, 6:

Chambers	Eret	Higgins	Rogers	Smith
Chronister				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 305.

A BILL FOR AN ACT relating to insurance; to amend sections 44-3603 and 44-3604, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to Medicare supplement and limited indemnity policies; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Abboud	Baack	Barrett	Beyer	Carsten
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Chambers	Hannibal	Labeledz	Morehead	Rupp
Chizek	Harris	Lamb	Nelson	Schmit
Conway	Hartnett	Landis	Nichol	Scofield
DeCamp	Hefner	Lundy	Pappas	Sieck
Goll	Hoagland	Lynch	Peterson	Vickers
Goodrich	Johnson, L.	Marsh	Pirsch	Warner
Haberman	Johnson, R.	McFarland	Remmers	Wesely
Hall	Johnson, V.	Miller	Rogers	Withem

Voting in the negative, 0.

Excused and not voting, 4:

Chronister	Eret	Higgins	Smith
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 322.

A BILL FOR AN ACT relating to agriculture; to adopt the Commercial Feed Act; to create a fund; to provide penalties; to repeal the Nebraska Commercial Feed Law; to eliminate a fund; to provide an operative date; to provide severability; and to repeal sections 54-819 to 54-828, 54-830 to 54-843, 54-845, and 54-846, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Goll	Johnson, R.	Miller	Rupp
Baack	Goodrich	Johnson, V.	Morehead	Schmit
Barrett	Haberman	Labeledz	Nelson	Scofield
Beyer	Hall	Lamb	Nichol	Sieck
Carsten	Hannibal	Landis	Pappas	Smith
Chambers	Harris	Lundy	Peterson	Vickers
Chizek	Hartnett	Lynch	Pirsch	Warner
Conway	Hefner	Marsh	Remmers	Wesely
DeCamp	Hoagland	McFarland	Rogers	Withem
Eret	Johnson, L.			

Voting in the negative, 0.

Excused and not voting, 2:

Chronister Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 481.

A BILL FOR AN ACT relating to the Department of Correctional Services; to amend sections 83-173 and 83-939, Reissue Revised Statutes of Nebraska, 1943; to provide for notice of furlough as prescribed; to provide powers and duties; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Goodrich	Johnson, R.	Miller	Rupp
Baack	Haberman	Johnson, V.	Morehead	Schmit
Barrett	Hall	Labeledz	Nelson	Scofield
Beyer	Hannibal	Lamb	Nichol	Sieck
Carsten	Harris	Landis	Pappas	Smith
Chizek	Hartnett	Lundy	Peterson	Vickers
Conway	Hefner	Lynch	Pirsch	Warner
DeCamp	Hoagland	Marsh	Remmers	Wesely
Eret	Johnson, L.	McFarland	Rogers	Withem
Goll				

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Chronister Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 543.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-820, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the disposition of seized or held property as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Abboud	Goll	Johnson, L.	Miller	Rupp
Baack	Goodrich	Johnson, R.	Morehead	Schmit
Barrett	Haberman	Labeledz	Nelson	Scofield
Beyer	Hall	Lamb	Nichol	Sieck
Carsten	Hannibal	Landis	Pappas	Smith
Chizek	Harris	Lundy	Peterson	Vickers
Conway	Hartnett	Lynch	Pirsch	Warner
DeCamp	Hefner	Marsh	Remmers	Wesely
Eret	Hoagland	McFarland	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 2:

Chambers Johnson, V.

Excused and not voting, 2:

Chronister Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 572 to Select File

Mr. Wesely moved to return LB 572 to Select File for his specific amendment, AM2555, found in the Journal on page 1450.

Mr. Wesely withdrew his motion to return LB 572.

Mr. Wesely withdrew his pending amendment, AM2555, found in the Journal on page 1450.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 572.

A BILL FOR AN ACT relating to dentistry; to amend section 71-193.13, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to dental practice, dental hygienists, and dental auxiliaries; to define terms; to provide for rules and regulations; to eliminate a provision relating to dental hygienists; and to repeal the original section, and also section 71-193.09, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Abboud	Eret	Hoagland	Marsh	Rupp
Baack	Goll	Johnson, L.	McFarland	Schmit
Barrett	Goodrich	Johnson, R.	Morehead	Scofield
Beyer	Haberman	Johnson, V.	Nelson	Sieck
Carsten	Hall	Labeledz	Nichol	Smith
Chambers	Hannibal	Lamb	Pappas	Vickers
Chizek	Harris	Landis	Peterson	Warner
Conway	Hartnett	Lundy	Remmers	Wesely
DeCamp	Hefner	Lynch	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 2:

Miller Pirsch

Excused and not voting, 2:

Chronister Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 572A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 572, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Eret	Hoagland	Marsh	Rupp
Baack	Goll	Johnson, L.	McFarland	Schmit
Barrett	Goodrich	Johnson, R.	Morehead	Scofield
Beyer	Haberman	Johnson, V.	Nelson	Sieck
Carsten	Hall	Labeledz	Nichol	Smith
Chambers	Hannibal	Lamb	Pappas	Vickers
Chizek	Harris	Landis	Peterson	Warner
Conway	Hartnett	Lundy	Remmers	Wesely
DeCamp	Hefner	Lynch	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 2:

Miller Pirsch

Excused and not voting, 2:

Chronister Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 642.

A BILL FOR AN ACT relating to schools; to amend section 79-4,157, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to a student's school records or files; to provide for fees; to provide for a copy of such records or files as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'" "

Voting in the affirmative, 44:

Abboud	Eret	Hoagland	Marsh	Rupp
Baack	Goll	Johnson, L.	McFarland	Scofield
Barrett	Goodrich	Johnson, R.	Morehead	Sieck
Beyer	Haberman	Johnson, V.	Nelson	Smith
Carsten	Hall	Labeledz	Nichol	Vickers
Chambers	Hannibal	Lamb	Pappas	Warner
Chizek	Harris	Landis	Peterson	Wesely
Conway	Hartnett	Lundy	Remmers	Withem
DeCamp	Hefner	Lynch	Rogers	

Voting in the negative, 0.

Present and not voting, 3:

Miller	Pirsch	Schmit
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Excused and not voting, 2:

Chronister	Higgins
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 674.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-5020, 71-5024, 71-5025, 71-5026, 83-159, 83-161.02, 83-163, and 83-164, Reissue Revised Statutes of Nebraska, 1943; to create the State Alcoholism and Drug Abuse Advisory Committee; to eliminate the State Alcoholism Advisory Committee and the State Drug Abuse Advisory Committee; to provide duties; to authorize a task force; to harmonize provisions; and to repeal the original sections, and also section 83-161.01, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'" "

Voting in the affirmative, 45:

Abboud	Eret	Hoagland	Marsh	Rupp
Baack	Goll	Johnson, L.	McFarland	Schmit
Barrett	Goodrich	Johnson, R.	Morehead	Scofield
Beyer	Haberman	Johnson, V.	Nelson	Sieck
Carsten	Hall	Labedz	Nichol	Smith
Chambers	Hannibal	Lamb	Pappas	Vickers
Chizek	Harris	Landis	Peterson	Warner
Conway	Hartnett	Lundy	Remmers	Wesely
DeCamp	Hefner	Lynch	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 2:

Miller Pirsch

Excused and not voting, 2:

Chronister Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Print in Journal

Messrs. Nichol, Haberman, Schmit, DeCamp, Baack, Lamb, and Ms. Scofield asked unanimous consent to print the following amendment to LB 1251 in the Journal. No objections. So ordered.

AM2559

- 1 1. On page 89, after line 2 insert the
- 2 following:
- 3 "There is included in the appropriation to the
- 4 University of Nebraska Medical Center \$100,000 General
- 5 Funds to begin phasing in a baccalaureate degree nursing
- 6 program at West Nebraska General Hospital in Scottsbluff
- 7 in cooperation with regional institutions."

EXPLANATION OF VOTE

Had I been present, I would have voted aye on LB 79, and LB 305.

(Signed) Jacklyn Smith

NOTICE OF COMMITTEE HEARINGS

Business and Labor

LB 1255	Tuesday, March 25, 1986	12:15 p.m.
LB 1256	Tuesday, March 25, 1986	12:15 p.m.
LB 1257	Tuesday, March 25, 1986	12:15 p.m.

(Signed) Bill Barrett, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 370.

Introduced by Hannibal, 4th District.

WHEREAS, the winning of a state high school basketball championship demonstrates the willingness of a team, and its coach to work, concentrate, and cooperate as a team; and

WHEREAS, the Burke High School Basketball team topped off another excellent season by winning the Class A division of the Nebraska Boys State Basketball Tournament; and

WHEREAS, their dedicated efforts, as well as the efforts of their coach, John Johnette, are deserving of special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature recognize the spirit of sportsmanship and team resolve demonstrated by the Burke Bulldogs, and congratulate them for their individual and team success.

2. That the Legislature commend and extend congratulations to Coach John Johnette and staff for consistently fostering that outstanding spirit of sportsmanship and team play.

3. That a copy of this resolution be sent to Coach Johnette and the Burke Boys Basketball Team.

Laid over.

MOTION - Return LB 899 to Select File

Mr. R. Johnson moved to return LB 899 to Select File for his specific amendment, AM2236, found in the Journal on page 984.

MR. V. JOHNSON PRESIDING

Mr. R. Johnson requested a roll call vote on his motion to return.

Voting in the affirmative, 11:

DeCamp	Lamb	Lynch	Schmit	Vickers
Eret	Landis	Miller	Sieck	Warner
Johnson, R.				

Voting in the negative, 28:

Abboud	Goll	Johnson, L.	Nichol	Rogers
Baack	Hall	Johnson, V.	Pappas	Rupp
Barrett	Hannibal	Labedz	Peterson	Scofield
Beyer	Harris	Lundy	Pirsch	Smith
Carsten	Hartnett	Morehead	Remmers	Withem
Conway	Hefner	Nelson		

Present and not voting, 7:

Chambers	Goodrich	Hoagland	Marsh	McFarland
Chizek	Haberman			

Absent and not voting, 1:

Wesely

Excused and not voting, 2:

Chronister Higgins

The R. Johnson motion to return lost with 11 ayes, 28 nays, 7 present and not voting, 1 absent and not voting, and 2 excused and not voting.

MOTION - Return LB 529 to Select File

Messrs. Hoagland and Lamb moved to return LB 529 to Select File for the following specific amendment:
(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2548.)

Mr. Nichol requested a ruling of the Chair on whether the Hoagland-Lamb amendment is germane to the bill.

The Chair ruled the Hoagland-Lamb amendment is germane to the bill.

The Hoagland-Lamb motion to return prevailed with 27 ayes, 2 nays, 18 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 529. The Hoagland-Lamb specific amendment, AM2548, printed separate from the Journal and referred to in this day's Journal was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

GENERAL FILE

LEGISLATIVE BILL 325A. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 1 nay, 18 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 898A. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1143A. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 2 nays, 17 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1172A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 993. Placed on Select File as amended.
E & R amendment to LB 993:
AM5353

- 1 1. On page 1, line 2, after "to" insert "the
- 2 engrossing and enrolling clerk,"; in line 3 after

- 3 "Institute" insert a comma; and in line 5 strike "delete
- 4 powers and duties" and insert "eliminate a certain
- 5 committee report; to eliminate certain powers and duties
- 6 relating to the Nebraska Gasohol and Energy Development
- 7 Act".

LEGISLATIVE BILL 994. Placed on Select File as amended.

E & R amendment to LB 994:

AM5352

- 1 1. On page 2, line 8, strike the comma and
- 2 show as stricken.

LEGISLATIVE BILL 996. Placed on Select File as amended.

E & R amendments to LB 996:

AM5357

- 1 1. On page 1, line 4, after the semicolon
- 2 insert "to change references to the Budget Committee of
- 3 the Legislature; to delete obsolete language;".
- 4 2. On page 2, lines 10, 13, 15, 17, and 21,
- 5 strike the semicolon, show as stricken, and insert an
- 6 underscored comma.

LEGISLATIVE BILL 1131. Placed on Select File.

LEGISLATIVE BILL 1017. Placed on Select File.

LEGISLATIVE BILL 881. Placed on Select File as amended.

E & R amendments to LB 881:

AM5354

- 1 1. In the DeCamp amendment adopted March 6,
- 2 1986, found on page 1198 of the Journal, on page 1, line
- 3 2, after "the" insert "owner of the"; and in line 3
- 4 strike "container's owner" and insert "container".
- 5 2. On page 1, lines 5 and 7, after "tanks"
- 6 insert "or containers"; in line 7 strike "for"; and in
- 7 line 8 after the semicolon insert "to provide an
- 8 exemption as prescribed;".
- 9 3. On page 2, line 17, strike the semicolon,
- 10 show as stricken, and insert an underscored comma.
- 11 4. On page 3, line 21, strike the commas and
- 12 after "container" insert "with a water gallon capacity";
- 13 and in line 22 strike "water" and "capacity".

LEGISLATIVE BILL 929. Placed on Select File as amended.

E & R amendment to LB 929:

AM5355

- 1 1. On page 1, line 7, after "Treasurer"
- 2 insert "and the Director of Administrative Services" and
- 3 after "change" insert "provisions relating to"; and in
- 4 line 8 after the semicolon insert "to delete obsolete
- 5 language;".

LEGISLATIVE BILL 930. Placed on Select File.

LEGISLATIVE BILL 1177. Placed on Select File as amended.
E & R amendments to LB 1177:

AM5358

- 1 1. In the Sieck amendment, AM2382, adopted
- 2 March 6, 1986, on page 1, line 5, strike "line 2" and
- 3 insert "lines 2 and 21"; and in line 6 strike "lines 6
- 4 and 18" and insert "line 6".
- 5 2. On page 4, line 4, reinstate the first and
- 6 second stricken commas and the stricken "as".
- 7 3. On page 6, line 7, after the semicolon
- 8 insert "and".
- 9 4. On page 7, line 20, strike "a".
- 10 5. On page 10, line 13, after "guardian"
- 11 insert an underscored comma.
- 12 6. On page 12, line 8, after "commission"
- 13 insert an underscored comma.
- 14 7. On page 15, lines 16, 18, and 19; and page
- 15 16, line 21, strike the comma and show as stricken.
- 16 8. On page 18, line 9, after the second "and"
- 17 insert "that".
- 18 9. On page 20, line 10, after "handicapped"
- 19 insert "children".
- 20 10. On page 21, line 16, after "impaired"
- 21 insert "children".
- 1 11. On page 23, line 24, strike "43-616.01",
- 2 show as stricken, and insert "43-611.01".
- 3 12. On page 24, line 8, strike "sections",
- 4 show as stricken, and insert "section" and strike "and
- 5 43-616.01" and show as stricken.
- 6 13. On page 27, line 17, reinstate the
- 7 stricken comma; and in line 25 strike the new comma.
- 8 14. On page 28, lines 10, 13, 17, 18, 19, and
- 9 20, strike all commas, show as stricken, and insert
- 10 underscored semicolons; in line 14 strike the last
- 11 comma, show as stricken, and insert an underscored
- 12 semicolon; and in line 16 strike the first comma, show
- 13 as stricken, and insert an underscored semicolon.

- 14 15. On page 29, line 7, strike the first
15 comma and show as stricken.
- 16 16. On page 30, line 6, after “partner”
17 insert an underscored comma.
- 18 17. On page 38, line 5, strike “or” and show
19 as stricken; in line 6 after “persons” insert an
20 underscored comma; and in line 13 strike the comma and
21 show as stricken and after “or” insert an underscored
22 comma.
- 23 18. On page 40, lines 3 and 8, strike the
24 comma and show as stricken.
- 1 19. On page 51, lines 11 and 25, strike the
2 comma and show as stricken; in line 18 strike “illness”
3 and insert “disorders”; and in line 25 strike the first
4 “the” and show as stricken.
- 5 20. On page 60, line 4, strike the first
6 comma and show as stricken.
- 7 21. On page 61, line 7, after “43-618” insert
8 an underscored comma.
- 9 22. On page 62, line 1; and page 63, line 21,
10 strike the comma and show as stricken.
- 11 23. On page 64, lines 10 and 25, strike
12 “subdivision”, show as stricken, and insert
13 “subsection”.
- 14 24. On page 65, line 7, strike “those” and
15 show as stricken.
- 16 25. On page 69, line 17, strike the comma.
- 17 26. On page 70, line 2, strike the comma and
18 show as stricken; and in line 9 after “facts” insert an
19 underscored comma.
- 20 27. On page 72, line 8, after the first “and”
21 insert an underscored comma.

LEGISLATIVE BILL 1063. Placed on Select File.

LEGISLATIVE BILL 1048. Placed on Select File as amended.
E & R amendment to LB 1048:

AM5356

- 1 1. On page 3, line 1, after “(1)” insert “of
2 this section”.

(Signed) Timothy Hall, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 371.

Introduced by Sieck, 24th District; R. Johnson, 34th District.

WHEREAS, the winning of the 1986 State C-2 championship in basketball demonstrates the hard work and determination of a team and their coaches to reach this goal; and

WHEREAS, the members of the Henderson High School boys' basketball team and their coaches, Don Perry and Galen Kronhofman deserve special recognition for their championship.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature commend the athletic, competitive spirit and sportsmanship exhibited by the Henderson High School boys' basketball team.

2. That the Legislature congratulates and extends best wishes to the 1986 Class C-2 boys' high school basketball champions, the Henderson Huskies, and their coaches, Don Perry and Galen Kronhofman.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Beyer asked unanimous consent to print the following amendment to LB 1004 in the Journal. No objections. So ordered.

AM2538

- 1 1. On page 2, line 13, reinstate the stricken
- 2 comma and strike "and" and show as stricken; and in line
- 3 19 after "course" insert ", and (3) if the applicant is
- 4 not applying for renewal of a previously issued
- 5 motorcycle operator's license or permit, provide
- 6 evidence of successful completion of an approved basic
- 7 or advanced motorcycle safety course".

VISITORS

Visitors to the Chamber were Sara Gies and Dwight Pearson from Bellevue; Bonnie Franks-Jones, Debbie Deines, and Arlene Lindquist from Omaha; Jennie Gutierrez and Cindy Cronn from Gothenburg; Ruth Ann Wylie, Michael Wylie, Barry Fritch, and Ardis Moody from Lincoln; John Bratten from Chester; Tim Mulligan from Murdock; Chris Eliason and Joe Haba; 10 students and teachers from

Kearney State College; Doug Martin and Eleanor Foote from McCook and Delma Foote from Maywood; Terri and Marci Lab from Milford; 43 seniors and teacher from Crete; a group of Nebraska Farm Bureau sophomores and juniors from across the state; and a group of students and sponsor of Youth Government Day Conference.

RECESS

At 12:03 p.m., on a motion by Mr. Hall, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Chronister, Hall, Hannibal, R. Johnson, V. Johnson, Lamb, Schmit, Warner, Mesdames Higgins, and Labeledz who were excused until they arrive.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 79, 305, 322, 481, 543, 572, 572A, 642, and 674.

RESOLUTION

LEGISLATIVE RESOLUTION 372.

Introduced by DeCamp, 40th District.

WHEREAS, the Clearwater basketball team has just completed an outstanding season; and

WHEREAS, the final game of this season was the capturing of the Class D-2 basketball championship crown for the third consecutive year; and

WHEREAS, the winning of such a championship is a demonstration of the willingness to endure the hard work and struggle associated with significant accomplishments; and

WHEREAS, such outstanding achievements are deserving of special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature extend their congratulations and best wishes to the members of the Clearwater High School basketball team and coach Rick Hesse for winning the Class D-2 championship.

2. That a copy of this resolution be sent to coach Rick Hesse at Clearwater High School.

Laid over.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Lundy asked unanimous consent to have his name added as co-introducer to LB 890. No objections. So ordered.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 131, 131A, 1041, and 1041A.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 131

The following changes, required to be reported for publication in the Journal, have been made:

ER0160

1. On page 1, line 5, "to provide a license requirement;" has been inserted after the semicolon.

Enrollment and Review Change to LB 1041

The following changes, required to be reported for publication in the Journal, have been made:

ER0161

1. In the Standing Committee amendments, AM2159, adopted March 5, 1986:

a. On page 3, the matter beginning with "with" in line 3 through "dollars" in line 4 has been struck; and

b. On page 10, line 18, "in the General Fund" has been inserted after "deposit".

(Signed) Mary E. Sommermeyer
E & R Attorney

MESSAGES FROM THE GOVERNOR

March 13, 1986

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Environmental Control Council requiring legislative confirmation.

Appointee:

Thomas J. Poulton, M.D., 6620 Underwood Avenue, Omaha, NE 68132, 551-0809(h), 449-4848(o), Term: 3/10/86 to 6/22/87, Succeeds: Steve Thomas, resigned.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

cc: Staff Assistant to the Governor
Accountability and Disclosure Commission
Department of Administrative Services
Department of Environmental Control
RK/mr

March 14, 1986

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Senators:

I am herewith returning LB 839 with my signature but with certain line-item veto reductions.

I have reduced the amount for the Homestead Exemption deficit by \$5,360,000 from \$6,550,000 to \$1,190,000. This should come as no surprise as I had indicated in mid-December that a 25% increase, which was completely unanticipated by any of us, was unacceptable.

Since that time, this issue has assumed additional importance. Your decision on whether or not to sustain my veto will almost certainly determine if we are going to increase the income or sales tax rate in order to balance our budget.

The Appropriations Committee has recommended to you a budget and revenue package that would allow the funding of this deficit and a like increase in the FY 86/87 budget, however, their proposal include a tax increase which would remove \$25 million from our troubled economy.

By removing this \$5,360,000 from this year's budget and a like amount from the FY 86/87 recommendation, we can save over \$10.7 million. A reduction in the reserve from the planned 4% to 3% would save an additional \$8.4 million. By depositing the additional insurance premium taxes into the General Fund and making a small reduction in the amount set aside for "A" Bills, we can have a reasonable budget, a tight but adequate reserve and no tax rate increases.

In previous years, the Legislature has considered the deficit appropriation along with the bulk of the other spending measures. This year, you have been asked to act on this issue before considering next year's budget. It is critical that you consider this veto in the overall context of the decisions that you will be forced to make in the near future. If my veto is overridden, I am convinced the sales or income tax rate will have to be increased. If my veto is sustained, I am convinced we can achieve a balanced budget without a tax increase.

Sincerely,
(Signed) ROBERT KERREY
Governor

GENERAL FILE

LEGISLATIVE BILL 311. Title read. Considered.

Standing Committee amendment, AM2224, found in the Journal on page 1012 for the Thirty-Second Day was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 965. Title read. Considered.

Standing Committee amendments, AM2256, printed separate from the Journal and referred to on page 1062 for the Thirty-Third Day were considered.

Mr. Landis renewed his pending amendment, AM2422, found in the Journal on page 1319 to the Standing Committee amendments.

The Landis amendment was adopted with 18 ayes, 0 nays, 22 present and not voting, and 9 excused and not voting.

Mr. Pappas offered the following amendment to the Standing Committee amendments:

On pg. 11 line 4 strike "lowest" and insert "most"

The Pappas amendment lost with 4 ayes, 8 nays, 32 present and not voting, and 5 excused and not voting.

Mr. DeCamp offered the following amendment to the Standing Committee amendments:

on pg 3, line 7, change "commission" to "Governor"

Mr. Warner asked unanimous consent to be excused. No objections. So ordered.

The DeCamp amendment was adopted with 13 ayes, 10 nays, 23 present and not voting, and 3 excused and not voting.

Mr. Hall asked unanimous consent to be excused. No objections. So ordered.

Mr. Pappas offered the following amendment to the Standing Committee amendments:

Page 11 - line 12 - after "Capacity" insert "Creativity"

The Pappas amendment was adopted with 15 ayes, 0 nays, 30 present and not voting, and 4 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 5 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 26 ayes, 7 nays, 12 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Barrett asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM2541

- 1 1. On page 2, line 9, after "by" insert ";
- 2 (1)"; and in line 11 after the comma insert "unless
- 3 consent or relinquishment has been made for purposes of
- 4 adoption," and strike "by", show as stricken, and insert
- 5 "(2)".
- 6 2. Strike the Barrett amendment, AM2279.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 1126 in the Journal. No objections. So ordered.

AM2581

- 1 1. On page 3, line 2, strike "fifty".

RESOLUTION

LEGISLATIVE RESOLUTION 373.

Introduced by Morehead, 30th District; Eret, 32nd District.

WHEREAS, the Fairbury campus of Southeast Community College is an integral and vital part of the Fairbury community and has been so since its origination as Fairbury Junior College in 1941; and

WHEREAS, the Fairbury campus is the only campus of SECC offering academic transfer credit, thus allowing its students to continue degrees at four year institutions; and

WHEREAS, many students of the Fairbury campus are non-traditional students who live within driving distance of the campus and for various reasons are not able to move to another location; and

WHEREAS, the education provided to residents of Southeast Nebraska by the Fairbury campus of SECC in many instances could not be obtained if the student could not live at home to save on costs or continue to assist with work at home; and

WHEREAS, a possibility exists that the Board of SECC will close or merge the Fairbury campus with another SECC campus; and

WHEREAS, any consolidation of the Fairbury campus with another campus would simply involve adding the classes currently taught at Fairbury to the curriculum of the other campus, since the programs at the other SECC campuses are vocational; and

WHEREAS, any savings which could be effected by closing or merging the Fairbury campus would be minimal in comparison to the devastating impact such an act would have on the educational, cultural and economic life of the community; and

WHEREAS, many residents, not only from Fairbury, but from the entire area have expressed a concern about any proposal to change the status of the Fairbury campus.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That this Legislature go on record as supporting the retention of the Fairbury campus of SECC if there is no compelling reason shown for its closure.

2. That all other methods for addressing the budget of SECC be investigated thoroughly before any decision is made to close the Fairbury campus.

3. That the impact on the lives of students, especially those non-traditional students who are permanently situated and could not obtain an education elsewhere, be considered before any decision is made on the Fairbury campus.

4. That the SECC Board be informed of the concern of the Legislature in this issue and be presented a copy of this resolution.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 17, 1986, at 2:05 p.m., were the following bills: 79, 305, 322, 481, 543, 572, 572A, 642, and 674.

(Signed) Pam Moravec, Enrolling Clerk

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the following Governor appointment.

Agriculture and Environment

Thomas J. Poulton, M.D. - Environmental Control Council

(Signed) Calvin F. Carsten, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Print in Journal

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 894 in the Journal. No objections. So ordered.

AM2369

- 1 1. On page 7, line 4, after "shall" insert
- 2 "(a) if the district determines that it does not have
- 3 the resources to implement adequate measures, notify the
- 4 Director of Environmental Control by certified mail that
- 5 it will not be submitting an action plan or (b)".
- 6 2. On page 10, line 21, after "(a)" insert
- 7 "the Director of Environmental Control receives notice
- 8 by certified mail that the district will not be
- 9 submitting an action plan pursuant to subsection (1) of
- 10 section 7 of this act, (b)".
- 11 3. On page 11, line 1, strike "(b)" and
- 12 insert "(c)"; and in line 3 strike "(c)" and insert
- 13 "(d)".

GENERAL FILE

LEGISLATIVE BILL 999. Title read. Considered.

Standing Committee amendments, AM2283, found in the Journal on page 1095 for the Thirty-Fourth Day were considered.

Mr. Hoagland withdrew his pending amendment, AM2322, found in the Journal on page 1140.

Messrs. Hoagland, Chambers, R. Johnson, and Eret offered the following amendment to the Standing Committee amendments: (Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2584.)

MS. SCOFIELD PRESIDING

Mr. Pappas asked unanimous consent to bracket LB 999 until March 25, 1986.

Mr. Chambers objected.

Mr. Pappas moved to bracket LB 999 until March 25, 1986.

Mr. Chizek asked unanimous consent to be excused. No objections. So ordered.

Mrs. Labeledz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Pappas withdrew his pending motion to bracket until March 25.

Messrs. Pappas and Hoagland asked unanimous consent to bracket LB 999 until Thursday, March 20, 1986. No objections. So ordered.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 956. Title read. Considered.

Standing Committee amendment, AM2296, found in the Journal on page 1152 for the Thirty-Sixth Day was considered.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Pirsch offered the following amendment to the Standing Committee amendment:

1. On page 1, line 5, strike "as a condition of probation".
2. On page 3, strike lines 5 through 7 and insert: "If the defendant is placed on probation or paroled, the court may revoke probation and the Board of Parole may revoke parole if the defendant fails to comply with the restitution order. In determining whether to revoke probation or parole, the court or Board of Parole".

Messrs. R. Johnson, Haberman, and Pappas asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?"

Mrs. Pirsch moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The motion to cease debate prevailed with 26 ayes, 2 nays, and 21 not voting.

The Chair declared the call raised.

The Pirsch amendment was adopted with 20 ayes, 2 nays, 18 present and not voting, and 9 excused and not voting.

Messrs. Hefner and Vickers asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers offered the following amendment to the Standing Committee amendment:

Add new section: "If restitution is ordered, no civil action for damages may be brought against such defendant for any act for which restitution has been ordered."

Pending.

Messrs. DeCamp, Hannibal, Wesely, and Peterson asked unanimous consent to be excused. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 374.

Introduced by Vickers, 38th District; Sieck, 24th District; Pappas, 42nd District; Scofield, 49th District.

WHEREAS, The development and promotion of aquatic products in the State of Nebraska could advance economic development; and

WHEREAS, There are growing opportunities for commercial fish farming in fresh water and estuarine environments, caused by a growing consumer interest in fish and changes in the consumers eating habits; and

WHEREAS, Nebraska has a number of strengths which would enable it to build a successful aquatic farming industry such as: plentiful water, adventuresome farmers, the demand for fish products, experienced farmers with skills that are easily transferrable

to aquaculture production, the labor, land and resources necessary for feeding fish; and

WHEREAS, The federal government is encouraging states to develop an aquaculture plan, and may fund pilot programs; and

WHEREAS, Nebraska farmers and ranchers need and are seeking opportunities to supplement their current income in order to make a living as well as a profit and fish farming endeavors may enhance that possibility; and

WHEREAS, The aquatic farming industry is a complicated business, the need for a study, is crucial to identify some of the problems of capital requirements, risk sharing, lack of defined markets, lack of processing plants here in the state and educational expertise and experience.

NOW THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE, SECOND SESSION:

1. That a state wide volunteer task force be encouraged to inquire about all pertinent aspects of regulations and laws, economics, management, markets, production, harvesting, distribution and processing of aquaculture. That the task force be called Nebraska's Task Force on Aquatic Farming.

2. That a report of the task force be submitted with its recommendations to the Legislature's Agriculture Committee and the Department of Agriculture no later than six months after the task force is formed.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 1251 in the Journal. No objections. So ordered.

On page 33, in line 17, strike "\$5,759,741" and insert "\$5,789,741".

Messrs. Landis, Goodrich, Withem, Chizek, Baack, Mesdames Smith, Marsh, and Ms. Scofield asked unanimous consent to print the following amendment to LB 1251 in the Journal. No objections. So ordered.

AM2574

1. On page 70, after line 2 insert:
- 2 "GENERAL FUND 98,514";
- 3 in line 4 strike "30,000" and insert "128,514"; and in
- 4 line 6 strike "25,750" and insert "59,374".

Mr. Wesely asked unanimous consent to print the following amendment to LB 318 in the Journal. No objections. So ordered.

AM2578

(Amendments to AM1813)

- 1 1. On page 29, in lines 20 and 23, strike
- 2 "1988" and insert "1986".

Mr. Goodrich asked unanimous consent to print the following amendment to LB 870 in the Journal. No objections. So ordered.

AM2554

- 1 1. On page 3, strike beginning with "Such" in
- 2 line 3 through the period in line 4 and show as
- 3 stricken.

VISITORS

Visitors to the Chamber were 6 seniors and sponsor from Giltner; 4 students and sponsor from Blair High School; Kay Kahla from York; 25 fourth grade students and teacher from Trinity Lutheran School, Lincoln; Dan R. VanDyke, Jerde Goings, and Vicki LaRock from Plattsmouth; Jean Thietge from Fremont; 62 students and teachers from Eastridge Elementary School, Lincoln; and 25 students and teacher from Elkhorn High School.

ADJOURNMENT

At 4:30 p.m., on a motion by Mr. Baack, the Legislature adjourned until 9:00 a.m., Tuesday, March 18, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FOURTH DAY - MARCH 18, 1986

LEGISLATIVE JOURNAL

FORTY-FOURTH DAY - MARCH 18, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

FORTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 18, 1986

Pursuant to adjournment, the Legislature met at 9:01 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. Loran Presley, Northwest Berean Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Higgins who was excused; and Messrs. Haberman, V. Johnson, Lynch, McFarland, Schmit, and Mrs. Morehead who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Third Day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

Correctly Engrossed

The following bills were correctly engrossed: 772, 887, 1129, 1159, and 1229.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 772

The following changes, required to be reported for publication in the Journal, have been made:

ER0145

1. In the DeCamp amendment adopted March 5, 1986, found on page 1199 of the Journal, amendment 4 has been struck and the following inserted:

"4. On page 3, line 15, after the first comma insert 'or' and strike ', or techniques'."

2. In the E & R amendment, AM5245, adopted March 5, 1986, amendment 1 has been struck.

3. On page 3, lines 3 and 12, the first comma has been struck and "or" inserted.

4. On page 1, line 1, "military organizations" has been struck and "civil disorders" inserted; and the matter beginning with "by" in line 4 through "organizations" in line 5 has been struck and "involving firearms or explosive or incendiary devices" inserted.

Enrollment and Review Change to LB 1129

The following changes, required to be reported for publication in the Journal, have been made:

ER0158

1. On page 1, line 4, after "member", "of the retirement system" has been inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

RESOLUTIONS

LEGISLATIVE RESOLUTION 375.

Introduced by Wesely, 26th District.

WHEREAS, Nebraska is a leader in soil and water conservation; and

WHEREAS, the Nebraska state agencies and natural resource districts work closely with the federal agencies in soil conservation; and

WHEREAS, the Midwest National Technical Center is located in Lincoln, Nebraska; and

WHEREAS, the technical center is a key element to cooperative effort in soil conservation; and

WHEREAS, the Soil Conservation Service is proposing to relocate the Midwest National Technical Center in Fort Worth, Texas; and

WHEREAS, the loss of the technical center would have an adverse impact on the quality and quantity of soil conservation in this state; and

WHEREAS, no evidence has been given that this relocation will limit federal expenditures or reduce federal employment; and

WHEREAS, over one hundred twenty-five jobs will be lost in Lincoln; and

WHEREAS, the economic impact of this loss to the city and state will be significant.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Legislature express its concern to the United States Department of Agriculture's Secretary, Richard Lyng, and the Soil Conservation Chief, Wilson Scaling, that the Midwest National Technical Center remain in Lincoln, Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 369. Read. Considered.

LR 369 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 370. Read. Considered.

LR 370 was adopted with 28 ayes, 0 nays, and 21 not voting.

LEGISLATIVE RESOLUTION 371. Read. Considered.

LR 371 was adopted with 30 ayes, 0 nays, and 19 not voting.

LEGISLATIVE RESOLUTION 372. Read. Considered.

LR 372 was adopted with 29 ayes, 0 nays, and 20 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 494.

A BILL FOR AN ACT relating to cities and villages; to amend sections 18-414 and 18-415, Reissue Revised Statutes of Nebraska,

1943; to change provisions relating to gas rate increases; to change provisions relating to refunds; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	DeCamp	Hoagland	Miller	Rupp
Baack	Eret	Johnson, L.	Nelson	Scofield
Barrett	Goll	Johnson, R.	Nichol	Sieck
Beyer	Goodrich	Labeledz	Pappas	Smith
Carsten	Hall	Lamb	Peterson	Vickers
Chambers	Hannibal	Landis	Pirsch	Warner
Chizek	Harris	Lundy	Remmers	Wesely
Chronister	Hartnett	Marsh	Rogers	Withem
Conway	Hefner			

Voting in the negative, 0.

Excused and not voting, 7:

Haberman	Johnson, V.	McFarland	Morehead	Schmit
Higgins	Lynch			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 753. With Emergency.

A BILL FOR AN ACT relating to hospital districts; to amend section 23-343.46, Reissue Revised Statutes of Nebraska, 1943; to authorize an additional tax levy as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud	Beyer	Chizek	DeCamp	Haberman
Baack	Carsten	Chronister	Eret	Hall
Barrett	Chambers	Conway	Goll	Hannibal

Harris	Labeledz	Nelson	Rogers	Smith
Hartnett	Lamb	Nichol	Rupp	Vickers
Hefner	Landis	Pappas	Schmit	Warner
Hoagland	Lundy	Peterson	Scofield	Wesely
Johnson, L.	Marsh	Pirsch	Sieck	Withem
Johnson, R.	Miller	Remmers		

Voting in the negative, 0.

Present and not voting, 1:

Goodrich

Excused and not voting, 5:

Higgins Johnson, V. Lynch McFarland Morehead

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 809.

A BILL FOR AN ACT relating to labor; to amend sections 48-808, 48-812, 48-816.02, 48-819.01, 48-822, 48-823, and 48-838, Reissue Revised Statutes of Nebraska, 1943, and sections 48-801 and 48-816, Revised Statutes Supplement, 1985; to name an act; to harmonize provisions; to change a provision relating to the reporting of testimony before the Commission of Industrial Relations; to eliminate an obsolete provision relating to substitution of terms; and to repeal the original sections, and also section 48-839, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Abboud	Chizek	Goodrich	Hefner	Landis
Baack	Chronister	Haberman	Hoagland	Lundy
Barrett	Conway	Hall	Johnson, L.	Marsh
Beyer	DeCamp	Hannibal	Johnson, R.	McFarland
Carsten	Eret	Harris	Labeledz	Miller
Chambers	Goll	Hartnett	Lamb	Nelson

Nichol	Pirsch	Rupp	Sieck	Warner
Pappas	Remmers	Schmit	Smith	Wesely
Peterson	Rogers	Scofield	Vickers	Withem

Voting in the negative, 0.

Excused and not voting, 4:

Higgins	Johnson, V.	Lynch	Morehead
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 816.

A BILL FOR AN ACT relating to taxation; to amend sections 77-1239, 77-1239.01, 77-1239.02, 77-1240, 77-1240.01, 77-1240.04, 77-1241.01, and 77-1242.02, Reissue Revised Statutes of Nebraska, 1943, and section 77-201, Revised Statutes Supplement, 1985; to change provisions relating to the taxation of motor vehicles; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Eret	Johnson, L.	Miller	Schmit
Baack	Goll	Johnson, R.	Nelson	Scofield
Barrett	Goodrich	Labeledz	Pappas	Sieck
Beyer	Haberman	Lamb	Peterson	Smith
Carsten	Hall	Landis	Pirsch	Vickers
Chizek	Hannibal	Lundy	Remmers	Warner
Chronister	Harris	Lynch	Rogers	Wesely
Conway	Hartnett	Marsh	Rupp	Withem
DeCamp	Hefner	McFarland		

Voting in the negative, 0.

Present and not voting, 2:

Chambers Hoagland

Excused and not voting, 4:

Higgins Johnson, V. Morehead Nichol

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 820.

A BILL FOR AN ACT relating to schools; to amend section 79-547, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to lunch periods for teachers; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud	Conway	Hartnett	Marsh	Schmit
Baack	DeCamp	Hefner	McFarland	Scofield
Barrett	Eret	Hoagland	Miller	Sieck
Beyer	Goll	Johnson, L.	Pappas	Vickers
Carsten	Goodrich	Johnson, R.	Pirsch	Warner
Chambers	Hall	Labeledz	Remmers	Wesely
Chizek	Hannibal	Lamb	Rogers	Withem
Chronister	Harris	Landis	Rupp	

Voting in the negative, 5:

Haberman Lundy Nelson Peterson Smith

Present and not voting, 1:

Lynch

Excused and not voting, 4:

Higgins Johnson, V. Morehead Nichol

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 877

Mr. Hoagland withdrew his pending amendment, AM1966, found in the Journal on page 646 to LB 877.

MOTION - Return LB 877 to Select File

Mr. Hoagland moved to return LB 877 to Select File for the following specific amendment:

by striking "or continue" on line 3, pg. 2

The Hoagland motion to return prevailed with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 877. The Hoagland specific amendment found in this day's Journal was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Mrs. Pirsch requested a machine vote on the advancement of the bill.

Advanced to E & R for Re-Engrossment with 26 ayes, 14 nays, 5 present and not voting, and 4 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 908. With Emergency.

A BILL FOR AN ACT relating to credit unions; to amend sections 8-1,134, 8-1,136, and 8-1,137, Revised Statutes Supplement, 1984; to provide the Director of Banking and Finance with powers relating to violations of certain provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud

Baack

Barrett

Beyer

Carsten

Chambers	Haberman	Labeledz	Nelson	Scofield
Chizek	Hall	Lamb	Pappas	Sieck
Chronister	Hannibal	Landis	Peterson	Smith
Conway	Harris	Lundy	Pirsch	Vickers
DeCamp	Hefner	Lynch	Remmers	Warner
Eret	Hoagland	Marsh	Rupp	Wesely
Goll	Johnson, L.	McFarland	Schmit	Withem
Goodrich	Johnson, R.	Miller		

Voting in the negative, 0.

Present and not voting, 2:

Hartnett Rogers

Excused and not voting, 4:

Higgins Johnson, V. Morehead Nichol

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 910.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-601, Reissue Revised Statutes of Nebraska, 1943; to provide for an assessment on holding companies of certain institutions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Chambers	Eret	Hannibal	Johnson, L.
Baack	Chizek	Goll	Harris	Johnson, R.
Barrett	Chronister	Goodrich	Hartnett	Labeledz
Beyer	Conway	Haberman	Hefner	Lamb
Carsten	DeCamp	Hall	Hoagland	Landis

Lundy	Nelson	Remmers	Scofield	Warner
Lynch	Pappas	Rogers	Sieck	Wesely
Marsh	Peterson	Rupp	Smith	Withem
McFarland	Pirsch	Schmit	Vickers	

Voting in the negative, 0.

Present and not voting, 1:

Miller

Excused and not voting, 4:

Higgins Johnson, V. Morehead Nichol

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

GENERAL FILE

LEGISLATIVE BILL 1250. Title read. Considered.

MR. CARSTEN PRESIDING

The Appropriations Committee offered the following amendment:
AM2586

- 1 1. On page 2, line 16, strike "years" and
- 2 insert "year" and strike "and"; and in line 17 strike
- 3 "1987-88".
- 4 2. On page 3, line 3, strike "years" and
- 5 insert "year" and strike "and 1987-88"; and in line 11
- 6 strike "or 1987-88".
- 7 3. Insert the following new sections:
- 8 "Sec. 3. The jurisdiction of the Commission
- 9 of Industrial Relations to establish salary or base
- 10 salary levels or other terms of compensation for state
- 11 employees shall not be invoked before the end of the

12 1987 regular session of the Legislature and if so
13 invoked shall only be effective beginning with fiscal
14 year 1987-88 and each fiscal year thereafter. The
15 Legislature may, during the 1987 regular session,
16 prohibit any order of the Commission of Industrial
17 Relations relating to state employees for fiscal year
18 1987-88 if it finds such order will be inconsistent with
19 any legislation passed during the 1987 regular session
20 dealing with collective bargaining by state employees.

21 Sec. 4. That section 48-837, Reissue Revised
1 Statutes of Nebraska, 1943, as amended by section 7,
2 Legislative Bill 258, Eighty-ninth Legislature, Second
3 Session, 1986, be amended to read as follows:

4 Sec. 7. That section 48-837, Reissue Revised
5 Statutes of Nebraska, 1943, be amended to read as
6 follows:

7 48-837. Public employees shall have the right
8 to form, join, and participate in or to refrain from
9 forming, joining, or participating in any employee
10 organization of their own choosing. Public employees
11 shall have the right to be represented by employee
12 organizations to negotiate collectively with their
13 public employers in the determination of their terms and
14 conditions of employment and the administration of
15 grievances arising thereunder. Any such agreements with
16 the State of Nebraska or any agency thereof shall cover
17 a biennial period coinciding with the biennial budgeting
18 period of the state and shall be subject to approval by
19 the Legislature. Any agreement with the State of
20 Nebraska or any agency thereof for fiscal year 1986-87
21 on noneconomic issues need not be approved by the
22 Legislature and may be for a period shorter than the
23 budgeting period, except that if there is no agreement
24 by June 30, 1986, the parties may by mutual agreement
1 continue the existing agreement or contract until such
2 time as an agreement or contract for the remainder of
3 the 1986-87 fiscal year has been reached. Any
4 agreements or contracts for the 1987-89 biennium shall
5 be on an annual, fiscal year basis.

6 Sec. 5. That original section 48-837, Reissue
7 Revised Statutes of Nebraska, 1943, as amended by
8 section 7, Legislative Bill 258, Eighty-ninth
9 Legislature, Second Session, 1986, is repealed.”.

10 4. Renumber remaining sections accordingly.

The Appropriations Committee amendment was adopted with 28 ayes, 1 nay, 16 present and not voting, and 4 excused and not voting.

Messrs. Lynch and Chizek moved to bracket LB 1250 until March 25, 1986.

Messrs. Abboud and Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER NICHOL PRESIDING

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Lynch moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 494, 753, 809, 816, 820, 908, and 910.

GENERAL FILE

LEGISLATIVE BILL 1250. Considered.

Mr. Lynch requested a roll call vote on the pending Lynch-Chizek motion to bracket.

Voting in the affirmative, 20:

Baack	DeCamp	Harris	Lynch	Rupp
Chambers	Eret	Hoagland	Pappas	Sieck
Chizek	Haberman	Labeledz	Pirsch	Vickers
Conway	Hall	Landis	Rogers	Withem

Voting in the negative, 25:

Abboud	Carsten	Goodrich	Hefner	Lamb
Barrett	Chronister	Hannibal	Johnson, L.	Lundy
Beyer	Goll	Hartnett	Johnson, R.	Marsh

Miller	Nelson	Remmers	Scofield	Warner
Morehead	Nichol	Schmit	Smith	Wesely

Present and not voting, 1:

McFarland

Excused and not voting, 3:

Higgins Johnson, V. Peterson

The Lynch-Chizek motion to bracket lost with 20 ayes, 25 nays, 1 present and not voting, and 3 excused and not voting.

Messrs. Lynch and Chizek moved to return LB 1250 to the Appropriations Committee for a committee hearing.

The Chair declared the call raised.

Messrs. Abboud and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Labeledz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The Lynch-Chizek motion to return to committee lost with 12 ayes, 18 nays, 15 present and not voting, and 4 excused and not voting.

Mr. Schmit offered the following amendment:

on page 3, Lines 17 and 24 strike "three" and insert "zero"

on page 3, Line 19 strike "increased"

on p.4, strike beginning with (3) on page 3 through the period on p.5, Line 7.

On p.5, strike beginning with (8) on page 8 through the comma in Line 9, and strike "salary" and insert Salary on p.5, Line 9.

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Hannibal moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mr. Rupp asked unanimous consent to be excused until he returns.
No objections. So ordered.

Mr. Schmit moved for a call of the house. The motion prevailed with
15 ayes, 0 nays, and 34 not voting.

Mr. Schmit requested a roll call vote on his amendment.

Voting in the affirmative, 13:

Abboud	DeCamp	Johnson, R.	Nelson	Rogers
Beyer	Haberman	Lamb	Remmers	Schmit
Chronister	Hefner	Lundy		

Voting in the negative, 26:

Baack	Goll	Hartnett	Lynch	Scofield
Barrett	Goodrich	Hoagland	Marsh	Smith
Carsten	Hall	Johnson, L.	Miller	Warner
Chizek	Hannibal	Labedz	Nichol	Wesely
Conway	Harris	Landis	Pappas	Withem
Eret				

Present and not voting, 4:

McFarland	Pirsch	Sieck	Vickers
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Absent and not voting, 1:

Chambers

Excused and not voting, 5:

Higgins	Johnson, V.	Morehead	Peterson	Rupp
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The Schmit amendment lost with 13 ayes, 26 nays, 4 present and not voting, 1 absent and not voting, and 5 excused and not voting.

Pending.

APPROPRIATIONS COMMITTEE REPORT

Pursuant to Rule 6, Section 14, the Appropriations Committee has reviewed the Governor's line item veto of LB 839. Subsequent to this review, the Appropriations Committee by majority vote recommends

that the Legislature override the line item reductions returned by the Governor; specifically, the reduction of \$5,360,000 from the total amount authorized for reimbursements to local governments (Homestead Exemption) budgeted in Program 108, Department of Revenue.

(Signed) Jerome Warner, Chairperson

MOTION - Override Governor's Veto on LB 839

Mr. Warner moved pursuant to Rule 6, Section 14, the Appropriations Committee by majority vote moves that the Legislature override the Governor's line item reductions to LB 839 in total.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 18, 1986, at 11:02 a.m., were the following bills: 494, 753, 809, 816, 820, 908, and 910.

(Signed) Pam Moravec, Enrolling Clerk

RESOLUTIONS

LEGISLATIVE RESOLUTION 376.

Introduced by Hall, 7th District.

WHEREAS, the Omaha Cathedral boys' basketball team captured the 1986 C-1 State High School Championship; and

WHEREAS, team members Steve Sutera, Joe Lazure, Kurt Theiler, Jeff Shanahan, Steve Tefft, Frank Theiler, Curt Cyr, Chris Shanahan, Scott Nelson, John Maguire, John McKercher, Paul Storbeck, and Kevin Champion have demonstrated athletic excellence, including the naming of Messrs. C. Shanahan and F. Theiler to the all-tournament team; and

WHEREAS, Coach Scott Hawk and all team members are deserving of statewide recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Legislature commends the Omaha Cathedral boys' basketball team and Coach Hawk on their state championship season.

2. That a copy of this resolution be sent to Coach Hawk and the Cathedral boys' basketball team.

Laid over.

LEGISLATIVE RESOLUTION 377.

Introduced by Barrett, 39th District.

WHEREAS, the Holdrege High School Boys' Basketball team completed a winning season, defeating some outstanding teams, winning nineteen of their twenty-two games, and finishing number one in the World-Herald's final Class B ratings; and

WHEREAS, the Holdrege High School Boys' Basketball team won the 1986 Class B state championship on March 15, 1986; and

WHEREAS, Coach Craig Jacobson and the team members deserve special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature extend their congratulations to Coach Craig Jacobson and the Holdrege High School Boys' Basketball team for winning the Class B state championship.

2. That a copy of this resolution be sent to Coach Jacobson and the team.

Laid over.

EXPLANATION OF VOTE

Had I been present, I would have voted yes on LBs 494, 753e, 809, 816, 820, 908e, and 910.

(Signed) Pat Morehead

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 1250 in the Journal. No objections. So ordered.

To amend the Warner amendment to LB 1250 (AM2586):

On page 1, line 11, strike all language after the word “invoked” through the period in line 14.

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 1027 in the Journal. No objections. So ordered.

AM2594

- 1 1. On page 12, strike beginning with
- 2 “machinery” in line 7 through “aid” in line 12 and
- 3 insert “person is liquidating all or a portion of his or
- 4 her farm equipment and machinery that was originally
- 5 acquired for and used for agricultural purposes”; and
- 6 strike beginning with “property” in line 17 through
- 7 “thereon” in line 20 and insert “sales by a person do
- 8 not occur on more than three days during any calendar
- 9 year”.

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 937 in the Journal. No objections. So ordered.

AM2575

- 1 1. Insert the following new sections:
- 2 “Section 1. That section 54-104.01, Reissue
- 3 Revised Statutes of Nebraska, 1943, be amended to read
- 4 as follows:
- 5 54-104.01. The Nebraska Brand Committee shall
- 6 have the authority to hold an expired brand for ~~two~~
- 7 ~~years~~ one year following the date of expiration, ~~before~~
- 8 ~~such committee shall be obligated to reissue such brand.~~
- 9 An expired brand may be reinstated by the same owner
- 10 during such ~~two-year~~ one-year period upon return
- 11 completion of a ~~new application~~ reinstatement form and
- 12 payment of a recording fee of twenty-five dollars for
- 13 the first location on a side; and fifteen dollars for
- 14 each additional location requested on that side. There
- 15 shall be an additional five dollars per month penalty
- 16 for each month or part thereof that has passed since the
- 17 date of expiration of the brand. The penalty shall be
- 18 calculated from the date of the postmark on the envelope
- 19 which contained the properly completed reinstatement
- 20 form and the required recording fee. An expired and
- 21 reinstated brand may be reissued transferred to another
- 1 person owner during such two-year one-year period upon
- 2 completion of an application form with a notarized
- 3 consent a transfer form complete with a notarized bill

4 of sale form signed by the ~~prior~~ owner; attached to such
5 application for transfer, if the owner has properly
6 reinstated the brand. The recording fee shall be
7 twenty-five dollars for the first location on a side,
8 and fifteen dollars for each additional location
9 requested on that side in the same ownership.

10 Sec. 2. That section 54-105, Reissue Revised
11 Statutes of Nebraska, 1943, be amended to read as
12 follows:

13 54-105. When any brand is recorded, the owner
14 ~~thereof~~ shall be entitled to one certified copy of the
15 record of such brand from the Nebraska Brand Committee.
16 Additional certified copies of the record may be
17 obtained by anyone upon the payment of one dollar for
18 each copy. Whenever copies of any other Nebraska Brand
19 Committee document are requested, there shall be a
20 uniform fee of one dollar collected for each copy made.
21 The party making request for the copies shall be
22 responsible for payment of the copying fee. Only
23 authorized personnel within the headquarters or the
24 brand recording office shall be permitted to make copies
1 and collect the copying fees. Whenever research time by
2 the Nebraska Brand Committee is required in order to
3 furnish the necessary documents for copying, the
4 employee time required for such research shall be
5 reimbursed to the Nebraska Brand Committee by the
6 requesting party at a rate not less than twelve dollars
7 per hour nor more than twenty dollars per hour. The
8 rate will be reviewed and set annually by the Nebraska
9 Brand Committee.

10 Sec. 3. That section 54-143, Reissue Revised
11 Statutes of Nebraska, 1943, be amended to read as
12 follows:

13 54-143. No owner, seller, shipper, person,
14 persons, firm, motor carrier, railroad company, or other
15 carrier or corporation or his, her, its, or their agent
16 or agents or servant or servants, shall move, drive,
17 ship, or transport, in any manner, any cattle from any
18 point within the brand area to any point outside the
19 brand area, unless such cattle shall first have a brand
20 inspection by the Nebraska Brand Committee, and a
21 certificate of brand inspection issued. A copy of such
22 certificate shall accompany the cattle and shall be
23 retained by all persons transporting or moving such
24 cattle; as a permanent record. If ; ~~PROVIDED~~, if the

1 line designating the brand area divides any ranch or
2 farm, ~~written permission~~ a permit may be ~~given~~ issued,
3 at the discretion of the Nebraska Brand Committee, to
4 the owner or owners of cattle on such ranch or farm to
5 move the cattle in and out of the brand area without
6 inspection. The permit issuing fee and the renewal fee
7 shall be twenty-five dollars. The permit shall be valid
8 until the next renewal period. Renewal shall occur
9 during every odd-numbered year except the temporary
10 permit which shall renew annually. The owner of the
11 cattle shall be responsible for payment of the permit
12 issuing fee and renewal fee. Any ; AND PROVIDED
13 FURTHER, any cattle falling under the provisions of the
14 registered feedlot laws and rules and regulations shall
15 not be subject to cattle brand inspection. Possession
16 by the shipper or trucker of a properly completed
17 shipping certificate as provided for in section 54-163;
18 shall constitute compliance with this section; if the
19 cattle being shipped are as represented on such
20 certificate. No person shall sell any cattle knowing
21 that the same are to be moved, driven, shipped, or
22 transported in violation of this section. Proof of
23 shipment or removal of the cattle from the brand area by
24 the buyer or his or her agent shall be prima facie proof
1 of knowledge that sale was had for removal from the
2 brand area. In cases of prosecution for violation of
3 this section, venue may be established in the county of
4 origin or any other county through which the cattle may
5 pass in leaving the brand area.

6 Sec. 4. That section 54-147, Reissue Revised
7 Statutes of Nebraska, 1943, be amended to read as
8 follows:

9 54-147. A uniform fee to be fixed by the
10 Nebraska Brand Committee of not to exceed sixty-five
11 cents per head, shall be charged for all cattle
12 inspected, in accordance with ~~the provisions of sections~~
13 54-134 to 54-169 or section 54-415 or at any time an
14 inspection is requested within the brand inspection area
15 by any bank, credit agency, lending institution, county
16 sheriff, bankruptcy court, or other court of proper
17 jurisdiction. The owner or seller of cattle so
18 inspected requester of the inspection shall be held
19 responsible for the inspection fee. Any estray
20 identified by the inspector shall be processed in the
21 manner provided under section 54-415. All fees

22 collected by the Nebraska Brand Committee shall be
23 deposited in the Nebraska state treasury in a fund to be
24 known as the Nebraska Brand Inspection and Theft
1 Prevention Fund. All money in the fund, if and when
2 appropriated by the Legislature, shall be used by the
3 Nebraska Brand Committee in the administration and
4 enforcement of ~~said sections~~ the duties of such
5 committee. Any unexpended balance that remains in the
6 fund ~~at the end of any biennium~~ shall, when
7 reappropriated by the Legislature, be available for the
8 uses and purposes of the fund for the succeeding
9 ~~biennium year~~. The fund shall be paid out only upon the
10 proper vouchers approved by the Nebraska Brand Committee
11 upon warrants issued by the Director of Administrative
12 Services and countersigned by the State Treasurer as
13 provided by law. Any money in the Nebraska Brand
14 Inspection and Theft Prevention Fund available for
15 investment shall be invested by the state investment
16 officer pursuant to ~~the provisions of sections 72-1237~~
17 ~~to 72-1259~~ 72-1269.

18 Sec. 5. That section 54-1183, Reissue Revised
19 Statutes of Nebraska, 1943, be amended to read as
20 follows:

21 54-1183. The owner or operator of any
22 livestock auction market or packing plant located in any
23 county ~~adjacent to~~ outside the Nebraska brand inspection
24 area, as defined in section 54-134, may voluntarily
1 elect to provide brand inspection for all cattle brought
2 to such livestock auction market from within the brand
3 inspection area upon compliance with ~~the provisions of~~
4 sections 54-1183 to 54-1185.

5 Sec. 6. That section 54-1184, Reissue Revised
6 Statutes of Nebraska, 1943, be amended to read as
7 follows:

8 54-1184. The election provided for by section
9 54-1183, shall be made by filing with the Secretary of
10 State, in form to be prescribed by the secretary, a
11 written notice of such election and agreement to be
12 bound by ~~the provisions of~~ section 54-1185, and by
13 posting conspicuously on the premises a notice of the
14 fact that brand inspection is provided at such livestock
15 auction market or packing plant.

16 Sec. 7. That section 54-1185, Reissue Revised
17 Statutes of Nebraska, 1943, be amended to read as
18 follows:

19 54-1185. Inspection provided for in sections
 20 54-1183 to 54-1185, shall be conducted in the manner
 21 established by sections 54-134 to 54-156. The owner or
 22 operator making such election shall guarantee to the
 23 Nebraska Brand Committee that inspection fees derived
 24 from such livestock auction market or packing plant
 1 shall be sufficient, in each six-month period, to pay
 2 the per diem and mileage of the inspectors required and
 3 that he or she will reimburse the committee for any
 4 deficit incurred in any such six-month period. Such
 5 guarantee shall be secured by a corporate surety bond,
 6 to be approved by the Secretary of State, in a penal sum
 7 to be established by the Nebraska Brand Committee.

8 Sec. 8. At any time an authorized brand
 9 inspection has been performed and the cattle shipped to
 10 another location, if anyone suggests that identifiable
 11 animals were shipped in error and requests that a
 12 reinspection be made, the person making such request for
 13 reinspection shall be responsible for the expense
 14 incurred as a result of the reinspection unless the
 15 reinspection findings substantiate the claim of
 16 inspection error. If the reinspection shows such error,
 17 the Nebraska Brand Committee shall be responsible for
 18 the reinspection expenses."

19 2. On page 3, line 6, strike "section" and
 20 insert "sections 54-104.01, 54-105, 54-143, 54-147,
 21 54-1183, 54-1184, 54-1185, and "; and in line 7 strike
 22 "is" and insert "are".

23 3. Renumber the remaining sections
 24 accordingly.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1005. Placed on Select File as amended.
 E & R amendments to LB 1005:
 AM5359

1 1. On page 6, line 19, strike "as" and show
 2 as stricken.

3 2. On page 8, line 16, strike "previous" and
 4 insert "preceding".

LEGISLATIVE BILL 1100. Placed on Select File.

LEGISLATIVE BILL 1158. Placed on Select File as amended.

E & R amendments to LB 1158:

AM5362

- 1 1. On page 2, line 15, strike the first
2 comma; and in line 22 strike "time" and insert
3 "forty-five day period".
- 4 2. On page 3, line 6, strike "election" and
5 insert "elections"; in line 7, insert an underscored
6 comma after "required"; in line 8 strike the comma; and
7 in line 14 strike "No other ballot has been requested"
8 and insert "The applicant has not requested a ballot".
- 9 3. On page 4, line 4, after "election" insert
10 an underscored comma and after "except" insert "that";
11 and in line 24 after "be" insert "practicable".
- 12 4. On page 6, line 17, after "States" insert
13 "and I will be"; and in line 19 strike "am" and insert
14 "will be".

LEGISLATIVE BILL 1227. Placed on Select File as amended.

E & R amendments to LB 1227:

AM5361

- 1 1. On page 2, line 8, after "budget" insert
2 an underscored comma; and in line 16 strike the comma,
3 show as stricken, and insert "and".
- 4 2. On page 3, line 9, strike the comma and
5 show as stricken.
- 6 3. On page 8, line 11, after "for" insert
7 "the"; and in line 15 strike "Space available", show as
8 stricken, and insert "The availability of space".
- 9 4. On page 10, line 10, after "fixtures"
10 insert an underscored comma.

LEGISLATIVE BILL 1160. Placed on Select File as amended.

E & R amendments to LB 1160:

AM5363

- 1 1. On page 3, lines 14, 16, 19, 22, and 24;
2 and page 4, lines 3, 6, 10, and 16, strike the first
3 comma and insert an underscored left parenthesis.
- 4 2. On page 3, lines 14, 16, 19, and 22; and
5 page 4, lines 3, 6, 10, and 16, before the second comma
6 insert an underscored right parenthesis.
- 7 3. On page 3, line 25, before the first comma
8 insert an underscored right parenthesis.
- 9 4. On page 4, line 13, strike
10 "thenylfentanyl," and insert "(thenylfentanyl)".
- 11 5. On page 7, line 9; and page 12, line 16,

12 strike “federal”.

13 6. On page 8, strike beginning with the
14 underscored semicolon in line 13 through “isomers” in
15 line 16; and in line 18 after “PHP” insert “; and (27)
16 3,4-methylenedioxymethamphetamine (MDMA), its optical,
17 positional, and geometric isomers, salts, and salts of
18 isomers.”.

LEGISLATIVE BILL 1056. Placed on Select File.

LEGISLATIVE BILL 771. Placed on Select File.

LEGISLATIVE BILL 900. Placed on Select File as amended.
E & R amendments to LB 900:

AM5360

1 1. On page 10, line 25, strike the
2 underscored comma.

3 2. On page 11, line 1, strike the underscored
4 comma.

5 3. On page 12, line 2, strike “a” and show as
6 stricken; in line 11 strike the first “or”, show as
7 stricken, and insert an underscored comma; in line 12
8 reinstate the stricken comma; and in line 25 strike
9 “provided” and insert “if”.

10 4. On page 14, line 15, strike “CFR” and
11 insert “C.F.R.”.

12 5. On page 15, line 14, strike the period,
13 show as stricken, and insert an underscored semicolon;
14 and in line 25 strike the period, show as stricken, and
15 insert “; and”.

16 6. On page 17, line 10, after “area” insert
17 an underscored comma.

18 7. On page 31, line 25, strike “for”.

19 8. On page 35, line 21, after “2-3939.”
20 insert “(1)”; and in line 25 strike “(1)”, show as
21 stricken, and insert “(a)”.

1 9. On page 36, line 24, strike “(2)”, show as
2 stricken, and insert “(b)”.

3 10. On page 37, in lines 2 and 3 strike
4 “sections 2-3913 to 2-3946”, show as stricken, and
5 insert “the Nebraska Manufacturing Milk Act”; in line 4,
6 strike “(3)”, show as stricken, and insert “(c)”; in
7 line 12 reinstate the stricken comma; and in line 19
8 strike “(4)” and inset “(2)”.

9 11. On page 46, line 13, strike the third
10 comma.

LEGISLATIVE BILL 900A. Placed on Select File.
LEGISLATIVE BILL 959. Placed on Select File.
LEGISLATIVE BILL 959A. Placed on Select File.
LEGISLATIVE BILL 808. Placed on Select File.

(Signed) Timothy Hall, Chairperson

VISITORS

Visitors to the Chamber were 8 members of the Bellevue Womens Club; 90 members of the Nebraska Federation of Women's Clubs from across the state; Lee Sesemann and Roger Caffelt; and 45 juniors and teacher from Central High School, Omaha.

RECESS

At 11:56 a.m., on a motion by Mr. Hall, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Higgins and Mr. R. Johnson who were excused; and Messrs. Carsten, Goll, Goodrich, Hannibal, Harris, L. Johnson, V. Johnson, Lamb, Lundy, Vickers, Warner, Mesdames Labedz, Marsh, and Ms. Scofield who were excused until they arrive.

MESSAGES FROM THE GOVERNOR

March 18, 1986

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 753 and 908 were received in my office on March 18, 1986.

These bills were signed by me on March 18, 1986 and delivered to the Secretary of State.

(Signed) Sincerely,
ROBERT KERREY
Governor

RK/jm

March 18, 1986

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 811, 84, 124, 137, 380, 448, 512, 530, 534, 550, 561, 573, 780, 781, 831, 864, 869, 871, 886 and 904 were received in my office on March 14, 1986.

These bills were signed by me on March 18, 1986 and delivered to the Secretary of State.

(Signed) Sincerely,
ROBERT KERREY
Governor

RK/jm

March 18, 1986

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 79, 305, 322, 481, 543, 572, 572A, 642 and 674 were received in my office on March 17, 1986.

These bills were signed by me on March 18, 1986 and delivered to the Secretary of State.

(Signed) Sincerely,
ROBERT KERREY
Governor

RK/jm

RESOLUTION**LEGISLATIVE RESOLUTION 373.** Read. Considered.

Mrs. Morehead moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mrs. Morehead requested a roll call vote on the adoption of the resolution.

Voting in the affirmative, 26:

Baack	DeCamp	Hartnett	Morehead	Rupp
Barrett	Eret	Hefner	Nelson	Schmit
Chambers	Haberman	Hoagland	Nichol	Sieck
Chizek	Hall	McFarland	Pappas	Smith
Chronister	Harris	Miller	Remmers	Withem
Conway				

Voting in the negative, 3:

Johnson, V. Landis Wesely

Present and not voting, 10:

Abboud	Carsten	Goodrich	Lynch	Pirsch
Beyer	Goll	Hannibal	Peterson	Rogers

Excused and not voting, 10:

Higgins	Johnson, R.	Lamb	Marsh	Vickers
Johnson, L.	Labedz	Lundy	Scofield	Warner

LR 373 was adopted with 26 ayes, 3 nays, 10 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Peterson asked unanimous consent to print the following amendment to LB 1027 in the Journal. No objections. So ordered.

AM2597

- 1 1. On page 46, line 23, strike “and” and show
2 as stricken.
3 2. On page 47, line 8, after “machines”
4 insert: “; and
5 (r) Sales and purchases of industrial gases,
6 including but not limited to, anhydrous ammonia, argon,
7 carbondioxide, chlorine, freon, or oxygens, whether sold
8 in gaseous, liquid, or solid form, when more than fifty
9 per cent of the amount purchased is for use directly in
10 processing, manufacturing, refining, irrigation, or
11 farming or by any hospital”.

RESOLUTION

LEGISLATIVE RESOLUTION 378.

Introduced by R. Johnson, 34th District.

WHEREAS, agriculture is the nation's largest industry and its single largest source of jobs and exports; and

WHEREAS, Nebraska agriculture is recognized as the most important industry to Nebraska's economy; and

WHEREAS, Nebraska's heritage was established with a strong moral and cultural rural background, the values of which continue to be the basis of our society today; and

WHEREAS, the economic growth of manufacturing, retail sales, and service industries in Nebraska are dependent upon a healthy agricultural community; and

WHEREAS, Nebraska agricultural products play a major role in not only our national balance of trade, but our balance of trade as a state; and

WHEREAS, agricultural producers and rural communities are experiencing challenging times with the same resilient attitude that this state was founded upon; and

WHEREAS, it is appropriate for all Nebraska citizens to recognize the significance and appreciate the importance of agriculture's relationship to our state economy and well-being.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature urges all citizens to take note of and observe March 16 to March 22 as Agricultural Week in Nebraska.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 70. Title read. Considered.

Mr. V. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. CARSTEN PRESIDING

Messrs. Hoagland and Landis moved to bracket LB 70 until April 3, 1986.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Hoagland-Landis motion to bracket prevailed with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 956. Considered.

Mr. Chambers withdrew his pending amendment to the Standing Committee amendment found in the Journal on page 1479.

The Standing Committee amendment, AM2296, found in the Journal on page 1152 for the Thirty-Sixth Day and considered on page 1478 was adopted with 25 ayes, 1 nay, 20 present and not voting, and 3 excused and not voting.

Mrs. Pirsch withdrew her pending amendment, AM2258, found in the Journal on page 1370.

Advanced to E & R for Review with 28 ayes, 1 nay, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1124. Title read. Considered.

Standing Committee amendment, AM2372, found in the Journal on page 1184 for the Thirty-Seventh Day was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Vickers offered the following amendment:

To amend 1124 in the committee amendments on page 2 line 23 strike "at a feedlot" and after feeding insert "or raising"

Mr. Vickers moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

The Vickers amendment was adopted with 25 ayes, 1 nay, 20 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Messrs. Hall and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 5 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1124A. Title read. Considered.

Mr. Haberman offered the following amendment:
strike line 11 thru 14.

SPEAKER NICHOL PRESIDING

The Haberman amendment lost with 14 ayes, 9 nays, 19 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

STANDING COMMITTEE REPORT **Public Works**

The Committee on Public Works desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Raymond H. Hogrefe - Director, Chief Engineer for the Nebraska Department of Roads

Vote: Aye: Senators Schmit, Nelson, Lynch, Beyer, Harris, and DeCamp. Absent: Senators Lamb and Smith.

(Signed) Loran Schmit, Chairperson

ANNOUNCEMENT

Senator Carsten announced there will be an Executive Board meeting at 1:15 p.m. on Wednesday, March 19th, in Room 2102.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 1250 in the Journal. No objections. So ordered.

AM2608

- 1 1. On page 3, lines 14 and 20; page 4, lines
- 2 3, 12, 13, 18, and 22; and page 5, line 1, strike "July
- 3 1, 1986" and insert "January 1, 1987".
- 4 2. On page 3, line 25, strike "June 30" and
- 5 insert "December 31".
- 6 3. On page 5, in lines 3 and 4, strike "July
- 7 1, 1986" and insert "January 1, 1987".

The Appropriations Committee asked unanimous consent to print the following amendment to LB 1093 in the Journal. No objections. So ordered.

AM2524

- 1 1. Strike section 2.
- 2 2. On page 4, line 22, strike the comma and
- 3 insert "and"; and in line 23 strike "and residential
- 4 care".
- 5 3. On page 5, strike beginning with "and" in
- 6 line 4 through the last comma in line 5.
- 7 4. Renumber the remaining sections
- 8 accordingly.

Mr. Pappas asked unanimous consent to print the following amendment to LB 965 in the Journal. No objections. So ordered.

Strike the DeCamp amendment to LB 965 adopted on March 17, 1986.

Mr. Hoagland asked unanimous consent to print the following amendment to LB 528 in the Journal. No objections. So ordered.

AM0740

- 1 1. On page 7, line 25, after “body” insert “agency, or nonprofit organization”; and in line 27 after
- 2 “body” insert “agency, or organization”.
- 3 2. In the Standing Committee amendments,
- 4 AM0614, beginning on page 1070 of the Journal, on page
- 5 3, line 10, after “body” insert “agency, or private
- 6 nonprofit organization”.

Mr. Withem asked unanimous consent to print the following amendment to LB 516 in the Journal. No objections. So ordered.

AM2605

(Amendments to the Final Reading Copy)

- 1 1. On page 1, line 10, strike “a commission”
- 2 and insert “commissions as prescribed”.
- 3 2. On page 21, line 20, after “or” insert “until July 1, 1988,”.
- 4 3. Insert the following new section:
- 5 “Sec. 15. (1) There is hereby created the
- 6 Separate Juvenile Court Study Commission consisting of
- 7 seven members appointed by the Governor as follows: (a)
- 8 A county attorney; (b) an attorney with juvenile court
- 9 experience; (c) a judge with juvenile court experience;
- 10 (d) two members of the Legislature; (e) a mental health
- 11 professional with experience in child welfare cases; and
- 12 (f) a representative from the public schools. Members
- 13 of the commission shall serve without compensation but
- 14 shall be reimbursed for all reasonable expenses incurred
- 15 by them in the performance of their duties as commission
- 16 members.
- 17 (2) The Separate Juvenile Court Study
- 18 Commission shall conduct an in-depth investigation into
- 19 the operations of the separate juvenile court system.
- 20 Such study shall include, but not be limited to, the
- 1 following:
- 2

- 3 (a) The case loads and case progression of
4 the separate juvenile courts during the past five years;
5 (b) The frequency and length of hearings on
6 each case;
7 (c) The length of time it takes to move a
8 child or family to final dispositions;
9 (d) The morale of employers of the separate
10 juvenile courts and if morale is found to be low, the
11 reasons for such low morale;
12 (e) Whether additional judicial resources are
13 in fact needed or whether changes made to existing
14 judicial resources would better solve any existing case
15 load or case progression problems;
16 (f) Any previous reports from studies on the
17 juvenile code or juvenile court system including, but
18 not limited to, the Report of the 1974 Juvenile Services
19 Study and choices and challenges: Report of the Study
20 Commission on Programs and Services for Dependent Youth
21 and Youth Offenders in Nebraska; and
22 (g) Any other areas the commission deems
23 necessary to complete such in-depth investigation.
24 (3) The Separate Juvenile Court Study
1 Commission shall, by January 1, 1988, present a full
2 report of its findings, along with any legislation which
3 the commission deems necessary to improve the separate
4 juvenile court system, to the Legislature.
5 (4) The Separate Juvenile Court Study
6 Commission shall terminate on July 1, 1988."
7 4. Renumber the remaining sections
8 accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 379.

Introduced by Eret, 32nd District; Sieck, 24th District.

WHEREAS, the Exeter Eagles boys' basketball team and Coach Tim Wilbeck finished an outstanding basketball season by winning the Class D-1 Boys High School Basketball Championship; and

WHEREAS, the team posted an excellent 21-4 record; and

WHEREAS, a successful season demonstrates the willingness of team members to work hard and compete to the best of their abilities; and

WHEREAS, the Exeter Eagles boys' basketball team and Coach Tim Wilbeck deserve special recognition for their accomplishments.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Coach Tim Wilbeck and the boys' basketball team on their outstanding season.

2. That a copy of this resolution be sent to Coach Wilbeck and the Exeter Eagles boys' basketball team.

Laid over.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Pappas asked unanimous consent to have his name added as co-introducer to LB 899. No objections. So ordered.

Mrs. Labedz asked unanimous consent to have her name added as co-introducer to LB 131. No objections. So ordered.

STANDING COMMITTEE REPORTS

Appropriations

LEGISLATIVE BILL 169. Indefinitely postponed.

LEGISLATIVE BILL 199. Indefinitely postponed.

LEGISLATIVE BILL 390. Indefinitely postponed.

LEGISLATIVE BILL 465. Indefinitely postponed.

LEGISLATIVE BILL 752. Indefinitely postponed.

LEGISLATIVE BILL 852. Indefinitely postponed.

LEGISLATIVE BILL 1082. Indefinitely postponed.

LEGISLATIVE BILL 1087. Indefinitely postponed.

LEGISLATIVE BILL 1219. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 1124. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 373.

UNANIMOUS CONSENT - Print in Journal

Mrs. Morehead asked unanimous consent to print the following amendment to LB 1251 in the Journal. No objections. So ordered.

AM2553

- 1 **PURPOSE:** To restore funding for enforcement
- 2 to the Liquor Control Commission which had been
- 3 transferred to the Nebraska State Patrol.
- 4 1. On page 67, in lines 15 and 16, strike
- 5 "582,690" and insert "968,055"; and strike lines 22
- 6 through 25.
- 7 2. On page 68, strike lines 1 and 2; and in
- 8 line 4 strike "390,679" and insert "647,842".
- 9 3. On page 97, line 25, strike "3,559,814"
- 10 and insert "3,179,449".
- 11 4. On page 98, line 1, strike "288,600" and
- 12 insert "283,600"; in line 2 strike "3,848,414" and
- 13 insert "3,463,049"; in line 4 strike "2,807,481" and
- 14 insert "2,497,069"; and strike lines 5 through 19.
- 15 5. On page 100, line 19, strike "18,195,420"
- 16 and insert "17,815,055"; in line 20 strike "2,095,694"
- 17 and insert "2,090,694"; and in line 21 strike
- 18 "20,291,114" and insert "19,905,749".
- 19 6. On page 133, strike beginning with the
- 20 comma in line 6 through "Fund" in line 7.

VISITORS

Visitors to the Chamber were 24 members of the National Association of Bank Women; Jack Stuckey from Lexington; 30 fourth grade students and teachers from Yutan Elementary School; and Carolyn Peterson from Stromsburg.

ADJOURNMENT

At 3:48 p.m., on a motion by Mr. Remmers, the Legislature adjourned until 8:30 a.m., Wednesday, March 19, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIFTH DAY - MARCH 19, 1986

LEGISLATIVE JOURNAL

FORTY-FIFTH DAY - MARCH 19, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

FORTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 19, 1986

Pursuant to adjournment, the Legislature met at 8:33 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Senator Calvin Carsten.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, V. Johnson, Landis, Lynch, Rupp, and Mrs. Higgins who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1465, line 11, strike "Re-Engrossment" and insert "Engrossment".

The Journal for the Forty-Third Day was approved as corrected.

The Journal for the Forty-Fourth Day was approved.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 369, LR 370, LR 371, and LR 372.

RESOLUTIONS

LEGISLATIVE RESOLUTION 367. Read. Considered.

LR 367 was adopted with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE RESOLUTION 366. Read. Considered.

Mr. Hefner asked unanimous consent to have his name added as co-introducer to LR 366. No objections. So ordered.

Mr. R. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

LR 366 was adopted with 36 ayes, 0 nays, and 13 not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 937 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2462.)

Mr. DeCamp asked unanimous consent to print the following amendment to LB 880 in the Journal. No objections. So ordered.

AM2607

- 1 1. Strike the original sections and all
- 2 amendments thereto and insert the following new
- 3 sections:
- 4 "Section 1. As used in section 2 of this act,
- 5 unless the context otherwise requires:
- 6 (1) Economic damages shall mean all damages
- 7 other than noneconomic damages which are allowed or
- 8 awarded in any court of this state and a federal court
- 9 applying Nebraska law. Economic damages include, but
- 10 are not limited to, all medical expenses, rehabilitative
- 11 services; lost wages, lost income, impairment of earning
- 12 capacity and loss of economic opportunity; present net
- 13 cash value of work life expectancy, and funeral and
- 14 related expenses; loss of use of personal and real
- 15 property, diminishment of property value, expenses for
- 16 repair or replacement, depreciation of personal and real
- 17 properties, and replacement value; professional fees;
- 18 and lost interest; and
- 19 (2) Noneconomic damages shall mean all damages
- 20 allowed or awarded in a civil action in a court of this

21 state and in a federal court applying Nebraska law,
1 which do not directly represent economic or financial
2 losses which have been incurred or will be incurred by
3 the plaintiff in the future. Noneconomic damages
4 include, but are not limited to, damages for past,
5 present, and future pain and suffering; mental anxiety,
6 worry and stress; inconvenience; loss of consortium;
7 embarrassment and humiliation; loss of love, society,
8 and companionship; and loss of enjoyment of use.

9 Sec. 2. (1) In any civil action, the maximum
10 amount of the total or aggregate of noneconomic damages
11 which may be allowed to a plaintiff shall not exceed the
12 lesser of the following amounts:

13 (a) Three times the economic damages which the
14 court or jury awards to such plaintiff; or

15 (b) Two hundred fifty thousand dollars.

16 The court shall not restrict a jury in the
17 amount of its award nor shall the jury be advised that
18 noneconomic damages are limited to two hundred fifty
19 thousand dollars, but the court shall reduce any verdict
20 for noneconomic damages to three times the economic
21 damages or two hundred fifty thousand dollars, whichever
22 is applicable.

23 (2) The trier of fact shall, as a part of the
24 verdict, be required to itemize the amounts awarded into
1 economic and noneconomic damages.

2 (3) The limitations prescribed in this section
3 shall not apply to causes of action arising under the
4 Political Subdivisions Tort Claims Act or the Nebraska
5 Hospital Medical-Liability Act.

6 Sec. 3. This act shall be operative for all
7 causes of action accruing on or after January 1, 1987.”.

Mr. Beyer asked unanimous consent to print the following amendment to LB 1004 in the Journal. No objections. So ordered.

AM2615

1 1. On page 2, line 13, reinstate the stricken
2 comma and strike “and” and show as stricken; and in line
3 19 after “course” insert “, and (3) after December 31,
4 1986, if the applicant is not applying for renewal of a
5 previously issued motorcycle operator’s license or
6 permit, provide evidence of successful completion of an
7 approved basic or advanced motorcycle safety course”.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 675.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-5008 and 71-5014, Reissue Revised Statutes of Nebraska, 1943; to rename an advisory committee; to provide powers and duties; to change provisions relating to fees; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Goll	Johnson, L.	Morehead	Schmit
Baack	Goodrich	Johnson, R.	Nelson	Scofield
Barrett	Haberman	Johnson, V.	Nichol	Sieck
Carsten	Hall	Labeledz	Pappas	Smith
Chizek	Hannibal	Lamb	Peterson	Vickers
Chronister	Harris	Landis	Pirsch	Warner
Conway	Hartnett	Lundy	Remmers	Wesely
DeCamp	Hefner	Marsh	Rogers	Withem
Eret	Hoagland	McFarland	Rupp	

Voting in the negative, 0.

Present and not voting, 2:

Beyer Miller

Excused and not voting, 3:

Chambers Higgins Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 756.

A BILL FOR AN ACT relating to certain state property; to provide for the conveyance of an easement to the city of Gering, Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Abboud	Goll	Johnson, L.	Miller	Rupp
Baack	Goodrich	Johnson, R.	Morehead	Schmit
Barrett	Haberman	Johnson, V.	Nelson	Scofield
Beyer	Hall	Labeledz	Nichol	Sieck
Carsten	Hannibal	Lamb	Pappas	Smith
Chizek	Harris	Landis	Peterson	Vickers
Chronister	Hartnett	Lundy	Pirsch	Warner
Conway	Hefner	Marsh	Remmers	Wesely
DeCamp	Hoagland	McFarland	Rogers	Withem
Eret				

Voting in the negative, 0.

Excused and not voting, 3:

Chambers Higgins Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 762.

A BILL FOR AN ACT relating to corporations; to amend section 21-608, Reissue Revised Statutes of Nebraska, 1943; to provide corporate status as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud	Chronister	Haberman	Hoagland	Landis
Baack	Conway	Hall	Johnson, L.	Lundy
Barrett	DeCamp	Hannibal	Johnson, R.	Marsh
Beyer	Eret	Harris	Johnson, V.	McFarland
Carsten	Goll	Hartnett	Labeledz	Morehead
Chizek	Goodrich	Hefner	Lamb	Nelson

Nichol	Pirsch	Rupp	Sieck	Wesely
Pappas	Remmers	Schmit	Smith	Withem
Peterson	Rogers	Scofield		

Voting in the negative, 0.

Present and not voting, 3:

Miller	Vickers	Warner
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Excused and not voting, 3:

Chambers	Higgins	Lynch
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Bracket LB 796

Mr. V. Johnson moved to bracket final reading on LB 796 until April 1, 1986.

MR. CARSTEN PRESIDING

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The V. Johnson motion to bracket lost with 17 ayes, 23 nays, 8 present and not voting, and 1 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 796.

A BILL FOR AN ACT relating to taxes; to amend section 79-2650, Revised Statutes Supplement, 1984; to change the authority to levy taxes for technical community colleges as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 35:

Baack	Goll	Hoagland	McFarland	Rupp
Carsten	Goodrich	Johnson, V.	Miller	Scofield
Chizek	Haberman	Labeledz	Morehead	Sieck
Chronister	Hannibal	Landis	Nelson	Smith
Conway	Harris	Lundy	Nichol	Vickers
DeCamp	Hartnett	Lynch	Pappas	Wesely
Eret	Hefner	Marsh	Remmers	Withem

Voting in the negative, 12:

Abboud	Hall	Lamb	Pirsch	Schmit
Barrett	Johnson, L.	Peterson	Rogers	Warner
Beyer	Johnson, R.			

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER NICHOL PRESIDING

LEGISLATIVE BILL 888.

A BILL FOR AN ACT relating to county assessors; to eliminate a specific authorization for certain county officers; and to repeal section 77-401.01, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Abboud	Beyer	Chizek	DeCamp	Goodrich
Baack	Carsten	Chronister	Eret	Haberman
Barrett	Chambers	Conway	Goll	Hall

Hannibal	Johnson, V.	McFarland	Peterson	Sieck
Harris	Labeledz	Miller	Pirsch	Smith
Hartnett	Lamb	Morehead	Remmers	Vickers
Hefner	Landis	Nelson	Rogers	Warner
Hoagland	Lundy	Nichol	Rupp	Wesely
Johnson, L.	Lynch	Pappas	Scofield	Withem
Johnson, R.	Marsh			

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 1:

Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 891. With Emergency.

A BILL FOR AN ACT relating to clerks of the county court; to amend section 24-532.01, Revised Statutes Supplement, 1985; to change provisions relating to the investment of certain funds; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 48:

Abboud	Eret	Johnson, L.	Miller	Rupp
Baack	Goll	Johnson, R.	Morehead	Schmit
Barrett	Goodrich	Johnson, V.	Nelson	Scofield
Beyer	Haberman	Labeledz	Nichol	Sieck
Carsten	Hall	Lamb	Pappas	Smith
Chambers	Hannibal	Landis	Peterson	Vickers
Chizek	Harris	Lundy	Pirsch	Warner
Chronister	Hartnett	Lynch	Remmers	Wesely
Conway	Hefner	Marsh	Rogers	Withem
DeCamp	Hoagland	McFarland		

Voting in the negative, 0.

Excused and not voting, 1:

Higgins

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 896.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-606, Reissue Revised Statutes of Nebraska, 1943; to change the applicability of the rules of the road to certain persons and equipment; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Abboud	Eret	Hoagland	McFarland	Rogers
Baack	Goll	Johnson, L.	Miller	Rupp
Barrett	Goodrich	Johnson, R.	Morehead	Schmit
Beyer	Haberman	Johnson, V.	Nelson	Scofield
Carsten	Hall	Labeledz	Nichol	Sieck
Chambers	Hannibal	Lamb	Pappas	Smith
Chizek	Harris	Landis	Peterson	Warner
Chronister	Hartnett	Lundy	Pirsch	Wesely
Conway	Hefner	Lynch	Remmers	Withem
DeCamp				

Voting in the negative, 1:

Marsh

Present and not voting, 1:

Vickers

Excused and not voting, 1:

Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 901.

A BILL FOR AN ACT relating to employment security; to amend section 48-652, Revised Statutes Supplement, 1985; to change provisions relating to contributions by an employer to an experience account as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Abboud	Eret	Johnson, L.	Miller	Rupp
Baack	Goll	Johnson, R.	Morehead	Schmit
Barrett	Goodrich	Johnson, V.	Nelson	Scofield
Beyer	Haberman	Labeledz	Nichol	Sieck
Carsten	Hall	Lamb	Pappas	Smith
Chambers	Hannibal	Landis	Peterson	Vickers
Chizek	Harris	Lundy	Pirsch	Warner
Chronister	Hartnett	Lynch	Remmers	Wesely
Conway	Hefner	Marsh	Rogers	Withem
DeCamp	Hoagland	McFarland		

Voting in the negative, 0.

Excused and not voting, 1:

Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 912.

A BILL FOR AN ACT relating to state colleges; to amend sections 85-316 and 85-408, Reissue Revised Statutes of Nebraska, 1943; to increase the amount a college may retain for certain disbursements as prescribed; to change provisions relating to certificates for expenditures; to increase an expenditure limitation from surplus and replacement funds as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Baack	Eret	Hoagland	McFarland	Rupp
Barrett	Goll	Johnson, L.	Miller	Schmit
Beyer	Goodrich	Johnson, R.	Morehead	Scofield
Carsten	Haberman	Johnson, V.	Nelson	Sieck
Chambers	Hall	Labeledz	Nichol	Smith
Chizek	Hannibal	Lamb	Pappas	Warner
Chronister	Harris	Landis	Remmers	Wesely
Conway	Hartnett	Lundy	Rogers	Withem
DeCamp	Hefner	Marsh		

Voting in the negative, 1:

Pirsch

Present and not voting, 4:

Abboud	Lynch	Peterson	Vickers
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Excused and not voting, 1:

Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 948.

A BILL FOR AN ACT relating to power districts and corporations; to amend sections 70-1025 to 70-1027, Reissue Revised Statutes of Nebraska, 1943; to require a report as prescribed; to change provisions relating to certain reports; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Abboud	DeCamp	Hoagland	Miller	Rupp
Baack	Eret	Johnson, L.	Morehead	Schmit
Barrett	Goll	Johnson, R.	Nelson	Scofield
Beyer	Goodrich	Johnson, V.	Nichol	Sieck
Carsten	Haberman	Labeledz	Pappas	Smith
Chambers	Hall	Lamb	Peterson	Vickers
Chizek	Hannibal	Landis	Pirsch	Warner
Chronister	Harris	Marsh	Remmers	Wesely
Conway	Hefner	McFarland	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 3:

Hartnett Lundy Lynch

Excused and not voting, 1:

Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 969.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-101, 28-1241, 28-1242, and 28-1245, Reissue Revised Statutes of Nebraska, 1943; to define a term; to require a display permit as prescribed; to provide a fee; to provide an exception; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Abboud	Chizek	Goodrich	Hefner	Lamb
Baack	Chronister	Haberman	Hoagland	Landis
Barrett	Conway	Hall	Johnson, L.	Lundy
Beyer	DeCamp	Hannibal	Johnson, R.	Lynch
Carsten	Eret	Harris	Johnson, V.	McFarland
Chambers	Goll	Hartnett	Labeledz	Miller

Morehead	Peterson	Rupp	Sieck	Warner
Nelson	Pirsch	Schmit	Smith	Wesely
Nichol	Remmers	Scofield	Vickers	Withem
Pappas	Rogers			

Voting in the negative, 1:

Marsh

Excused and not voting, 1:

Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 971.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-405, Reissue Revised Statutes of Nebraska, 1943; to change requirements for protesting a zoning change as prescribed; to define a term; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Abboud	Eret	Hoagland	Marsh	Rupp
Baack	Goll	Johnson, L.	Miller	Schmit
Barrett	Goodrich	Johnson, R.	Morehead	Scofield
Beyer	Haberman	Johnson, V.	Nelson	Sieck
Carsten	Hall	Labeledz	Nichol	Smith
Chizek	Hannibal	Lamb	Pappas	Vickers
Chronister	Harris	Landis	Peterson	Warner
Conway	Hartnett	Lundy	Pirsch	Wesely
DeCamp	Hefner	Lynch	Remmers	Withem

Voting in the negative, 0.

Present and not voting, 3:

Chambers McFarland Rogers

Excused and not voting, 1:

Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 973. With Emergency.

A BILL FOR AN ACT relating to credit unions; to amend sections 21-1777 and 21-17,118, Reissue Revised Statutes of Nebraska, 1943, and section 21-17,120.02, Revised Statutes Supplement, 1984; to change provisions relating to maintenance of insurance; to eliminate obsolete provisions; to permit the Department of Banking and Finance to secure the appointment of the National Credit Union Administration Board as receiver as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

Abboud	Eret	Johnson, L.	McFarland	Rupp
Baack	Goll	Johnson, R.	Morehead	Schmit
Barrett	Goodrich	Johnson, V.	Nelson	Scofield
Beyer	Haberman	Labeledz	Nichol	Sieck
Carsten	Hall	Lamb	Pappas	Smith
Chambers	Hannibal	Landis	Peterson	Vickers
Chizek	Harris	Lundy	Pirsch	Warner
Chronister	Hartnett	Lynch	Remmers	Wesely
Conway	Hefner	Marsh	Rogers	Withem
DeCamp	Hoagland			

Voting in the negative, 0.

Present and not voting, 1:

Miller

Excused and not voting, 1:

Higgins

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 975.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-1215 and 28-1217, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the possession or sale of explosive materials; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Eret	Hoagland	McFarland	Rupp
Baack	Goll	Johnson, L.	Morehead	Schmit
Barrett	Goodrich	Johnson, R.	Nelson	Scofield
Beyer	Haberman	Johnson, V.	Nichol	Sieck
Carsten	Hall	Labeledz	Pappas	Smith
Chambers	Hannibal	Lamb	Peterson	Vickers
Chizek	Harris	Landis	Pirsch	Warner
Chronister	Hartnett	Lundy	Remmers	Wesely
Conway	Hefner	Lynch	Rogers	Withem
DeCamp				

Voting in the negative, 1:

Marsh

Present and not voting, 1:

Miller

Excused and not voting, 1:

Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 795.

A BILL FOR AN ACT relating to the Department of Agriculture; to amend sections 81-2,163, 81-2,164.01, and 81-2,164.03, Reissue Revised Statutes of Nebraska, 1943; to provide for a fee as prescribed; to change provisions relating to the publication of certain information; to rename a fund; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Abboud	Eret	Johnson, R.	Miller	Rupp
Baack	Goll	Johnson, V.	Morehead	Schmit
Barrett	Goodrich	Labedz	Nelson	Scofield
Beyer	Haberman	Lamb	Nichol	Sieck
Carsten	Hannibal	Landis	Pappas	Smith
Chambers	Harris	Lundy	Peterson	Vickers
Chizek	Hartnett	Lynch	Pirsch	Warner
Chronister	Hefner	Marsh	Remmers	Wesely
Conway	Hoagland	McFarland	Rogers	Withem
DeCamp	Johnson, L.			

Voting in the negative, 0.

Present and not voting, 1:

Hall

Excused and not voting, 1:

Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 795A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 795, Eighty-ninth Legislature, Second Session, 1986; and to reduce an appropriation.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Goodrich	Labeledz	Nelson	Schmit
Baack	Haberman	Lamb	Nichol	Scofield
Barrett	Hall	Landis	Pappas	Sieck
Beyer	Harris	Lundy	Peterson	Smith
Chambers	Hartnett	Marsh	Pirsch	Vickers
Chronister	Hefner	McFarland	Remmers	Warner
Conway	Johnson, L.	Miller	Rogers	Wesely
DeCamp	Johnson, R.	Morehead	Rupp	Withem
Eret	Johnson, V.			

Voting in the negative, 0.

Present and not voting, 6:

Carsten	Goll	Hannibal	Hoagland	Lynch
Chizek				

Excused and not voting, 1:

Higgins

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1027. Placed on Select File as amended.

E & R amendments to LB 1027:

AM5368

- 1 1. On page 1, line 3, after the second comma
- 2 insert "sections 77-2704.01 and 77-2715.04, Revised
- 3 Statutes Supplement, 1984,"; and strike beginning with
- 4 "provide" in line 5 through "prescribed" in line 11 and
- 5 insert "change provisions relating to tax credit
- 6 gasoline, the sales and use tax, the income tax, and the
- 7 Local Option Revenue Act; to redefine terms; to
- 8 harmonize provisions".
- 9 2. On page 2, line 2, strike "an operative

10 date" and insert "operative dates".

11 3. On page 11, line 6, strike "and" and show
12 as stricken.

13 4. On page 12, line 1, after the semicolon
14 insert "and"; in lines 5 to 6 strike "the provisions
15 of"; and in line 11 strike "does" and insert "shall".

16 5. On page 38, line 19, after "state" insert
17 an underscored comma; and in lines 19 and 22 strike the
18 comma.

19 6. On page 45, line 1, after the underscored
20 comma insert "or".

21 7. On page 49, lines 14 and 18, strike the
1 first comma and insert "or" and strike the second comma.

2 8. On page 53, lines 16 to 17 and 19 to 20,
3 strike "provisions" through "77-27,148", show as
4 stricken, and insert "Local Option Revenue Act"; and in
5 line 18 after "proceedings" insert an underscored comma.

6 9. On page 54, line 19, after "trailers"
7 insert an underscored comma.

8 10. On page 55, line 14, strike "publication"
9 and insert "publications" and strike "price"; in lines
10 17 and 22 strike "7" and insert "9"; in line 19 strike
11 the first "fund"; and in line 21 strike "costs" and
12 insert "the cost".

13 11. On page 56, line 1, strike "5, and 10"
14 and insert "6, and 12"; in line 4 strike "6, and 11" and
15 insert "5, 7, 8, and 13"; in line 6 strike "7, 8, and 9"
16 and insert "9, 10, and 11"; and in line 13 after the
17 second comma insert "sections 77-2704.01 and 77-2715.01,
18 Revised Statutes Supplement, 1984,".

19 12. Insert the following new sections:

20 "Sec. 5. That section 77-2704.01, Revised
21 Statutes Supplement, 1984, be amended to read as
22 follows:

23 77-2704.01. Failure by a contractor to pay
24 the decreased sales tax amount as provided in subsection
1 (~~7~~) (8) of section 77-2704 shall be a Class I
2 misdemeanor; if the amount is three hundred dollars or
3 more; and a Class IIIA misdemeanor in all other cases.

4 Sec. 7. That section 77-2715.04, Revised
5 Statutes Supplement, 1984, be amended to read as
6 follows:

7 77-2715.04. (1) In addition to the sales tax
8 imposed pursuant to section 77-2715.01, the State Board
9 of Equalization and Assessment shall at its next meeting

10 impose an additional one half of one per cent sales and
11 use tax to commence on the first day of the first month
12 following such meeting that is at least twenty days
13 after such meeting and continuing until terminated
14 pursuant to subsection (5) of this section. All
15 proceeds from this additional tax shall be paid to the
16 Cash Reserve Fund.

17 (2) Any money in the Cash Reserve Fund
18 available for investment shall be invested by the state
19 investment officer pursuant to sections 72-1237 to
20 72-1269 and any interest earned shall accrue to the
21 General Fund.

22 ~~(3) Any interest earned from investment of~~
23 ~~money in the Cash Reserve Fund from September 1, 1983,~~
24 ~~to June 30, 1984, shall be transferred to the General~~
1 ~~Fund on or before July 31, 1984.~~

2 (4) The tax imposed under this section shall
3 not be considered a rate increase for purposes of
4 subsection ~~(7)~~ (8) of section 77-2704.

5 (5) (4) Collection of the additional sales and
6 use tax imposed by this section shall terminate on the
7 earlier of the following dates: (a) The last day of the
8 ninth month following the month in which the tax is
9 first imposed; ; or (b) the last day of the month
10 following the month in which deposits in the Cash
11 Reserve Fund equal thirty million dollars. The State
12 Treasurer shall notify the Tax Commissioner within three
13 business days when deposits in the Cash Reserve Fund
14 equal or exceed thirty million dollars. The Tax
15 Commissioner shall cause proper notice to be given that
16 the tax rate will change.”.

17 13. Renumber the remaining sections
18 accordingly.

LEGISLATIVE BILL 1027A. Placed on Select File.

LEGISLATIVE BILL 799. Placed on Select File as amended.
E & R amendment to LB 799:
AM5364

1 1. On page 1, line 3, strike “and”; and in
2 line 4 after “section” insert “; and to declare an
3 emergency”.

LEGISLATIVE BILL 950. Placed on Select File as amended.
E & R amendments to LB 950:

AM5365

- 1 1. In the Standing Committee amendments,
2 AM1933, adopted March 6, 1986:
 - 3 a. On page 2, line 9, after "week" insert an
4 underscored comma;
 - 5 b. On page 3, line 16, strike "where", show
6 as stricken, and insert "when"; and
 - 7 c. On page 8, line 6, strike the colon and
8 show as stricken; in line 7 strike "Without", show as
9 stricken, and insert "without"; and in line 8 strike the
10 comma and show as stricken.
- 11 2. On page 1, line 2, strike "section" and
12 insert "sections 48-625, 48-638, and 48-665.01, Reissue
13 Revised Statutes of Nebraska, 1943, and sections" and
14 after the comma insert "48-626, 48-646, 48-648.01,
15 48-663, and 48-665,"; in line 3 strike "and" and insert
16 "to provide for the adjustment of benefits as
17 prescribed; to change provisions relating to entitlement
18 to benefits, appeals, attorneys' fees, wage reports, and
19 the recovery of erroneous or excessive payments; to
20 provide a penalty; to eliminate a penalty,"; and in line
21 4 strike "section" and insert "sections; and to declare
1 an emergency".
- 2 3. On page 3, line 23; and page 4, lines 8
3 and 13, strike the comma and show as stricken.
- 4 4. On page 8, line 4, strike the first comma
5 and show as stricken.

LEGISLATIVE BILL 949. Placed on Select File as amended.
E & R amendments to LB 949:

AM5369

- 1 1. On page 1, line 14, after the semicolon
2 insert "to change provisions relating to noncompliance
3 with statutes;"
- 4 2. On page 2, line 3, after the semicolon
5 insert "to eliminate a provision relating to
6 construction of an act;"
- 7 3. On page 10, line 8, strike the first comma
8 and show as stricken.
- 9 4. On page 13, line 2, strike the comma.
- 10 5. On page 18, line 19; page 19, line 25; and
11 page 26, line 11, strike the comma and show as stricken.
- 12 6. On page 23, lines 3 and 5, strike "must",
13 show as stricken, and insert "shall".
- 14 7. On page 23, line 25; and page 28, lines 4

- 15 and 13, strike "the provisions of" and show as stricken.
16 8. On page 28, line 11, strike the last comma
17 and show as stricken.

LEGISLATIVE BILL 1016. Placed on Select File as amended.

E & R amendments to LB 1016:

AM5370

- 1 1. On page 5, line 12; and page 13, lines 23
2 to 24; strike "the provisions of" and show as stricken.
3 2. On page 11, line 22, strike "sections
4 2-3401 to 2-3416", show as stricken, and insert "the
5 Nebraska Poultry and Egg Resources Act".
6 3. On page 18, line 25, and on page 22, line
7 20, strike "Nebraksa".

LEGISLATIVE BILL 763. Placed on Select File as amended.

E & R amendment to LB 763:

AM5366

- 1 1. In the Standing Committee amendment,
2 AM1969, adopted on March 6, 1986, on page 1, line 1,
3 strike "government" and insert "governmental"; in line 2
4 strike the first comma; and in line 13 after
5 "information" insert "for".

LEGISLATIVE BILL 765. Placed on Select File as amended.

E & R amendment to LB 765:

AM5367

- 1 1. On page 1, strike beginning with "to" in
2 line 2 through line 8 and insert "to authorize the sale
3 or lease of certain real estate."

(Signed) Timothy Hall, Chairperson

MOTION - Return LB 516 to Select File

Mr. Schmit moved to return LB 516 to Select File for the following specific amendment:

to amend LB 516 (final reading copy) by striking AM2362 adopted on Select File.

Mr. Schmit requested a roll call vote on his motion to return.

Voting in the affirmative, 22:

Chronister Conway DeCamp Goodrich Haberman

Hall	Labedz	Nichol	Remmers	Schmit
Hannibal	Lamb	Pappas	Rogers	Sieck
Hartnett	Lynch	Pirsch	Rupp	Wesely
Johnson, R.	Nelson			

Voting in the negative, 21:

Abboud	Goll	Johnson, V.	McFarland	Smith
Baack	Hefner	Landis	Miller	Vickers
Barrett	Hoagland	Lundy	Peterson	Warner
Carsten	Johnson, L.	Marsh	Scofield	Withem
Chizek				

Present and not voting, 5:

Beyer	Chambers	Eret	Harris	Morehead
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Excused and not voting, 1:

Higgins

The Schmit motion to return lost with 22 ayes, 21 nays, 5 present and not voting, and 1 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 675, 756, 762, 796, 888, 891, 896, 901, 912, 948, 969, 971, 973, 975, 795, and 795A.

MOTION - Return LB 516 to Select File

Mr. Abboud moved to return LB 516 to Select File for the following Abboud-Withem specific amendment:

(Amendments to Final Reading Copy)

- 1 1. On page 21, line 14, strike "Whenever",
- 2 show as stricken, and insert "(1) Except as provided in
- 3 subsections (2) and (3) of this section, whenever".
- 4 2. On page 22, after line 1, insert:
- 5 "(2) A judge of the county court shall only be
- 6 appointed to serve as judge of the separate juvenile
- 7 court of a county having more than three hundred
- 8 thousand persons if such court does not have three
- 9 judges serving such court.
- 10 (3) After July 1, 1990, no judge of the county

- 11 court shall be appointed to serve as a judge of the
12 separate juvenile court.”.

The Abboud motion to return prevailed with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 516. The Abboud-Withem specific amendment found in this day's Journal was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

WITHDRAW - Amendment to LB 516

Mr. Withem withdrew his pending amendment, AM2605, found in the Journal on page 1512 to LB 516.

MOTION - Return LB 516 to Select File

Mr. Haberman moved to return LB 516 to Select File for the following specific amendment:

On page 11, Line 23, after “shall” insert:
“, after holding a public hearing.”

The Haberman motion to return prevailed with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 516. The Haberman specific amendment, found in this day's Journal was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 516 to Select File

Mr. Hoagland moved to return LB 516 to Select File for the following Barrett-Baack-Hoagland specific amendment:
AM2627

(Amendments to Final Reading Copy)

- 1 1. On page 1, line 2, after the last comma
2 insert "42-357,".
- 3 2. On page 2, line 5, after the semicolon
4 insert "to change provisions relating to ex parte orders
5 as prescribed;".
- 6 3. On page 10, line 3, strike "Chief Justice
7 of the"; in line 12 strike "the Chief Justice of" and
8 insert "a Judge of the Supreme Court who represents one
9 of the six judicial districts prescribed in Article V,
10 section 5, of the Nebraska Constitution appointed by";
11 in line 8 after "be" insert "(a)"; in line 9 strike the
12 first "or" and insert "(b)"; in line 10 strike "nor"
13 and insert "(c)"; in line 11 after the comma insert "or
14 (d) an immediate family member of any person listed in
15 subdivisions (a) to (c) of this subdivision"; strike
16 beginning with the comma in line 15 through the comma in
17 line 16; and strike beginning with "The" in line 16
18 through the period in line 17.
- 19 4. On page 11, in lines 20 and 21, before
20 "judge" insert "district or county"; and in line 22
1 after "of" insert "district or county" and after "law"
2 insert "and except in those judicial districts required
3 to be served by at least one county judge pursuant to
4 section 24-503 and one district court judge pursuant to
5 section 5-105".
- 6 5. On page 12, line 9, strike "a" and insert
7 "the location of a district or county" and after
8 "declared" insert "by the Judicial Resources Commission
9 or in the event of a judicial vacancy in any other
10 court".
- 11 6. On page 14, line 3, after "a" insert
12 "declaration of the location of a"; in line 4 strike
13 "occurred", show as stricken, and insert "by the
14 Judicial Resources Commission"; and in line 9 strike
15 "vacancy occurs", show as stricken, and insert "location
16 of a vacancy has been declared".
- 17 7. On page 17, strike beginning with "either"
18 in line 9 through "court" in line 10.
- 19 8. On page 19, line 8, strike "county" and
20 insert "district"; in line 12 after "the" insert "judge
21 of the".

22 9. On page 21, line 8, strike "affect" and
23 insert "limit"; in line 9 after "are" insert
24 "specifically"; and in line 17 after "county" insert "or
1 whenever it would be beneficial to the administration of
2 justice".

3 10. Insert the following new section:
4 "Sec. 14. That section 42-357, Reissue
5 Revised Statutes of Nebraska, 1943, be amended to read
6 as follows:

7 42-357. The court may order either party to
8 pay to the clerk a sum of money for the temporary
9 support and maintenance of the other party and minor
10 children if any are affected by the action and to enable
11 such party to prosecute or defend the action. The court
12 may make such order after service of process and claim
13 for temporary allowances is made in the petition or by
14 motion by the petitioner or by the respondent in a
15 responsive pleading; but no such order shall be entered
16 before three days after notice of hearing has been
17 served on the other party or notice waived. During the
18 pendency of any proceeding under sections 42-347 to
19 42-379 after the petition is filed, upon application of
20 either party and if the accompanying affidavit of the
21 party or his or her agent shows to the court that the
22 party is entitled thereto, the court may issue ex parte
23 orders (1) restraining any person from transferring,
1 encumbering, hypothecating, concealing, or in any way
2 disposing of real or personal property except in the
3 usual course of business or for the necessities of life,
4 and the party against whom such order is directed shall
5 upon order of the court account for all unusual
6 expenditures made after such order is served upon him or
7 her, (2) enjoining any party from molesting or
8 disturbing the peace of the other party or any minor
9 children affected by the action, and (3) determining the
10 temporary custody of any minor children of the marriage,
11 except that no restraining order enjoining any party
12 from molesting or disturbing the peace of any minor
13 child shall issue unless, at the same time, the court
14 determines that the party requesting such order shall
15 have temporary custody of such minor child. Ex parte
16 orders issued pursuant to subdivision (1) of this
17 section shall remain in force for no more than ten days
18 or until a hearing is held thereon, whichever is
earlier. After motion, notice to the party, and

- 19 hearing, the court may order either party excluded from
 20 the premises occupied by the other upon a showing that
 21 physical or emotional harm would otherwise result. Any
 22 restraining order issued excluding either party from the
 23 premises occupied by the other shall specifically set
 24 forth the location of the premises and shall be served
 1 upon the adverse party by the sheriff in the manner
 2 prescribed for serving a summons and a return thereof
 3 shall be filed in district court. Any person who
 4 knowingly violates such an order after service shall be
 5 guilty of a Class IIIA misdemeanor. In the event a
 6 restraining order enjoining any party from molesting or
 7 disturbing the peace of any minor children is issued,
 8 upon application and affidavit setting out the reason
 9 therefor, the court shall schedule a hearing within
 10 seventy-two hours to determine whether the order
 11 regarding the minor children shall remain in force.
 12 Section 25-1064 shall not apply to this section.
 13 11. On page 22, line 8, after the last comma
 14 insert "42-357,".
 15 12. Renumber the remaining sections.

The Hoagland motion to return prevailed with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 516. The Barrett-Baack-Hoagland specific amendment, AM2627, found in this day's Journal was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 1038. E & R amendments, AM5348, found in the Journal on page 1386 for the Forty-First Day were adopted.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 1250. Considered.

Mr. Vickers offered the following amendment:

To amend LB 1250 on page 3 line 5 strike and insert , and on line 6 after colleges insert and all other political subdivisions as defined in subsection 4 of 48-801.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

The Vickers amendment lost with 1 aye, 9 nays, 35 present and not voting, and 4 excused and not voting.

Mr. DeCamp withdrew his pending amendment found in the Journal on page 1497.

Mr. DeCamp renewed his pending amendment, AM2608, found in the Journal on page 1511.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. V. Johnson requested a roll call vote on the DeCamp amendment.

Voting in the affirmative, 15:

Abboud	DeCamp	Johnson, R.	Nichol	Rogers
Beyer	Haberman	Miller	Pirsch	Rupp
Chronister	Hefner	Nelson	Remmers	Smith

Voting in the negative, 26:

Baack	Goll	Hartnett	Landis	Scofield
Carsten	Goodrich	Hoagland	Lynch	Sieck
Chambers	Hall	Johnson, L.	Marsh	Warner
Chizek	Hannibal	Johnson, V.	McFarland	Wesely
Conway	Harris	Labeledz	Morehead	Withem
Eret				

Present and not voting, 3:

Lundy	Pappas	Vickers
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Excused and not voting, 5:

Barrett Higgins Lamb Peterson Schmit

The DeCamp amendment lost with 15 ayes, 26 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for Review with 31 ayes, 1 nay, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1250A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1258. By Speaker Nichol, 48th District, at the request of the Governor.

A BILL FOR AN ACT relating to homestead exemptions; to amend sections 77-3505 and 77-3517, Reissue Revised Statutes Of Nebraska, 1943, sections 77-3508, 77-3509, 77-3522, 77-3523, and 77-3525, Revised Statutes Supplement, 1984, and sections 77-3510, 77-3513, and 77-3516, Revised Statutes Supplement, 1984, as amended by sections 3, 5, and 7, respectively, Legislative Bill 6, Eighty-ninth Legislature, Second Special Session, 1985; to redefine a term; to provide for exemptions based on income as prescribed; to provide duties; to harmonize provisions; to provide a penalty; to provide an operative date; and to repeal the original sections.

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 1184 in the Journal. No objections. So ordered.

AM2577

- 1 1. Insert the following new section:
- 2 "Sec. 2. That section 44-1703, Reissue
- 3 Revised Statutes of Nebraska, 1943, be amended to read

- 4 as follows:
- 5 44-1703. All life insurance and all accident
- 6 and health insurance sold in connection with loans or
- 7 other credit transactions shall be subject to ~~the~~
- 8 ~~provisions of~~ sections 44-1701 to 44-1713 except such
- 9 insurance sold in connection with a loan or other credit
- 10 transaction of more than ~~ten~~ fifteen years duration. No
- 11 ~~; nor shall~~ insurance shall be subject to ~~the provisions~~
- 12 ~~of~~ sections 44-1701 to 44-1713 ~~where~~ when the issuance
- 13 of such insurance is an isolated transaction on the part
- 14 of the insurer and not related to an agreement or a plan
- 15 for insuring debtors of the creditor.”.
- 16 2. On page 3, line 11, strike “section
- 17 44-379” and insert “sections 44-379 and 44-1703”; and in
- 18 line 12 strike “is” and insert “are”.
- 19 3. Renumber the remaining section
- 20 accordingly.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 19, 1986, at 11:15 a.m., were the following bills: 675, 756, 762, 796, 888, 891, 896, 901, 912, 948, 969, 971, 973, 975, 795, and 795A.

(Signed) Pam Moravec, Enrolling Clerk

VISITORS

Visitors to the Chamber were 24 members of Polk, Butler, and Colfax Extension Boards; 45 eighth grade students and sponsors from Centura Public School; 33 fourth grade students and teachers from Washington School, Fremont; Virginia D. Thrall and Michael H. McCabe; 20 students and sponsors from Lincoln East High School; 16 seniors and teacher from Lexington St. Ann's School; and Mr. and Mrs. Donald Dixson from Trenton.

RECESS

At 11:59 a.m., on a motion by Mr. Hall, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Harris, V. Johnson, Lamb, Lynch, Peterson, Sieck, Mesdames Labeledz, and Pirsch who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 807. Title read. Considered.

Mr. Conway asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The Chair declared the call raised.

Mr. Vickers moved to indefinitely postpone LB 807.

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

Mrs. Labeledz moved the previous question. The question is, "Shall the debate now close?" The motion lost with 12 ayes, 12 nays, and 25 not voting.

Pending.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bill 1258.

LB **Committee**
1258 Revenue

(Signed) Calvin Carsten, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARING Revenue

LB 1258 Wednesday, March 26, 1986

1:30 P.M.

(Signed) Vard R. Johnson, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 812. Placed on Select File as amended.
E & R amendments to LB 812:

AM5372

- 1 1. In the Standing Committee amendment
- 2 AM1952, adopted March 6, 1986:
- 3 (a) On page 1, line 11, after "residence"
- 4 insert an underscored comma and strike the comma; and
- 5 (b) On page 3, line 13, strike the comma and
- 6 show as stricken.
- 7 2. On page 1, line 3, strike "and" and after
- 8 the second comma insert "and 32-513,"; and in line 7
- 9 after the semicolon insert "to change provisions
- 10 relating to filing fees;"
- 11 3. On page 3, line 17, strike "the provisions
- 12 of" and show as stricken; and in line 24 after "records"
- 13 insert an underscored comma.
- 14 4. On page 4, line 3, strike "Board", show as
- 15 stricken, and insert "Administrator"; in line 4 strike
- 16 "sections 84-1201 to 84-1220", show as stricken, and
- 17 insert "the Records Management Act"; and in line 7
- 18 strike the comma and show as stricken.

LEGISLATIVE BILL 878. Placed on Select File as amended.
E & R amendment to LB 878:

AM5373

- 1 1. On page 1, line 1, after the semicolon
- 2 insert "to amend section 60-403, Reissue Revised
- 3 Statutes of Nebraska, 1943; to require social security
- 4 numbers on applications for motor vehicle operator's
- 5 licenses for use as prescribed;" in line 3 strike
- 6 "license" and insert "licenses"; and in line 4 after
- 7 "repeal" insert "the original section, and also".

LEGISLATIVE BILL 1184. Placed on Select File as amended.
E & R amendment to LB 1184:

AM5374

- 1 1. In the Standing Committee Amendment,
- 2 Am2001, adopted March 6, 1986, on page 3, lines 1 and 3,
- 3 strike "the provisions of"; and in line 1 after

- 4 “section” insert an underscored comma.

LEGISLATIVE BILL 889. Placed on Select File as amended.
E & R amendments to LB 889:

AM5375

- 1 1. On page 1, line 1, strike “county” and
2 after “amend” insert “sections 23-925 and 23-932,
3 Reissue Revised Statutes of Nebraska, 1943, and”; and in
4 line 4 strike “budgets” and insert “budget statements
5 and summaries”, after the semicolon insert “to eliminate
6 an exception;”, and strike “section” and insert
7 “sections”.
8 2. On page 2, line 15; and page 3, line 15,
9 reinstate the stricken comma.

LEGISLATIVE BILL 921. Placed on Select File as amended.
E & R amendment to LB 921:

AM5378

- 1 1. On page 1, strike beginning with “section”
2 in line 2 through line 13 and insert “section 71-2024,
3 Revised Statutes Supplement, 1984; to provide for
4 nursing care as prescribed; to change provisions
5 relating to rules, regulations, and standards of the
6 Department of Health; and to repeal the original
7 section.”.

LEGISLATIVE BILL 885. Placed on Select File as amended.
E & R amendments to LB 885:

AM5376

- 1 1. In the Standing Committee Amendment,
2 AM1992, adopted March 6, 1986:
3 a. On page 4, line 23, after “of” insert “the
4 State of”;
5 b. On page 5, line 18, strike “does” and
6 insert “do”; and
7 c. On page 6, line 3, after “or” insert
8 “Class”; and in line 12 strike “these” and insert
9 “such”.
10 2. On page 1, line 3, after “prescribed”
11 insert “; to provide for a policy board; and to provide
12 for certain contract provisions, support staff, and the
13 payment of fees”.

LEGISLATIVE BILL 1143. Placed on Select File.

LEGISLATIVE BILL 1143A. Placed on Select File.

LEGISLATIVE BILL 1203. Placed on Select File as amended.
E & R amendments to LB 1203:

AM5371

- 1 1. On page 5, line 5, strike "must", show as
2 stricken, and insert "shall".
- 3 2. On page 9, line 19, after "manufactured"
4 insert "the".
- 5 3. On page 11, line 22, strike the comma and
6 show as stricken.
- 7 4. On page 15, line 3, strike the first comma
8 and show as stricken; and reinstate the stricken matter
9 beginning with "any" in line 20 through "of" in line 21.

LEGISLATIVE BILL 1008. Placed on Select File as amended.
E & R amendments to LB 1008:

AM5380

- 1 1. Because of the R. Johnson amendment
2 adopted March 6, 1986, found on page 1242 of the
3 Journal, strike Standing Committee amendment 1.
- 4 2. On page 13, line 19, after the first comma
5 insert "or" and after "change" insert "of".
- 6 3. On page 24, line 24; page 25, line 10;
7 page 26, lines 7 and 22; and page 27 lines 3 and 14;
8 strike the new matter and reinstate the stricken matter.
- 9 4. On page 29, line 16, strike "applies" and
10 insert "shall apply".
- 11 5. On page 31, line 15, strike "same".

LEGISLATIVE BILL 1054. Placed on Select File as amended.
E & R amendment to LB 1054:

AM5377

- 1 1. On page 1, line 2, strike "29-2252" and
2 insert "29-2258"; and strike beginning with "duties" in
3 line 3 through "administrator" in line 4 and insert "a
4 duty related to pretrial diversion for certain district
5 probation officers".

LEGISLATIVE BILL 1242. Placed on Select File as amended.
E & R amendments to LB 1242:

AM5379

- 1 1. On page 1, strike beginning with "provide"
2 in line 3 through line 4 and insert "change provisions
3 relating to the review of the record of a committed
4 offender".

- 5 2. On page 3, lines 8 and 19, after "his"
6 insert "or her".

(Signed) Timothy Hall, Chairperson

Correctly Re-Engrossed

The following bill was correctly engrossed: 877.

Correctly Engrossed

The following bills were correctly engrossed: 464, 895, 1049, and 1049A.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 895

The following changes, required to be reported for publication in the Journal, have been made:

ER0159

1. The DeCamp amendment adopted March 11, 1986, found on page 1287 of the Journal, was treated as an amendment to AM2397.
2. In the Lynch amendment, AM2397, adopted March 11, 1986:
 - a. On page 1, line 5, "mandating or offering" has been struck and "to mandate or require the offering of" inserted; and in line 10 the second "to" has been struck and "by" inserted; and
 - b. On page 2, line 3, "which are" has been inserted after "fee"; in line 4 "care," has been inserted after "medical"; and in line 13 the commas and the fifth period have been struck.
3. E & R amendment 1 has been struck.
4. On page 1, the matter beginning with "mandated" in line 1 through line 4 has been struck and "health care coverages and services; to state findings; to define a term; and to provide a requirement for legislative proposals." inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Nichol asked unanimous consent to print the following amendment to LB 1251 in the Journal. No objections. So ordered.

AM2598

- 1 1. On page 88, in lines 23 and 24 strike
- 2 "46,177,152" and insert "46,277,152".
- 3 2. On page 89, after line 2 insert the
- 4 following:
- 5 "There is included in the appropriation to the
- 6 University of Nebraska Medical Center \$100,000 General
- 7 Funds to begin phasing in a baccalaureate degree nursing
- 8 program at West Nebraska General Hospital in Scottsbluff
- 9 in cooperation with regional institutions."

GENERAL FILE

LEGISLATIVE BILL 807. The Vickers pending motion to indefinitely postpone was renewed.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Mr. Pappas requested a record vote on the Vickers motion to indefinitely postpone.

Voting in the affirmative, 16:

Baack	Eret	Landis	Nelson	Scofield
Beyer	Haberman	McFarland	Pappas	Vickers
Chambers	Higgins	Morehead	Rogers	Withem
Chizek				

Voting in the negative, 25:

Abboud	Goll	Johnson, L.	Miller	Rupp
Barrett	Goodrich	Johnson, R.	Nichol	Schmit
Carsten	Hall	Johnson, V.	Peterson	Smith
Chronister	Hannibal	Lamb	Pirsch	Warner
DeCamp	Hefner	Lundy	Remmers	Wesely

Present and not voting, 6:

Harris	Hoagland	Labedz	Marsh	Sieck
Hartnett				

Excused and not voting, 2:

Conway	Lynch
--------	-------

The Vickers motion to indefinitely postpone lost with 16 ayes, 25 nays, 6 present and not voting, and 2 excused and not voting.

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Nelson offered the following amendment:

AM2612

- 1 1. Insert the following new section:
- 2 "Section 1. (1) All lead locomotives shall be
- 3 equipped with a receiver display unit. The receiver
- 4 display unit shall be constructed so that the receiver
- 5 display unit can initiate an emergency application of
- 6 the brakes from the rear of the train.
- 7 (2) The end-of-train unit shall be equipped
- 8 with a rear marker, and the lens of the rear marker
- 9 shall be red.
- 10 (3) Violation of this section shall be a Class
- 11 IV misdemeanor."
- 12 2. Renumber the remaining section
- 13 accordingly.

Mr. Hannibal moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Nelson amendment lost with 14 ayes, 18 nays, 14 present and not voting, and 3 excused and not voting.

Mrs. Nelson offered the following amendment:

AM2609

- 1 1. Insert the following new sections:
- 2 "Section 1. (1) All locomotives or power
- 3 units operated in this state outside the designated yard
- 4 limits shall be equipped with a climate control system
- 5 which (a) facilitates the closing of cab windows and
- 6 doors of the locomotive and (b) provides clean, cooled
- 7 air or clean, warmed air to the cab of the locomotive.
- 8 (2) A railroad shall be deemed to be in
- 9 compliance with this section if: (a) Within one year
- 10 after the effective date of this act, the railroad shall
- 11 have equipped one-third of its locomotive or power units
- 12 with such climate control system; (b) within two years
- 13 after the effective date of this act, the railroad shall

14 have equipped two-thirds of its locomotives or power
 15 units with such climate control system; and (c) within
 16 three years after the effective date of this act, the
 17 railroad shall have equipped each of its locomotives or
 18 power units with such climate control system.

19 (3) Each railroad shall notify the Public
 20 Service Commission of the date that each locomotive and
 21 power unit shall be in compliance with this act, stating
 1 the serial number or identification number of each
 2 locomotive or power unit.

3 Sec. 2. The Public Service Commission shall
 4 adopt the necessary rules and regulations to carry out
 5 the purposes of this act.

6 Sec. 3. Any person who violates this act
 7 shall be guilty of a Class IV misdemeanor.”.

8 2. Renumber the remaining section
 9 accordingly.

The Nelson amendment lost with 7 ayes, 15 nays, 24 present and not voting, and 3 excused and not voting.

Mr. Schmit moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Mr. Hannibal moved for a call of the house. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Mr. Pappas requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 24:

Abboud	Goll	Johnson, L.	Marsh	Rupp
Barrett	Goodrich	Johnson, R.	Nichol	Sieck
Carsten	Hall	Johnson, V.	Peterson	Smith
Chronister	Hannibal	Lamb	Pirsch	Warner
DeCamp	Hefner	Lundy	Remmers	

Voting in the negative, 19:

Baack	Eret	Hoagland	Morehead	Vickers
Beyer	Haberman	Labedz	Nelson	Wesely
Chambers	Harris	Landis	Pappas	Withem
Chizek	Hartnett	McFarland	Scofield	

Present and not voting, 2:

Miller Schmit

Absent and not voting, 1:

Higgins

Excused and not voting, 3:

Conway Lynch Rogers

Failed to advance to E & R for Review with 24 ayes, 19 nays, 2 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

EXECUTIVE BOARD REPORT

1986 Interim Study Policy

The Executive Board of the Legislative Council has adopted the following policy with regard to the conduct of interim studies during the 1986 interim:

“Each standing committee will determine what subject matter it will study during the interim and draft a resolution to that effect.”

Under this policy individual senators will not introduce study resolutions covering specific areas, but rather will work with and through the regular standing committees in assisting in the formulation of their ultimate study agendas. In fact, individual senators are urged to present their ideas for interim study projects to the appropriate standing committees.

In addition, under the provisions of Sections 50-402 and 50-404, the Executive Board will continue to develop other special studies as it deems necessary and appropriate, the staff resources for which will be provided by the Legislative Research Division. Here, too, the input of individual senators will be expected and encouraged.

(Signed) Calvin F. Carsten, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 380.

Introduced by Vickers, 38th District.

WHEREAS, On March 1, 1986, The University of Nebraska-Lincoln Women's Track Team won the 1986 Big 8 Indoor Championship; and,

WHEREAS, the 1986 Championship marks the seventh consecutive time that the Women's Track Team has won this event; and,

WHEREAS, team members, Nicol Ali, Mary Amen, Lana Cantrell, Heidi Christiansen, Cathy Degolyer, Karlene Erickson, Vicky Johnson, Angela Jones, Karen Kruger, Allison Laack, Michelle Miller, Michelle Milling, Belvia Moody, Jill Noel, Sha-ri Pendleton, Sammie Resh, Deb Smith, Angela Thacker, Stephanie Thomas, Tammy Thurman, Nancy Vasey, and Lynette Wilson have given their hard work, dedication, discipline and spirit to a successful team effort; and,

WHEREAS, Individual team members placed first in the mile relay, the long jump, the triple jump, the 60 yard dash, the 300 yard dash and the high jump; and,

WHEREAS, the dedication and encouragement of Coaches Gary Pepin, Jay Dirksen, Mark Kostek, Mark Devenney, Dennis LeBlanc, Dave Harris and Bob Cervenka led the team to this championship; and,

WHEREAS, this accomplishment deserves special recognition:

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBER OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature commends and congratulates the coaches and members of the 1986 University of Nebraska-Lincoln Women's Track Team for their 7th consecutive Big 8 win.

2. That a copy of this resolution be sent to the coaches and members of the 1986 University of Nebraska-Lincoln Women's Track Team.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 286 in the Journal. No objections. So ordered.

AM2556

(Amendments to AM1926)

1. On page 2, line 9; page 4, line 24; page
2. 5, line 11; and page 16, line 10, strike "19" and insert

3 "21".

4 2. On page 3, line 22, after "Certified"
5 insert "master".

6 3. On page 4, line 1, after "Certified"
7 insert "master"; in line 4 strike "Registered" and
8 insert "Certified"; in line 7 strike "registered" and
9 insert "certified"; in line 10 after "Certified" insert
10 "master"; in line 14 strike "Registered" and insert
11 "Certified"; in line 21 strike "person", after
12 "certified" insert "master social worker", and strike
13 "under sections 1 to 19 of this act"; and in line 23
14 strike "or registered".

15 4. On page 5, line 8, strike "April" and
16 insert "May"; and in line 10 strike "or registered".

17 5. On page 6, line 7, after "certified"
18 insert "master"; in line 16 strike the second comma; and
19 in line 17 strike "registration".

20 6. On page 7, line 1, after the first "a"
1 insert "master"; in line 6 after "certified" insert
2 "master"; in line 15 strike "registered" and insert
3 "certified"; and in line 21 strike "or registered".

4 7. On page 8, lines 2 and 3, after
5 "certified" insert "master"; in lines 6 and 19 strike
6 "April" and insert "May"; in line 8 after the first "in"
7 insert "the practice of"; in line 16 strike "registered"
8 and insert "certified"; and in line 17 strike "without
9 examination".

10 8. On page 9, line 2, after "in" insert "the
11 practice of"; in line 14 strike "registered" and insert
12 "certified"; in line 18 strike "registered" and insert
13 "certified"; and in line 21 after "section" insert "and
14 section 20 of this act".

15 9. On page 11, line 6, after "period" insert
16 "or for the period of time since the certificate was
17 last issued"; in line 11 strike "The licensee holds" and
18 insert "Holds"; and in line 19 strike "or registered".

19 10. On page 12, line 14, strike "designed"
20 and insert "designated"; and in line 19 strike
21 "biannually".

22 11. On page 13, strike beginning with
23 "certified" in line 6 through "worker" in line 7 and
24 insert "certificate holder"; in line 10 after "of"
1 insert "(a)" and after "or" insert "(b)"; in line 11
2 strike "persons or" and strike "such"; in line 12
3 strike "person's own" and insert "the", and after

4 “representative” insert “of the person’s estate”; in
5 line 13 after “sue” insert “on behalf of such person”;
6 and in line 14 strike “on” and insert “regarding”.

7 12. On page 16, line 8, after “tasks” insert
8 “. When appropriate, certificate shall also mean a
9 document issued by the department which designates
10 particular credentials for an individual”.

11 13. On page 17, line 2, after “as” insert
12 “a”, strike “in the practice of social work” and insert
13 “social worker or certified master social worker”.

14 14. On page 20, line 22, after “biennially”
15 insert “, except as provided in section 20 of this
16 act”.

17 15. On page 21, line 7, strike “, social
18 work.”; and in line 8 after the first semicolon insert
19 “May, social work”.

20 16. On page 25, line 13, after “certified”
21 insert “master”; in line 14, strike “registered” and
22 insert “certified”; in line 21, strike “or”; in line 22,
23 strike “registered”; and in line 24 strike “or
24 registered”.

1 17. On page 41, line 19, strike “or
2 registration” and insert “for persons certified pursuant
3 to the Uniform Licensing Law”.

4 18. On page 78, line 12, after “certified”
5 insert “master”; in line 15 strike “registered” and
6 insert “certified”; in line 18 after “certified” insert
7 “master”; and in line 21, strike “registered” and insert
8 “certified”.

9 19. On page 79, line 3, after “licensee”
10 insert “or certificate holder” and after “licensed”
11 insert “or certified”; in line 4 after “license” insert
12 “or certificate”; in line 7, after “license” insert “,
13 certificate.”; in line 13 after “renewal” insert “or”;
14 and strike beginning with the comma in line 13 through
15 “renewal” in line 14.

16 20. Insert the following new sections:

17 “Sec. 20. The initial certificates for
18 certified and certified master social workers shall be
19 renewed on May 1, 1988, and shall thereafter be renewed
20 on May 1 of each even-numbered year. The department, on
21 the recommendation of the board, shall set the initial
22 certification fees and the biennial certification fees
23 for certified and certified master social workers
24 pursuant to section 71-162. The department, on the

1 recommendation of the board, shall determine the
2 continuing education requirements for the period May 1,
3 1987, to May 1, 1988.

4 Sec. 21. Nothing in sections 1 to 20 of this
5 act shall be construed to require the State of Nebraska,
6 any agency of the State of Nebraska, or any of the
7 entities which operate under rules and regulations of a
8 state agency, which either employ or contract for the
9 services of social services workers, to employ or
10 contract with only persons certificated under sections 1
11 to 21 of this act, for the performance of any of the
12 professional activities enumerated in section 5 of this
13 act."

14 21. Renumber the remaining sections
15 accordingly.

VISITORS

Visitors to the Chamber were Ron Kroft and Scott Doksansky from Fremont; and 13 fourth grade students and teacher from Brownelle-Talbot School, Omaha.

ADJOURNMENT

At 3:49 p.m., on a motion by Mr. Hall, the Legislature adjourned until 8:30 a.m., Thursday, March 20, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SIXTH DAY - MARCH 20, 1986

LEGISLATIVE JOURNAL

FORTY-SIXTH DAY - MARCH 20, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

FORTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 20, 1986

Pursuant to adjournment, the Legislature met at 8:34 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Senator James Goll.

ROLL CALL

The roll was called and all members were present except Messrs. Beyer and Lynch who were excused; and Messrs. Chambers, Chizek, Haberman, Harris, Hartnett, Hoagland, V. Johnson, Lamb, Peterson, Schmit, and Mrs. Higgins who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Fifth Day was approved.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 949 in the Journal. No objections. So ordered.

AM2560

- 1 1. Strike the Standing Committee amendments,
- 2 AM1940.
- 3 2. On page 13, line 2, strike "Any" and
- 4 insert "Subject to the requirements of section 70-662"

5 and the approval of the Nebraska Power Review Board in
6 accordance with sections 70-663 and 70-664, any".

7 3. On page 17, line 23, strike "after one
8 year" and show as stricken; in line 24 strike "from",
9 show as stricken, and insert "subsequent to six months
10 after the publication of the first federal decennial
11 census published after".

12 4. On page 26, line 9, after "is" insert
13 "(1)"; in line 10 strike "primarily"; in line 11 strike
14 "to", show as stricken, and insert "and more than fifty
15 per cent of its customers are", strike the comma and
16 show as stricken, and after "or" insert "(2)".

17 5. On page 30, line 7, strike "one year" and
18 insert "six months after the publication of the first
19 federal decennial census published".

APPRECIATION

Received note of appreciation from the Onizuka families for the memorial of Ellison Onizuka, NASA Johnson Space Center.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 366 and LR 367.

RESOLUTIONS

LEGISLATIVE RESOLUTION 374. Read. Considered.

LR 374 was adopted with 26 ayes, 0 nays, and 23 not voting.

LEGISLATIVE RESOLUTION 375. Read. Considered.

LR 375 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 376. Read. Considered.

LR 376 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 377. Read. Considered.

LR 377 was adopted with 31 ayes, 0 nays, and 18 not voting.

LEGISLATIVE RESOLUTION 378. Read. Considered.

LR 378 was adopted with 28 ayes, 0 nays, and 21 not voting.

LEGISLATIVE RESOLUTION 379. Read. Considered.

LR 379 was adopted with 25 ayes, 0 nays, and 24 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1247. Placed on Select File as amended.
E & R amendments to LB 1247:

AM5382

- 1 1. On page 1, line 4, strike "29-2275,".
- 2 2. On page 8, line 10, strike "(3)", show as
- 3 stricken, and insert "(4)".

LEGISLATIVE BILL 1241. Placed on Select File as amended.
E & R amendment to LB 1241:

AM5383

- 1 1. In the Standing Committee amendments,
- 2 AM2074, adopted March 6, 1986, on page 1, line 6, after
- 3 "not" insert "be required to".

LEGISLATIVE BILL 289. Placed on Select File as amended.
E & R amendments to LB 289:

AM5381

- 1 1. In the Hannibal amendment, AM1704, adopted
- 2 March 11, 1986:
- 3 a. On page 2, line 18, strike the comma; and
- 4 b. On page 3, line 12, after "act" insert
- 5 "shall be known and".
- 6 2. On page 1, line 3, after "1984" insert ",
- 7 as amended by section 1, Legislative Bill 14,
- 8 Eighty-ninth Legislature, Second Special Session, 1985"
- 9 and strike "provide" and insert "limit the liability of
- 10 and provide a claim procedure"; and in line 4 after the
- 11 semicolon insert "to harmonize provisions; to provide
- 12 severability;".

(Signed) Timothy Hall, Chairperson

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 995.

A BILL FOR AN ACT relating to revenue bonds; to amend sections 79-1438.05 and 85-404, Reissue Revised Statutes of Nebraska, 1943; to change provisions governing approval of certain plans; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud	Goodrich	Labeledz	Nichol	Scofield
Baack	Haberman	Lamb	Pappas	Sieck
Barrett	Hannibal	Landis	Peterson	Smith
Chronister	Harris	Lundy	Pirsch	Vickers
Conway	Hartnett	Marsh	Remmers	Warner
DeCamp	Hefner	McFarland	Rogers	Wesely
Eret	Johnson, L.	Morehead	Rupp	Withem
Goll	Johnson, V.	Nelson		

Voting in the negative, 0.

Present and not voting, 4:

Carsten	Hall	Johnson, R.	Miller
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Excused and not voting, 7:

Beyer	Chizek	Hoagland	Lynch	Schmit
Chambers	Higgins			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 1035 to Select File

Mr. Miller moved to return LB 1035 to Select File for the following specific amendment:

Strike the enacting clause.

Pending.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1037.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-128, Reissue Revised Statutes of Nebraska, 1943; to provide an additional use for the Second Injury Fund; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Goodrich	Johnson, V.	Morehead	Rupp
Baack	Haberman	Labeledz	Nelson	Scofield
Barrett	Hall	Lamb	Nichol	Sieck
Carsten	Hannibal	Landis	Pappas	Smith
Chronister	Harris	Lundy	Peterson	Vickers
Conway	Hartnett	Marsh	Pirsch	Warner
DeCamp	Hefner	McFarland	Remmers	Wesely
Eret	Johnson, L.	Miller	Rogers	Withem
Goll				

Voting in the negative, 0.

Present and not voting, 1:

Johnson, R.

Excused and not voting, 7:

Beyer	Chizek	Hoagland	Lynch	Schmit
Chambers	Higgins			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1037A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1037, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud	Goll	Johnson, L.	Miller	Rupp
Baack	Goodrich	Johnson, V.	Morehead	Scofield
Barrett	Hall	Labeledz	Nelson	Sieck
Carsten	Hannibal	Lamb	Nichol	Smith
Chronister	Harris	Landis	Pappas	Vickers
Conway	Hartnett	Lundy	Peterson	Warner
DeCamp	Hefner	Marsh	Pirsch	Wesely
Eret	Hoagland	McFarland	Remmers	Withem

Voting in the negative, 0.

Present and not voting, 3:

Haberman Johnson, R. Rogers

Excused and not voting, 6:

Beyer	Chizek	Higgins	Lynch	Schmit
Chambers				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1045.

A BILL FOR AN ACT relating to insurance; to amend section 44-310, Reissue Revised Statutes of Nebraska, 1943; to authorize additional investments by certain domestic insurance companies as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Goodrich	Johnson, L.	Morehead	Rupp
Baack	Haberman	Johnson, V.	Nelson	Scofield
Barrett	Hall	Labeledz	Nichol	Sieck
Carsten	Hannibal	Lamb	Pappas	Smith
Chambers	Harris	Landis	Peterson	Vickers
Chronister	Hartnett	Lundy	Pirsch	Warner
Conway	Hefner	Marsh	Remmers	Wesely
DeCamp	Higgins	McFarland	Rogers	Withem
Goll	Hoagland	Miller		

Voting in the negative, 0.

Present and not voting, 2:

Eret Johnson, R.

Excused and not voting, 4:

Beyer Chizek Lynch Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1052.

A BILL FOR AN ACT relating to building and loan associations; to amend section 8-355, Revised Statutes Supplement, 1985; to change a date as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Goll	Hoagland	Miller	Rupp
Baack	Goodrich	Johnson, L.	Morehead	Schmit
Barrett	Haberman	Johnson, V.	Nelson	Scofield
Carsten	Hall	Labeledz	Nichol	Sieck
Chambers	Hannibal	Lamb	Pappas	Smith
Chronister	Harris	Landis	Peterson	Vickers
Conway	Hartnett	Lundy	Pirsch	Warner
DeCamp	Hefner	Marsh	Remmers	Wesely
Eret	Higgins	McFarland	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 1:

Johnson, R.

Excused and not voting, 3:

Beyer Chizek Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 1108

Mr. DeCamp withdrew his pending amendment, AM2100, found in the Journal on page 1376 to LB 1108.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1108.

A BILL FOR AN ACT relating to the Nebraska Fair Employment Practice Act; to amend sections 48-1102 and 48-1114, Revised Statutes Supplement, 1985; to change a defined term; to change provisions relating to prohibited employment practices; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Abboud	Goll	Hoagland	Miller	Rupp
Baack	Goodrich	Johnson, L.	Morehead	Schmit
Barrett	Haberman	Johnson, V.	Nelson	Scofield
Carsten	Hall	Labeledz	Nichol	Sieck
Chambers	Hannibal	Lamb	Pappas	Smith
Chronister	Harris	Landis	Peterson	Vickers
Conway	Hartnett	Lundy	Pirsch	Warner
DeCamp	Hefner	Marsh	Remmers	Wesely
Eret	Higgins	McFarland	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 1:

Johnson, R.

Excused and not voting, 3:

Beyer Chizek Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1228.

A BILL FOR AN ACT relating to anatomical gifts; to amend section 71-4807, Reissue Revised Statutes of Nebraska, 1943; to provide for the enucleation of eyes by certain persons; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Abboud	Goll	Hoagland	Miller	Rupp
Baack	Goodrich	Johnson, L.	Morehead	Schmit
Barrett	Haberman	Johnson, V.	Nelson	Scofield
Carsten	Hall	Labeledz	Nichol	Sieck
Chambers	Hannibal	Lamb	Pappas	Smith
Chronister	Harris	Landis	Peterson	Vickers
Conway	Hartnett	Lundy	Pirsch	Warner
DeCamp	Hefner	Marsh	Remmers	Wesely
Eret	Higgins	McFarland	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 1:

Johnson, R.

Excused and not voting, 3:

Beyer Chizek Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1246.

A BILL FOR AN ACT relating to insurance; to amend section 44-309, Reissue Revised Statutes of Nebraska, 1943; to provide an additional authorized investment; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Goll	Johnson, L.	Morehead	Schmit
Baack	Haberman	Johnson, V.	Nelson	Scofield
Barrett	Hall	Labeledz	Nichol	Sieck
Carsten	Hannibal	Lamb	Pappas	Smith
Chambers	Harris	Landis	Pirsch	Vickers
Chronister	Hartnett	Lundy	Remmers	Warner
Conway	Hefner	Marsh	Rogers	Wesely
DeCamp	Higgins	McFarland	Rupp	Withem
Eret	Hoagland			

Voting in the negative, 0.

Present and not voting, 4:

Goodrich Johnson, R. Miller Peterson

Excused and not voting, 3:

Beyer Chizek Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 131.

A BILL FOR AN ACT relating to optometry; to amend sections 71-1,133, 71-1,135.01, 71-1,135.02, and 71-1,135.04, Reissue Revised Statutes of Nebraska, 1943; to define and redefine terms; to change

provisions relating to the use of topical ocular pharmaceutical agents; to provide a license requirement; to change provisions on certain license renewals; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 27:

Barrett	Haberman	Johnson, R.	Morehead	Schmit
Carsten	Hannibal	Labeledz	Pappas	Sieck
Chronister	Harris	Lamb	Remmers	Smith
Conway	Hartnett	Landis	Rogers	Vickers
DeCamp	Hefner	McFarland	Rupp	Warner
Eret	Higgins			

Voting in the negative, 16:

Abboud	Goodrich	Johnson, V.	Nelson	Scofield
Baack	Hall	Lundy	Peterson	Wesely
Chambers	Hoagland	Marsh	Pirsch	Withem
Goll				

Present and not voting, 3:

Johnson, L.	Miller	Nichol
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Excused and not voting, 3:

Beyer	Chizek	Lynch
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 131A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 131, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Barrett	Hannibal	Lamb	Nichol	Scofield
Carsten	Harris	Landis	Pappas	Sieck
Chronister	Hartnett	McFarland	Remmers	Smith
Conway	Hefner	Miller	Rogers	Vickers
DeCamp	Higgins	Morehead	Rupp	Warner
Eret	Johnson, R.	Nelson	Schmit	Wesely
Haberman	Labedz			

Voting in the negative, 13:

Abboud	Goll	Hoagland	Marsh	Pirsch
Baack	Goodrich	Johnson, V.	Peterson	Withem
Chambers	Hall	Lundy		

Present and not voting, 1:

Johnson, L.

Excused and not voting, 3:

Beyer Chizek Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 436.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-663, Reissue Revised Statutes of Nebraska, 1943; to set and change speed limits during maintenance, repair, and construction; to provide a penalty; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Conway	Haberman	Hefner	Johnson, V.
Baack	DeCamp	Hall	Higgins	Labedz
Barrett	Eret	Hannibal	Hoagland	Lamb
Carsten	Goll	Harris	Johnson, L.	Landis
Chronister	Goodrich	Hartnett	Johnson, R.	Lundy

Marsh	Nelson	Pirsch	Schmit	Vickers
McFarland	Nichol	Remmers	Scofield	Warner
Miller	Pappas	Rogers	Sieck	Wesely
Morehead	Peterson	Rupp	Smith	Withem

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 3:

Beyer Chizek Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 1035 to Select File

Mr. Miller withdrew his pending motion found in this day's Journal to return LB 1035 to Select File.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1035.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-126, Reissue Revised Statutes of Nebraska, 1943; to change requirements relating to members of the boards of directors as prescribed; to delete obsolete language; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Abboud	Chronister	Goll	Hannibal	Higgins
Baack	Conway	Goodrich	Harris	Hoagland
Barrett	DeCamp	Haberman	Hartnett	Johnson, L.
Carsten	Eret	Hall	Hefner	Johnson, R.

Johnson, V.	Marsh	Nichol	Rogers	Smith
Labeledz	McFarland	Pappas	Rupp	Vickers
Lamb	Miller	Peterson	Schmit	Warner
Landis	Morehead	Pirsch	Scofield	Wesely
Lundy	Nelson	Remmers	Sieck	Withem

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 3:

Beyer Chizek Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 995, 1037, 1037A, 1045, 1052, 1108, 1228, 1246, 131, 131A, 436, and 1035.

GENERAL FILE

LEGISLATIVE BILL 1251. Title read. Considered.

Mr. Wesely renewed his pending amendment found in the Journal on page 1480.

MR. REMMERS PRESIDING

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Wesely moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Wesely requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Hall Hartnett Hoagland Johnson, V. Labeledz

Landis	McFarland	Nichol	Remmers	Withem
Marsh	Nelson	Pirsch	Wesely	

Voting in the negative, 23:

Abboud	Goll	Johnson, R.	Peterson	Scofield
Baack	Haberman	Lamb	Rogers	Sieck
Barrett	Hannibal	Lundy	Rupp	Smith
Conway	Hefner	Miller	Schmit	Warner
DeCamp	Johnson, L.	Morehead		

Present and not voting, 7:

Carsten	Eret	Harris	Pappas	Vickers
Chambers	Goodrich			

Absent and not voting, 1:

Chronister

Excused and not voting, 4:

Beyer	Chizek	Higgins	Lynch
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The Wesely amendment lost with 14 ayes, 23 nays, 7 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Messrs. Landis, Goodrich, Withem, Chizek, Baack, Mesdames Smith, Marsh, and Ms. Scofield renewed their pending amendment, AM2574, found in the Journal on page 1480.

Messrs. Schmit, R. Johnson, and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mrs. Labeledz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Landis moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Haberman requested a record vote on the Landis et al. amendment.

Voting in the affirmative, 25:

Baack	Hall	Johnson, R.	Miller	Sieck
Chambers	Hannibal	Johnson, V.	Morehead	Smith
Conway	Harris	Landis	Nelson	Vickers
Eret	Hartnett	Marsh	Pappas	Wesely
Goodrich	Hoagland	McFarland	Scofield	Withem

Voting in the negative, 16:

Abboud	DeCamp	Hefner	Lundy	Rogers
Barrett	Goll	Johnson, L.	Peterson	Rupp
Carsten	Haberman	Lamb	Remmers	Warner
Chronister				

Present and not voting, 2:

Nichol Pirsch

Excused and not voting, 6:

Beyer	Higgins	Labeledz	Lynch	Schmit
Chizek				

The Landis et al. amendment was adopted with 25 ayes, 16 nays, 2 present and not voting, and 6 excused and not voting.

Pending.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 804, 1036, 1036A, 1047, and 1123.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 1036

The following changes, required to be reported for publication in the Journal, have been made:

ER0171

1. On page 1, line 1, "to amend section 136, Legislative Bill 811, Eighty-ninth Legislature, Second Session, 1986;" has been inserted after the semicolon; in line 2 the first "and" has been struck; and in line 3 "; to harmonize provisions; to state intent; and to repeal the original section" has been inserted after "fund".

2. The matter beginning with "(1)" on page 2, line 1, through page 3, line 11, has been underscored.

3. On page 2, line 1, "Workmen's" has been struck and "Workers'" inserted.

4. The following new sections have been inserted:

"Sec. 2. That section 136, Legislative Bill 811, Eighty-ninth Legislature, Second Session, 1986, be amended to read as follows:

Sec. 136. (1) Sections 48-101 to 48-1,109, ~~and this section,~~ and section 1 of this act shall be known and may be cited as the Nebraska Workers' Compensation Act.

(2) It is the intent of the Legislature that the changes made in this legislative bill shall not affect or alter any rights, privileges, or obligations existing immediately prior to the effective date of this act.

(3) On and after the effective date of this act, whenever the terms workmen's compensation and Workmen's Compensation appear in the statutes or in any appropriations measures enacted into law, they shall be taken to mean workers' compensation and Workers' Compensation, respectively.

Sec. 3. That original section 136, Legislative Bill 811, Eighty-ninth Legislature, Second Session, 1986, is repealed."

Enrollment and Review Change to LB 1036A

The following changes, required to be reported for publication in the Journal, have been made:

ER0173

1. On page 2, line 5, "Workmen's" has been struck and "Workers'" inserted.

Enrollment and Review Change to LB 1047

The following changes, required to be reported for publication in the Journal, have been made:

ER0174

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendment, AM5295, adopted March 11, 1986, on page 1, line 4, the second "fees" has been struck and "fee" inserted; in line 17 "lines 14 and 15," has been struck and "line 14, strike the underscored comma and insert an underscored semicolon; and in line 15" has been inserted; and in line 18 the first "underscored" has been struck and "show as stricken," has been inserted after "comma".

(Signed) Mary E. Sommermeyer
E & R Attorney

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 19, 1986. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Allan, Marilyn J. - Lincoln, National Fraternal Congress of America
(Withdrawn 86/02/28)

Erickson & Sederstrom

Thone, Charles - Lincoln, Nebraska Telephone Association

Jones, Tom A. - Austin, TX, AT&T Company

Marshall, Robert P. - Lincoln (Withdrawn 85/11/30), Nebraska
Pharmacists Association (Withdrawn 85/11/30)

Moore, Kathy - Omaha (Withdrawn 85/06/06), Nebraska Association
of Social Workers (Withdrawn 85/06/06)

Radford, Anne - Lincoln (Withdrawn 86/01/01), Lincoln Nuclear
Freeze Campaign (Withdrawn 86/01/01)

Ryan, James E. - Lincoln, National Fraternal Congress of America
(Withdrawn 86/02/28)

Smith, R. Clint - Austin, TX, AT&T Company

Treadway, Tom - Austin, TX, AT&T Company

UNANIMOUS CONSENT - Print in Journal

Mr. Pappas asked unanimous consent to print the following amendment to LB 243 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2602.)

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 20, 1986, at 10:25 a.m., were the following bills: 995, 1037, 1037A, 1045, 1052, 1108, 1228, 1246, 131, 131A, 436, and 1035.

(Signed) Pam Moravec, Enrolling Clerk

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 311A. By Harris, 27th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 311, Eighty-ninth Legislature, Second Session, 1986.

GENERAL FILE

LEGISLATIVE BILL 1251. Mr. Haberman offered the following amendment:

Strike page 26, line 14

Strike on page 26, line 24 "764,550" and insert "14,550"

Strike on page 27, line 1, "16,337,662" and insert "15,587,662"

Mr. Haberman moved for a call of the house. The motion prevailed with 10 ayes, 5 nays, and 34 not voting.

Mr. Haberman requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Abboud	Hartnett	Nichol	Pirsch	Rupp
Eret	Johnson, R.	Pappas	Remmers	Smith
Goodrich	Labeledz	Peterson	Rogers	Vickers
Haberman	Lamb			

Voting in the negative, 25:

Baack	Conway	Hannibal	Johnson, L.	Marsh
Barrett	DeCamp	Harris	Johnson, V.	McFarland
Carsten	Goll	Hefner	Landis	Miller
Chronister	Hall	Hoagland	Lundy	Morehead

Nelson Scofield Warner Wesely Withem

Present and not voting, 1:

Chambers

Absent and not voting, 1:

Sieck

Excused and not voting, 5:

Beyer Chizek Higgins Lynch Schmit

The Haberman amendment lost with 17 ayes, 25 nays, 1 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Haberman offered the following amendment:

Strike page 57, Line 20;

Strike page 57, Line 25;

Strike page 58, Lines 1-3;

Strike page 59, Line 5 "818,038" and insert "18,038".

Mr. Haberman withdrew his pending amendment.

Messrs. R. Johnson and Pappas asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Nichol, DeCamp, Schmit, Baack, Haberman, Lamb, and Ms. Scofield withdrew their pending amendment, AM2559, found in the Journal on page 1462.

Mrs. Morehead renewed her pending amendment, AM2553, found in the Journal on page 1515.

Mrs. Morehead requested a record vote on her amendment.

Voting in the affirmative, 10:

Baack	Hartnett	Johnson, L.	Nelson	Remmers
Eret	Hefner	Morehead	Pirsch	Smith

Voting in the negative, 19:

Barrett	DeCamp	Johnson, V.	Marsh	Sieck
Carsten	Goll	Lamb	Peterson	Warner
Chronister	Goodrich	Landis	Rogers	Withem
Conway	Harris	Lundy	Rupp	

Present and not voting, 13:

Abboud	Hall	Labedz	Nichol	Vickers
Chambers	Hannibal	McFarland	Scofield	Wesely
Haberman	Hoagland	Miller		

Excused and not voting, 7:

Beyer	Higgins	Lynch	Pappas	Schmit
Chizek	Johnson, R.			

The Morehead amendment lost with 10 ayes, 19 nays, 13 present and not voting, and 7 excused and not voting.

Messrs. Landis, Peterson, and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Nelson offered the following amendment:

PURPOSE: Provide matching funds for the purchase of buses by the Metro Area Transit Authority from the Highway Trust Fund instead of the General Fund.

AMENDMENT:

On page 57 in line 20, strike "GENERAL FUND 800,000"; in line 21, strike "217,825,981" and insert "218,625,981"; after line 24, insert "There is included in the cash fund amount shown \$800,000 to be transferred by the State Treasurer from the Highway Trust Fund to the Department of Roads Operation Cash Fund to be used to match federal funds available to the Metropolitan Area Transit Authority for the purchase of buses."; and in line 25, strike all language.

On page 58 in lines 1, 2 and 3, strike all language; and in line 21, strike "133,915,293" and insert "134,341,960".

On page 59 in line 5, strike "818,038" and insert "18,038"; and in line 6, strike "286,622,706" and insert "287,422,706".

SPEAKER NICHOL PRESIDING

The Nelson amendment lost with 6 ayes, 13 nays, 22 present and not voting, and 8 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 924.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Changes to LB 924

The following changes, required to be reported for publication in the Journal, have been made:

ER0169

1. In lieu of the Hannibal amendment adopted March 11, 1986, found beginning on page 1307 of the Journal:

a. On page 1, line 2; and page 20, line 25, "71-2041.01 and 71-2042, Reissue Revised Statutes of Nebraska, 1943, and sections" has been inserted after "sections";

b. The following new sections have been inserted:

"Sec. 6. That section 71-2041.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2041.01. For the purpose of ~~this act~~ sections 71-2041.01 to 71-2045.09, unless the context otherwise requires:

(1) Board shall mean the Board of Examiners in Nursing Home Administration;

(2) ~~Administrator of a home for the aged or infirm~~ or nursing home administrator shall mean any individual responsible for planning, organizing, directing, and controlling the operation of a home for the aged or infirm or an intermediate care facility for the mentally retarded, or who in fact performs such functions, whether or not such functions are shared by one or more other persons. Each ; ~~Provided, that each such~~ administrator shall be full time and responsible for the operation of only one such licensed facility; ~~and~~

(3) Home for the aged or infirm or nursing home shall mean any institution or facility licensed as such by the Department of Health pursuant to sections 71-2017 to 71-2029, except an intermediate care facility for the mentally retarded, whether proprietary or nonprofit, including, but not limited to, homes for the aged or infirm owned or administered by the federal or state government or an agency or political subdivision thereof; ~~and~~

(4) Intermediate care facility for the mentally retarded shall mean any institution or facility licensed as such by the Department of Health pursuant to sections 71-2017 to 71-2029, whether proprietary

or nonprofit, including, but not limited to, intermediate care facilities for the mentally retarded owned or administered by the federal or state government or an agency or political subdivision thereof.

Sec. 7. That section 71-2042, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2042. It shall be the duty of the board to:

(1) Develop, impose, and enforce standards which must be met by individuals in order to receive a license as an administrator of a home for the aged or infirm and in order to receive a license as an administrator of an intermediate care facility for the mentally retarded, which standards shall be designed to insure that such administrators of homes for the aged or infirm will be individuals who are of good character and are otherwise suitable; and who, by training or experience in the field of institutional administration, are qualified to serve as either administrators of homes for the aged or infirm or administrators of intermediate care facilities for the mentally retarded;

(2) Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards;

(3) Issue licenses to individuals determined, after the application of such techniques, to meet such standards, and revoke or suspend licenses previously issued by the board in any case in which the individual holding any such license failed to conform to such standards;

(4) Establish and carry out procedures designed to insure that individuals licensed as administrators ~~of homes for the aged or infirm~~ will, during any period that they serve as such, comply with the requirements of such standards;

(5) Receive, investigate, and take appropriate action with respect to any charge or complaint filed with the Department of Health to the effect that any individual licensed as an administrator ~~of a home for the aged or infirm~~ failed to comply with the requirements of such standards;

(6) Conduct a continuing study and investigation of homes for the aged or infirm and intermediate care facilities for the mentally retarded and administrators of such facilities ~~homes for the aged or infirm~~ within the state with a view to the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of such standards; and

(7) Conduct or cause to be conducted by making use of the resources available; one or more courses of instruction and training sufficient to meet the requirements of ~~this act~~ sections 71-2041.01 to 71-2045.09, and ~~to~~ make provisions for such courses and their accessibility to residents of this state unless it finds that there are a

sufficient number of approved courses which are taught by others within this state. In lieu thereof, the board may approve courses taught within and without this state as sufficient to meet the education and training requirements of ~~this act~~ sections 71-2041.01 to 71-2045.09. For purposes of this subdivision, the board shall have the authority to receive and disburse federal funds received pursuant to section 1908 (e) (1) of the Social Security Act.”; and

c. Original section 6 has been renumbered as section 8.

2. In the Wesely amendment, AM2336, adopted March 11, 1986, on page 1, line 2, an underscored period has been inserted after “disabled”; in lines 3 and 6 an underscored semicolon has been inserted after “disabilities”; the matter beginning with “reinstate” in line 6 through “semicolon” in line 7 has been stricken and “strike the new matter” inserted; and in line 14 “of” has been inserted after “age”; and in lines 17 through 19 all commas have been struck and underscored semicolons inserted.

3. On page 1, line 6, “developmentally disabled” has been struck and “mentally retarded” inserted, “and redefine” has been inserted after “define”, and after the second semicolon “to provide powers and duties; to change provisions relating to the administrators of certain facilities;” has been inserted.

4. On page 16, line 20, “and” has been struck and shown as stricken.

5. On page 19, line 25, an underscored comma has been inserted after “fee”.

6. On page 20, line 10, an underscored comma has been inserted after “denied”.

(Signed) Mary E. Sommermeyer
E & R Attorney

RESOLUTION

LEGISLATIVE RESOLUTION 381.

Introduced by Withem, 14th District; Hartnett, 45th District.

WHEREAS, community identity is critical to commerce, industry, and social progress for all areas of Sarpy County; and

WHEREAS, postal designation is equally important to the positive perpetuation of community identity; and

WHEREAS, the current Omaha postal designation for unincorporated areas of Sarpy County creates confusion in minds of residents, nonresidents, and agencies doing business in Sarpy County.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature call upon the United States Postal Service to become more flexible in zip code designation in recognition that proper postal designation contributes significantly to community identity, social progress, and enhancement of commerce and industry.

2. That the Legislature ask the United States Postal Service to allow all mail to be addressed to the town name within Sarpy County.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mrs. Smith asked unanimous consent to print the following amendment to LB 835 in the Journal. No objections. So ordered.

AM2634

(Amendments to AM2536)

1 1. On page 5, strike beginning with "The" in
2 line 8 through the period in line 16 and insert: "The
3 commission may review basic local exchange rates set by
4 any telecommunications company only upon formal
5 complaint signed by (a) ten per cent of all affected
6 subscribers if the telecommunications company has five
7 thousand or less access lines in service, (b) five per
8 cent of all affected subscribers if the
9 telecommunications company has more than five thousand
10 but not more than fifty thousand access lines in
11 service, (c) three per cent of all affected subscribers
12 if the telecommunications company has more than fifty
13 thousand but not more than two hundred fifty thousand
14 access lines in service, or (d) two per cent of all
15 affected subscribers if the telecommunications company
16 has more than two hundred fifty thousand access lines in
17 service. The complaint shall specifically set forth the
18 particular rate or charge as to which review is
19 requested, the reasons for the requested review, and the
20 relief which complainant's desire."; and strike
1 beginning with "signed" in line 16 through "subscribers"
2 in line 17.

3 2. On page 8, after line 10, insert the
4 following new subsection:

5 "(7) The commission may, on its own motion,
6 review basic local exchange rates of any

7 telecommunications company if the company has increased
 8 such rates by more than twenty per cent within any
 9 consecutive twelve-month period. The commission shall
 10 hold and complete a hearing on such rates within sixty
 11 days after first giving notice of such hearing to the
 12 telecommunications company. The telecommunications
 13 company shall have the burden of proof that such rates
 14 and charges are not substantially in excess of the
 15 actual economic cost of providing such services. The
 16 commission may, within sixty days after close of the
 17 hearing, enter an order prospectively adjusting the
 18 rates and charges at issue, except that the commission
 19 may not set any rate or charge below the actual economic
 20 cost of providing such service as established by the
 21 evidence received at the hearing. If the commission
 22 fails to enter any order within sixty days after the
 23 close of the hearing, the rates and charges shall be
 24 deemed approved for all purposes, including for purposes
 1 of appeal. For purposes of this subsection, actual
 2 economic cost shall also include a ratable portion of
 3 administrative expenses and overhead incurred by the
 4 telecommunications company in its operations and the
 5 appropriate amortization of previously deferred
 6 accounting costs. This subsection shall terminate on
 7 August 31, 1991.”; and in line 11 strike “(7)” and
 8 insert “(8)”.

Mr. Chambers asked unanimous consent to print the following amendment to LB 1251 in the Journal. No objections. So ordered.

(1) On page 108, after line 2, insert the following:

Program No. 584 - Commission on Indian Affairs	
GENERAL FUND	70,646
PROGRAM TOTAL	70,646

Total expenditures for permanent and temporary salaries and per diems shall not exceed \$50,158.

(2) On page 104, after line 16, insert the following new section:

Agency No. 68 -- Commission on Mexican-Americans	
Program No. 537 -- Commission on Mexican-Americans	
GENERAL FUND	96,669
PROGRAM TOTAL	96,669

Total expenditures for permanent and temporary salaries and per diems shall not exceed \$68,634.

VISITORS

Visitors to the Chamber were 60 sixth grade students and teachers from Sarah Joslyn, Omaha; 30 students and teacher from Logan Fontanelle School, Bellevue; Cheryl Piwenitzky from Lincoln; 11 eighth grade students and teacher from Newport; 64 eighth grade students and teacher from St. Bernadette, Omaha; Dr. Charles Seeger from Columbus; Dr. and Mrs. John McBride from Hastings; and Arlette and Arlene Neal from Kearney.

RECESS

At 12:01 p.m., on a motion by Mr. Hall, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Beyer and Lynch who were excused; and Messrs. Chambers, Chizek, DeCamp, Eret, Hall, V. Johnson, Landis, Peterson, Schmit, Sieck, Wesely, Mesdames Higgins, Labedz, Marsh, and Ms. Scofield who were excused until they arrive.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 375.

MOTION - Suspend Rules

Mr. Nichol moved to suspend the rules, Rule 4, Section 6 to permit consideration of LR 382 today.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

The Nichol motion to suspend the rules prevailed with 30 ayes, 0 nays, and 3 present and not voting, and 16 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 382.

Introduced by Vickers, 38th District.

WHEREAS, some turkeys have proposed today as the Great American Meatout which is utter nonsense; and

WHEREAS, if these people have a beef with meat they should look at the nutritional value meat offers; and

WHEREAS, all Nebraskans have a stake in stopping this foul deed; and

WHEREAS, this issue is prime for debate; and

WHEREAS, the Legislature should not chicken out from addressing this issue; and

WHEREAS, the livestock industry contributes more than a paltry amount to Nebraska's economy; and

WHEREAS, people should not pork out on any one food but should eat a balanced diet including meat; and

WHEREAS, Senator Vickers who eats meat three times a day is lean and mean on this issue and recently showed an outstanding blood cholesterol level; and

WHEREAS, the people who started this idea should be sheepish about ever bringing it up; and

WHEREAS, this is not intended as a roast but is intended to beef up meat consumption by all red-blooded Americans.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature urges all Americans to meet out tonight at their local restaurant for a dinner of steak, prime ribs, pork chops, turkey, or chicken.

2. That the Legislature urges all Americans to hoof it over to their local butcher and the meat case of their local grocery store and purchase some meat often.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

LR 382 was adopted with 28 ayes, 1 nay, 10 present and not voting, and 10 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 374, LR 376, LR 377, LR 378, and LR 379.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1250. Placed on Select File as amended.
E & R amendments to LB 1250:

AM5384

- 1 1. In the Appropriations Committee amendment,
2 AM2586, adopted March 18, 1986:
 - 3 a. On page 2, strike lines 4 through 6; and
 - 4 b. On page 3, line 5 strike "fiscal year"
- 5 and insert "fiscal-year"; in line 6 strike "5" and
6 insert "6".
- 7 2. On page 1, line 1, strike "salaries of
8 state employees" and insert "public employees; to amend
9 section 48-837, Reissue Revised Statutes of Nebraska,
10 1943, as amended by section 7, Legislative Bill 258,
11 Eighty-ninth Legislature, Second Session, 1986"; and in
12 line 2 after the first semicolon insert "to provide for
13 salary increases for state employees; to limit the
14 jurisdiction of the Commission of Industrial Relations
15 as prescribed; to change provisions relating to certain
16 agreements on noneconomic issues;" and after the second
17 semicolon insert "to repeal the original section;"
- 18 3. On page 2, line 19, strike "years" and
19 insert "year".
- 20 4. On page 5, line 12, strike the comma.

LEGISLATIVE BILL 1250A. Placed on Select File as amended.
E & R amendments to LB 1250A:

AM5385

- 1 1. On page 3, lines 13 and 14, strike
2 "144,606" and insert "144,605".
- 3 2. On page 13, line 13, after "and" insert
4 "Board of".
- 5 3. On page 35, after line 17 insert the
6 following new paragraph:
7 "On and after the effective date of
8 Legislative Bill 811, Eighty-ninth Legislature, Second
9 Session, 1986, the term Nebraska Workmen's Compensation
10 Court shall be construed to mean the Nebraska Workers'
11 Compensation Court and the term Workmen's Compensation
12 Adjudication and Administration shall be construed to
13 mean Workers' Compensation Adjudication and
14 Administration."

- 15 4. On page 38, line 17, strike "Television"
- 16 and insert "Telecommunications"; and in line 22 strike
- 17 "State Social Security Bureau" and insert "social
- 18 security administration bureau".
- 19 5. On page 56, line 19, after "FUND" insert
- 20 "est."
- 21 6. On page 62, line 4, after "Commission"
- 1 insert ", Nebraska".
- 2 7. On page 63, line 11, strike "and Parole";
- 3 and after line 11 insert
- 4 "Parole, Board of 12".

(Signed) Timothy Hall, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1126. Title read. Considered.

Standing Committee amendments, AM2183, found in the Journal on page 901 for the Twenty-Eighth Day were considered.

Mr. Withem and Mrs. Morehead offered the following amendment to the Standing Committee amendments:
(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2632.)

Mr. Warner requested a ruling of the Chair on whether the Withem-Morehead amendment is germane to the Standing Committee amendments.

The Chair ruled the Withem-Morehead amendment is not germane to the Standing Committee amendments.

The Standing Committee amendments were adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. DeCamp renewed his pending amendment, AM2581, found in the Journal on page 1475.

Mr. Sieck and Mrs. Pirsch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Haberman moved for a call of the house. The motion prevailed with 4 ayes, 0 nays, and 45 not voting.

The DeCamp amendment lost with 20 ayes, 18 nays, 4 present and not voting, and 7 excused and not voting.

Mr. Withem and Mrs. Morehead offered the following amendment:
(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2632.)

The Chair declared the call raised.

Mr. DeCamp requested a ruling of the Chair on whether the Withem-Morehead amendment is germane to the bill.

Mr. Wesely asked unanimous consent to be excused until he returns.
No objections. So ordered.

Mr. DeCamp withdrew his request on the ruling of the Chair.

Mr. Lamb offered the following amendment to the Withem-Morehead amendment:

Amend A M 2632

Page 6 Reinstate the stricken language in lines 10 through 15.

Mr. Withem moved for a call of the house. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

Mr. Withem requested a roll call vote on the Lamb amendment.

Voting in the affirmative, 20:

Abboud	DeCamp	Hefner	Nelson	Rupp
Barrett	Eret	Johnson, L.	Peterson	Sieck
Carsten	Goll	Johnson, R.	Remmers	Smith
Chronister	Haberman	Lamb	Rogers	Warner

Voting in the negative, 19:

Baack	Hall	Johnson, V.	McFarland	Pappas
Chambers	Harris	Labeledz	Miller	Vickers
Conway	Hartnett	Landis	Morehead	Withem
Goodrich	Hoagland	Marsh	Nichol	

Present and not voting, 3:

Hannibal	Lundy	Scofield
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Excused and not voting, 7:

Beyer	Higgins	Pirsch	Schmit	Wesely
Chizek	Lynch			

The Lamb amendment was adopted with 20 ayes, 19 nays, 3 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

The Withem-Morehead amendment, as amended, was adopted with 25 ayes, 1 nay, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 28 ayes, 1 nay, 14 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 318. No objections. So ordered.

EXECUTIVE BOARD ANNOUNCEMENT

The Executive Board of the Legislative Council hereby designates March 27, 1986, prior to adjournment, as the deadline for interim study resolutions.

(Signed) Calvin Carsten, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 835 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2536.)

Mr. Schmit asked unanimous consent to print the following amendment to LB 999 in the Journal. No objections. So ordered.

AM2639

(Amendments to Standing Committee amendments)

1 1. On page 1, line 8, strike "3" and insert
2 "1, 3,"; and in line 10 after the quotation marks
3 insert:

4 "Section 1. (1) If agricultural land as
5 described in sections 77-1359 and 77-1360 is involved,
6 at least one hundred eighty days before the commencement
7 of any judicial or nonjudicial action or proceeding to
8 accelerate indebtedness, foreclose, repossess, or
9 otherwise execute upon the terms of a loan or security
10 agreement, deed of trust, or state law when such right
11 is based on the borrower's alleged default, the lender
12 or holder of the secured interest shall deliver written
13 notice to the borrower and to the Public Counsel by
14 certified mail. The notice provided to the Public
15 Counsel shall commence the process of mediation as
16 described in this section.

17 (2) The notice required by subsection (1) of
18 this section shall include: (a) In the case of
19 acceleration, a statement of the financial implications
20 of acceleration and the borrower's right under this
1 subsection to remove the default and prevent
2 acceleration; (b) a statement of all alleged defaults
3 committed by the borrower; (c) in the case of monetary
4 defaults, separate listings of the delinquent amounts
5 due for principal and interest; (d) the amount which the
6 lender or holder of the secured interest would accept to
7 bring the debt current; and (e) in the case of
8 nonmonetary defaults, actions which the borrower can
9 take to remove such defaults.

10 (3) In order to facilitate the process of
11 mediation under this section, the Public Counsel may
12 request and shall be given the assistance that he or she
13 deems necessary for the discharge of his or her
14 responsibilities by the lender and borrower involved.
15 He or she may inspect and examine any records and
16 documents in the possession of the lender and borrower
17 that may be relevant to the subject matter of the
18 notice. He or she may issue a subpoena enforceable by
19 action in an appropriate court to compel any person to
20 appear, give sworn testimony, or produce documentary or
21 other evidence he or she deems relevant to the subject
22 matter of the notice. A person who is required to
23 provide information shall be paid the same fees and
24 travel allowances and shall be accorded the same
1 privileges and immunities as are extended to witnesses

2 in the district courts of this state and shall also be
3 entitled to have counsel present while being questioned.

4 (4) Upon receiving the notice required by
5 subsection (1) of this section, the Public Counsel shall
6 schedule appropriate mediation conferences involving the
7 borrower and the lender and their representatives. The
8 Public Counsel shall notify the borrower and the lender
9 of the time and place of any mediation conference by
10 certified mail sent to their last-known addresses. The
11 initial mediation conference shall be scheduled to occur
12 within forty-five days following receipt of such notice
13 by the Public Counsel. The Public Counsel may schedule
14 subsequent mediation conferences as he or she deems
15 necessary. The Public Counsel may require that any such
16 mediation conference be conducted by telephone
17 conference call. No mediation conference scheduled or
18 conducted under this section shall be open to the
19 public.

20 (5) The purpose of mediation under this
21 section shall be to discover mutually agreeable means of
22 preventing the acceleration of indebtedness,
23 foreclosure, repossession, or execution that is the
24 subject matter of the notice required by subsection (1)
1 of this section. The Public Counsel shall consult with
2 the borrower and the lender and their representatives in
3 an effort to determine whether the acceleration of
4 indebtedness, foreclosure, repossession, or execution
5 may be averted by any reasonable means. Such means may
6 include, but shall not be limited to: (a) Rescheduling
7 payments; (b) extending the period over which payments
8 may be made; (c) restructuring the debt; (d) offering
9 alternative collateral; or (e) any other mutually
10 acceptable alternative or combination of means. The
11 Public Counsel may compel the borrower and the lender to
12 submit written plans of settlement to the Public Counsel
13 within twenty days of receipt of notification that such
14 plan is required.

15 (6) The Public Counsel shall conclude the
16 mediation process with a formal report expressing the
17 terms of any settlement or, when no consensus has been
18 reached for settlement, recommending terms he or she
19 deems appropriate for such settlement. Copies of the
20 report shall be submitted to the borrower and the lender
21 by certified mail sent to their last-known addresses.

22 (7) No documents submitted to or prepared by

23 the Public Counsel pursuant to this section shall be
24 open to public inspection.

1 (8) If the borrower submits the full amount
2 specified in subdivision (2)(d) of this section and
3 performs the actions specified in subdivision (2)(e) of
4 this section within one hundred eighty days of receipt
5 of the notice required by subsection (1) of this
6 section, the lender's or secured interest holder's debt
7 collection rights provided by loan or security
8 agreements, deed of trust, or other statutory right of
9 debt collection shall be removed, and the borrower's
10 status under any such agreement or state law shall be
11 reinstated in full with the same effect as though no
12 default had occurred."

GENERAL FILE

LEGISLATIVE BILL 960. Title read. Considered.

Standing Committee amendment, AM2129, found in the Journal on page 825 for the Twenty-Sixth Day was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 999. Considered.

Messrs. Hoagland, Chambers, R. Johnson, and Eret renewed their pending amendment, AM2584, printed separate from the Journal and referred to on page 1477 to the Standing Committee amendments.

Messrs. Peterson, Baack, and Goll asked unanimous consent to be excused. No objections. So ordered.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Hoagland et al. amendment was adopted with 17 ayes, 0 nays, 23 present and not voting, and 9 excused and not voting.

Mr. Chronister asked unanimous consent to be excused. No objections. So ordered.

Messrs. Hoagland, Eret, and R. Johnson offered the following amendment to the Standing Committee amendments:

1. On page 1, line 9, strike "or state law".
2. On page 4, line 24, strike the comma.
3. On page 5, line 1 strike "trustee, or beneficiary of a deed of trust,".
4. On page 2, line 7, strike "receipt" and insert "mailing".

The Hoagland-Eret-R. Johnson amendment was adopted with 12 ayes, 0 nays, 27 present and not voting, and 10 excused and not voting.

Mr. Barrett asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Lundy asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 382.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 437 in the Journal. No objections. So ordered.

Page 2, line 16, strike "three" and insert "one".

Mr. Hall asked unanimous consent to print the following amendment to LB 452 in the Journal. No objections. So ordered.

AM2582

- 1 1. Insert the following new section:
- 2 "Section 1. That section 8-157, Revised
- 3 Statutes Supplement, 1985, be amended to read as
- 4 follows:

5 8-157. (1) No bank shall maintain any branch
6 bank and, except as provided in subsections (2) to (11)
7 of this section and section 8-122.01, the general
8 business of every bank shall be transacted at the place
9 of business specified in its charter.

10 (2) With the approval of the director (a) any
11 bank may maintain an attached auxiliary office if such
12 office is physically connected by a pneumatic tube or
13 tubes or a walkway, tunnel, or any other electronic,
14 mechanical, or structural connection or attachment for
15 the public use of the bank and is within two hundred
16 feet of the building containing the premises specified
17 as its place of business in its charter or any adjacent
18 connected building housing a continuation of the
19 operations of the bank's main office and is not within
20 three hundred feet of another bank or another bank's
21 auxiliary or detached office and (b) any bank may
1 establish and maintain ~~commencing (i) in 1983 not more~~
2 ~~than three detached auxiliary offices, (ii) in 1984 not~~
3 ~~more than four detached auxiliary offices, and (iii) in~~
4 ~~1985 and thereafter not more than five detached~~
5 auxiliary offices at which all banking transactions
6 allowed by law may be made. Such auxiliary offices
7 shall be within the ~~corporate limits of the city~~ county
8 in which such bank is located or within any county
9 contiguous to the county in which the principal banking
10 office of such bank is located. Any bank that
11 establishes and maintains two or more auxiliary offices
12 shall locate one of such offices within three miles of
13 the premises specified as its place of business in its
14 charter. No auxiliary office shall be located within
15 three hundred feet of another bank or within fifty feet
16 of another auxiliary office. Any detached auxiliary
17 office established and maintained by a bank pursuant to
18 the acquisition or merger of an institution under
19 sections 8-1506 to 8-1510 shall not count against the
20 number or location of detached auxiliary offices
21 permitted under this section.

22 (3) With the approval of the director, a bank
23 may acquire another bank in Nebraska as the result of a
24 purchase or merger so long as the acquired bank has been
1 chartered for more than five years and the acquired
2 institution and its detached auxiliary offices are
3 converted to auxiliary offices of the acquiring bank.
4 Such auxiliary offices shall not count against the

5 number of locations of detached auxiliary offices
6 permitted under subsections (1) and (2) of this section.

7 (4) The name given to any detached bank or
8 branch bank established and maintained pursuant to this
9 section shall not be substantially similar to the name
10 of any existing bank or branch bank which is
11 unaffiliated with the newly created bank or branch bank
12 and is located in the same municipality. The name of
13 such newly created bank or branch bank shall be approved
14 by the director.

15 (5) With the approval of the director, any
16 bank or banks may establish and maintain any number of
17 electronic satellite facilities or manned electronic
18 satellite facilities at which all banking transactions,
19 defined as receiving deposits of every kind and nature
20 and crediting such to customer accounts, cashing checks
21 and cash withdrawals, transfer of funds from checking
22 accounts to savings accounts, transfer of funds from
23 savings accounts to checking accounts, transfer of funds
24 from either checking accounts and savings accounts to
1 accounts of other customers, payment transfers from
2 customer accounts into accounts maintained by other bank
3 customers or the bank, including preauthorized draft
4 authority, preauthorized loans, and credit transactions,
5 receiving payments payable at the bank or otherwise, and
6 such other transactions that the Director of Banking and
7 Finance upon application, notice, and hearing may
8 approve, may be conducted. Such electronic satellite
9 facilities or manned electronic satellite facilities may
10 be established only by a bank as defined in subdivision
11 (4) of section 8-101 or by a national banking
12 association whose main chartered office is located in
13 the State of Nebraska. Neither such electronic
14 satellite facilities, the manned electronic satellite
15 facilities, nor the transactions conducted thereat shall
16 be construed as the establishment of a branch bank or as
17 branch banking. Such facilities shall be available on a
18 nondiscriminating basis for use by customers of any
19 other bank becoming a user bank. It shall not be deemed
20 discrimination if a facility does not offer the same
21 transaction services as other facilities.

22 Any bank may become a user bank by agreeing to
23 pay the establishing bank its transaction fees. Such
24 agreement may be implied by the use of such facilities.

1 Nothing in this subsection shall prohibit a user bank

2 from agreeing to responsibilities and benefits which
3 might be contained in a standardized agreement. The
4 establishing bank shall file with the director the
5 information necessary to originate a transaction at any
6 facility. Such information shall contain a means of
7 designating the bank or processor to which such
8 transactions shall be switched and shall also contain
9 information adequate to perform authorization of cash
10 withdrawal and other transactions authorized by this
11 section. The director shall make such information
12 available to any other bank desiring to become a user
13 bank. The establishing bank shall be responsible for
14 transmitting transactions originating from its facility
15 to a switch, but nothing contained in this section may
16 be construed to provide that any inhouse or auxiliary
17 office premises transactions shall be required to go
18 through a switch. The director shall refuse to approve
19 the establishment of any electronic satellite facilities
20 or manned electronic satellite facilities unless such
21 facilities will be available on a nondiscriminating
22 basis through methods, fees, and processes that the
23 establishing bank has provided for switching
24 transactions. Once approval is given for the facility
1 of an establishing bank, the director, upon notice and
2 after a hearing, may revoke the approval for the
3 facility or may suspend the use of such facility if he
4 or she determines that it is not available on a
5 nondiscriminating basis, that the necessary information
6 is not on file with the director, or that transactions
7 originated by customers of user banks are not being
8 switched to processing centers. Nothing in this section
9 may be construed to prohibit nonbank employees from
10 assisting in transactions originated at the facilities,
11 and such assistance shall not be deemed to be engaging
12 in the business of banking. Such nonbank employees may
13 be trained in the use of the facilities by bank
14 employees.

15 (6) An establishing bank shall not be deemed
16 to make a facility available on a nondiscriminating
17 basis if, through personnel services offered,
18 advertising on or off the facility premises, or
19 otherwise, it discriminates in the use of the facility
20 against any user bank.

21 (7) Off-premises electronic satellite
22 facilities and manned electronic satellite facilities

23 may be established and maintained by a bank or by a
24 group of two or more banks or a combination of a bank or
1 banks and a third party. No one, through personnel
2 services offered, advertising on or off the facility
3 premises, or otherwise, may discriminate in the use of
4 the facility against any other user bank desiring to use
5 the services of the facility.

6 (8) It is an intent of this section that this
7 section shall apply to banks chartered by the State of
8 Nebraska and all national banking associations whose
9 main chartered offices are located in the State of
10 Nebraska and that there be an equal opportunity to all
11 Nebraska banks for the use of and access to a switch and
12 that no discrimination shall exist or preferential
13 treatment be given in either the operation of such
14 switch or the charges for use thereof. The operation of
15 such switch shall be with the approval of the Director
16 of Banking and Finance. Approval of such switch shall
17 be given by the Director of Banking and Finance when he
18 or she shall determine that its design and operation are
19 such as to provide access thereto and use thereof by any
20 Nebraska bank without discrimination as to access or
21 cost of its use.

22 (9) If the director, upon notice and hearing,
23 determines at any time that the design or operation of a
24 switch or provision for use thereof does discriminate
1 against any bank in providing access thereto and use
2 thereof either through access thereto or by virtue of
3 the cost of its use, he or she may revoke his or her
4 approval of such switch operation and forthwith order
5 the discontinuance of the operation of such switch.

6 (10) If it shall be determined by the Director
7 of Banking and Finance, after notice and hearing, that
8 discrimination against any bank has taken place or that
9 one bank has been preferred over another or that any
10 bank or person has not complied with any of the
11 provisions of this section, he or she shall forthwith
12 issue a cease and desist order or an order for
13 compliance within ten days from the date of the order
14 and upon noncompliance with such order, the offending
15 bank shall become ineligible to receive and hold any
16 deposits of any nature of the State of Nebraska or any
17 political subdivision thereof.

18 (11) The provisions of section 8-101 and this
19 section shall apply to banks and their activities only.

20 Nothing in such sections may be construed to provide any
21 authority for any nonbank institution to engage in any
22 of the banking transactions enumerated in this section.
23 When reference is made in this section to activities by
24 third parties, such activities shall be limited to the
1 ownership, operation, and maintenance of electronic
2 satellite facilities.

3 (12) Nothing in this section shall prohibit
4 ordinary clearinghouse transactions between banks.”.

5 2. On page 7, line 26, strike “and”; and in
6 line 27 after the second comma insert “and section
7 8-157, Revised Statutes Supplement, 1985,”.

8 3. Renumber remaining section accordingly.

Mr. DeCamp asked unanimous consent to print the following amendment to LR 322 in the Journal. No objections. So ordered.

AM2600

1 1. Strike original sections 1 and 2 and
2 insert the following new sections:
3 “Section 1. That at the general election in
4 November 1986 there shall be submitted to the electors
5 of the State of Nebraska for approval the following
6 amendment to Article III, section 24, of the
7 Constitution of Nebraska, which is hereby proposed by
8 the Legislature:
9 CIII-24 ‘The Legislature shall not authorize
10 any game of chance, nor any lottery, or gift enterprise
11 where the consideration for a chance to participate
12 involves the payment of money for the purchase of
13 property, services, chance or admission ticket, or
14 requires an expenditure of substantial effort or time,
15 ~~except~~ ; **PROVIDED**, that it may authorize and regulate
16 other lotteries, raffles, and gift enterprises which are
17 intended solely as business promotions or the proceeds
18 of which are to be used solely for charitable or
19 community betterment purposes without profit to the
20 promoter of such lotteries, raffles, or gift
21 enterprises. The Legislature shall, in 1987, establish
1 a lottery program to (1) conduct what it determines to
2 be the most efficient type of lottery to raise revenue
3 and (2) ensure that all state and local lottery activity
4 is adequately policed and regulated. A county, city, or
5 village may establish and conduct any lottery including
6 an electronic video lottery, if the voters of the

7 county, city, or village voting at any election approve
8 the establishment of such lottery. At least two per
9 cent of the gross proceeds of any state or local lottery
10 conducted in the State of Nebraska shall be paid to the
11 State Treasurer for deposit in the General Fund of the
12 state. Nothing in this section shall be construed to
13 prohibit the enactment of laws providing for the
14 licensing and regulation of wagering on the results of
15 horse races by the parimutuel or certificate method,
16 when conducted by licensees within the race track
17 enclosure at licensed horse race meetings, or to
18 prohibit the enactment of laws providing for the
19 licensing and regulation of bingo games conducted by
20 nonprofit associations which have been in existence for
21 a period of five years immediately preceding the
22 application for license, except that such ~~;~~ **PROVIDED,**
23 bingo games ~~cannot~~ shall not be conducted by agents or
24 lessees of such associations on a percentage basis.'.

1 Sec. 2. The proposed amendment shall be
2 submitted to the electors in the manner prescribed by
3 Article XVI, section 1, of the Constitution of Nebraska.
4 The proposition for the submission of the proposed
5 amendment shall be placed upon the ballot in the
6 following form:

7 'A constitutional amendment to (1) require the
8 Legislature to establish a lottery program to
9 raise revenue and adequately police and
10 regulate lottery activities, (2) authorize a
11 county, city, or village to establish a
12 lottery, and (3) provide that a portion of
13 gross proceeds of lotteries be paid to the
14 General Fund.
15 For
16 Against'."

Messrs. Wesely and Goll asked unanimous consent to print the following amendment to LB 355 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2562.)

Mr. Withem asked unanimous consent to print the following amendment to LB 438 in the Journal. No objections. So ordered.

1. Page 2, following line 8, insert a new subsection to read:
“(3) Department shall mean the Department of Health;”; renumber remaining subsections accordingly; strike line 27.
2. Page 3, strike lines 1 and 2; line 13, after “Sec. 3.”, insert “Except as provided in Section 4.”; strike “After” and insert “after”; line 16, strike “until” and insert “unless”; line 18, strike “Each” and insert “Any”; line 20, following “analgesia”, insert “for at least twelve months”; line 22, strike “within such twelve-month period” and insert “by April 1, 1988.”; line 23, insert a period after “permit” and strike the rest of line 23; line 24, strike “shall apply”, after the second “the”, insert “department, upon the recommendation of the”.
3. Page 4, line 3, strike “the revocation or suspension of” and insert “action against”; strike from the second “or” in line 4 through “board.” on line 7 and insert “pursuant to Section 71-155 through 71-161.08 and Section 71-161.11 through 71-161.18.”; line 8, following “The”, insert “department upon the recommendation of the” and insert a comma after “board”; line 20, strike “and”; following line 20, insert a new subsection to read: “(3) Has successfully completed an onsite evaluation, covering the areas of physical evaluation, monitoring, sedation, and emergency medicine; and”.
4. Page 5, line 7, after “ten” insert “of the twelve”; line 8, before “preceding”, insert “immediately”, strike “the effective date of this act” and insert “October 1, 1988”; line 12, following “The”, insert “department, upon the recommendation of the” and insert a comma after “board”.
5. Page 6, line 14, strike the second “the”; strike line 15 and insert “October 1, 1988.”; line 21, following “The”, insert “department, upon the recommendation of the” and insert a comma after “board”.
6. Page 7, line 13, strike “the effective date of this act” and insert “October 1, 1988”; line 15, strike from the first comma through “personnel” on line 16; strike Section 11.
7. Page 8, line 1, following “The”, insert “department, upon the recommendation of the”, insert a comma after “board”, following “shall” insert “promulgate and adopt regulations to define criteria for the reevaluation of” and strike “reevaluate”; line 9, following “to” insert “review and to make recommendations on permit applications” and strike “issue permits”; line 11, strike “Nebraska-”; line 12, strike “an incident” and insert “a”; line 13, strike “mortality or other”; line 14, after “in” insert “death or” and strike “temporary or permanent”; line 16, strike “and”.
8. Page 9, line 13, strike “of Health”; line 14, strike “shall” and insert “may”.
9. Renumber all remaining sections and subsections accordingly.

Ms. Scofield, Messrs. Lundy, and Hoagland asked unanimous consent to print the following amendment to LB 90 in the Journal. No objections. So ordered.

AM2657

(Amendments to Standing Committee amendments)

1 1. Strike amendment 1 and insert the
2 following new amendments:

3 "1. Strike the original sections and insert
4 the following new sections:

5 'Section 1. The Legislature recognizes that
6 obtaining testimony in a criminal prosecution from a
7 child-victim of or a child-witness to a felony offense
8 may be a delicate matter and may require some special
9 considerations. It is the intent of the Legislature to
10 promote, facilitate, and preserve the testimony of such
11 child-victim or child-witness in a criminal prosecution
12 to the fullest extent possible consistent with the
13 constitutional right to confrontation guaranteed by the
14 Sixth Amendment of the Constitution of the United States
15 and Article I, section 11 of the Constitution of the
16 State of Nebraska.

17 Sec. 2. That section 29-1917, Reissue Revised
18 Statutes of Nebraska, 1943, be amended to read as
19 follows:

20 29-1917. (1) At Except as provided in section
1 3 of this act, at any time after the filing of an
2 indictment or information in a felony prosecution, the
3 prosecuting attorney or the defendant may request the
4 court to allow the taking of a deposition of any person
5 other than the defendant who may be a witness in the
6 trial of the offense. The court may order the taking of
7 the deposition when it finds the testimony of the
8 witness:

9 (a) May be material or relevant to the issue
10 to be determined at the trial of the offense; or

11 (b) May be of assistance to the parties in
12 the preparation of their respective cases.

13 (2) An order granting the taking of a
14 deposition shall include the time and place for taking
15 such deposition and such other conditions as the court
16 determines to be just.

17 (3) The proceedings in taking the deposition
18 of a witness pursuant to ~~the provisions of~~ this section
19 and returning it to the court shall be governed in all

20 respects as the taking of depositions in civil cases.

21 (4) A deposition taken pursuant to the
22 ~~provisions of~~ this section may be used at the trial by
23 any party solely for the purpose of contradicting or
24 impeaching the testimony of the deponent as a witness.

1 Sec. 3. (1) Upon request of the prosecuting
2 attorney and upon sufficient cause shown, the court
3 shall order the taking of a videotape deposition of a
4 child-victim of or child-witness to any felony offense.
5 The deposition ordinarily shall be in lieu of courtroom
6 or in camera testimony by the child. If the court
7 orders a videotape deposition, the court shall:

8 (a) Designate the time and place for taking
9 the deposition. The deposition may be conducted in the
10 courtroom, the judge's chambers, or any other location
11 suitable for videotaping;

12 (b) Assure adequate time for the defense
13 attorney to complete discovery before taking the
14 deposition; and

15 (c) Preside over the taking of the videotape
16 deposition in the same manner as if the child were
17 called as a witness for the prosecution during the
18 course of the trial.

19 (2) Unless otherwise required by the court,
20 the deposition shall be conducted in the presence of the
21 prosecuting attorney, the defense attorney, the
22 defendant, and any other person deemed necessary by the
23 court, including the parent or guardian of the
24 child-victim or child-witness or a counselor or other
1 person with whom the child is familiar. Such parent,
2 counselor, or other person shall be allowed to sit with
3 or near the child unless the court determines that such
4 person would be disruptive to the child's testimony.

5 (3) At any time subsequent to the taking of
6 the original videotape deposition and upon sufficient
7 cause shown, the court shall order the taking of
8 additional videotape depositions to be admitted at the
9 time of the trial.

10 (4) If the child testifies at trial in person
11 rather than by videotape deposition, the taking of the
12 child's testimony may, upon request of the prosecuting
13 attorney and upon sufficient cause shown, be conducted
14 in camera if it is viewable by the jury, any party, the
15 media, and the public in open court. If the court
16 determines it is essential to preserve the

17 constitutionality of the in camera testimony, the court
18 may direct that during the testimony the child shall at
19 all times be in a position to see the defendant live or
20 on camera.

21 (5) For purposes of this section, child shall
22 mean a person eleven years of age or younger at the time
23 the motion to take the deposition was made or at the
24 time of the taking of in camera testimony at trial.

1 (6) Nothing in this section shall restrict the
2 court from conducting the pretrial deposition or in
3 camera proceedings in any manner deemed likely to
4 facilitate and preserve child testimony to the fullest
5 extent possible, consistent with the right to
6 confrontation guaranteed in the Sixth Amendment of the
7 Constitution of the United States and Article I, section
8 11, of the Constitution of the State of Nebraska.

9 (7) Nothing in this section shall limit the
10 right of access of the media or the public to open
11 court.

12 (8) Nothing in this section shall preclude
13 discovery by the defendant as set forth in section
14 29-1912.

15 (9) The Supreme Court shall adopt and
16 promulgate rules of procedure to effectuate this section
17 which rules shall not be in conflict with laws governing
18 such matters.

19 Sec. 4. That original section 29-1917,
20 Reissue Revised Statutes of Nebraska, 1943, is
21 repealed.'.

22 2. Strike E and R amendment 1.".

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 153, 153A, 277, 277A, 437, 575A, 907, and 1038.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 153

The following changes, required to be reported for publication in the Journal, have been made:

ER0162

1. In the E & R amendment, AM5229, adopted March 12, 1986, on page 1, line 7, "39-669.12" has been struck and "39-669.16" inserted.

2. On page 1, line 5, "to require notice as prescribed;" has been inserted after the semicolon.

Enrollment and Review Change to LB 277

The following changes, required to be reported for publication in the Journal, have been made:

ER0168

1. In the Wesely amendment, AM2491, adopted March 12, 1986, on page 1, line 2, "~~the~~" has been inserted after "~~of~~"; in line 6 "~~other~~" has been inserted after "~~and~~"; and in line 7 "~~staff~~" has been struck and "~~to~~" inserted and "and insert 'including'" has been inserted after "21".

2. In the E & R amendment, AM5330, adopted March 12, 1986, on page 1, lines 13 through 15 have been struck and the remaining amendments relettered accordingly.

Enrollment and Review Change to LB 277A

The following changes, required to be reported for publication in the Journal, have been made:

ER0166

1. In the Chronister amendment adopted March 12, 1986, found beginning on page 1315 of the Journal, on page 1, line 1, "In" has been struck and "On page 2," inserted and the second "and" has been struck and "; in lines 2 and 3" inserted; in line 8 "286" has been struck and "277" inserted; in line 14 "Practitioners'" has been struck and "Practitioners" inserted and "State" has been struck; and in line 16 "bill" has been struck and "act" inserted.

Enrollment and Review Changes to LB 437

The following changes, required to be reported for publication in the Journal, have been made:

ER0165

1. In lieu of the Vickers amendment adopted February 19, 1986, found on page 868 of the Journal, in the Standing Committee amendments, AM0409, on page 1, line 5, after the underscored period, the following new subsection has been inserted:

"(5) The driver of any motor vehicle, when traveling upon a roadway outside of a business or residential district, who is following

another vehicle displaying flashing amber or white lights shall not follow such vehicle more closely than one hundred feet. This subsection shall not prevent another vehicle from overtaking and passing any other motor vehicle."

2. On page 2, line 9, an underscored comma has been inserted after "vehicle"; and in line 11 "and which" has been struck, shown as stricken, and "who" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

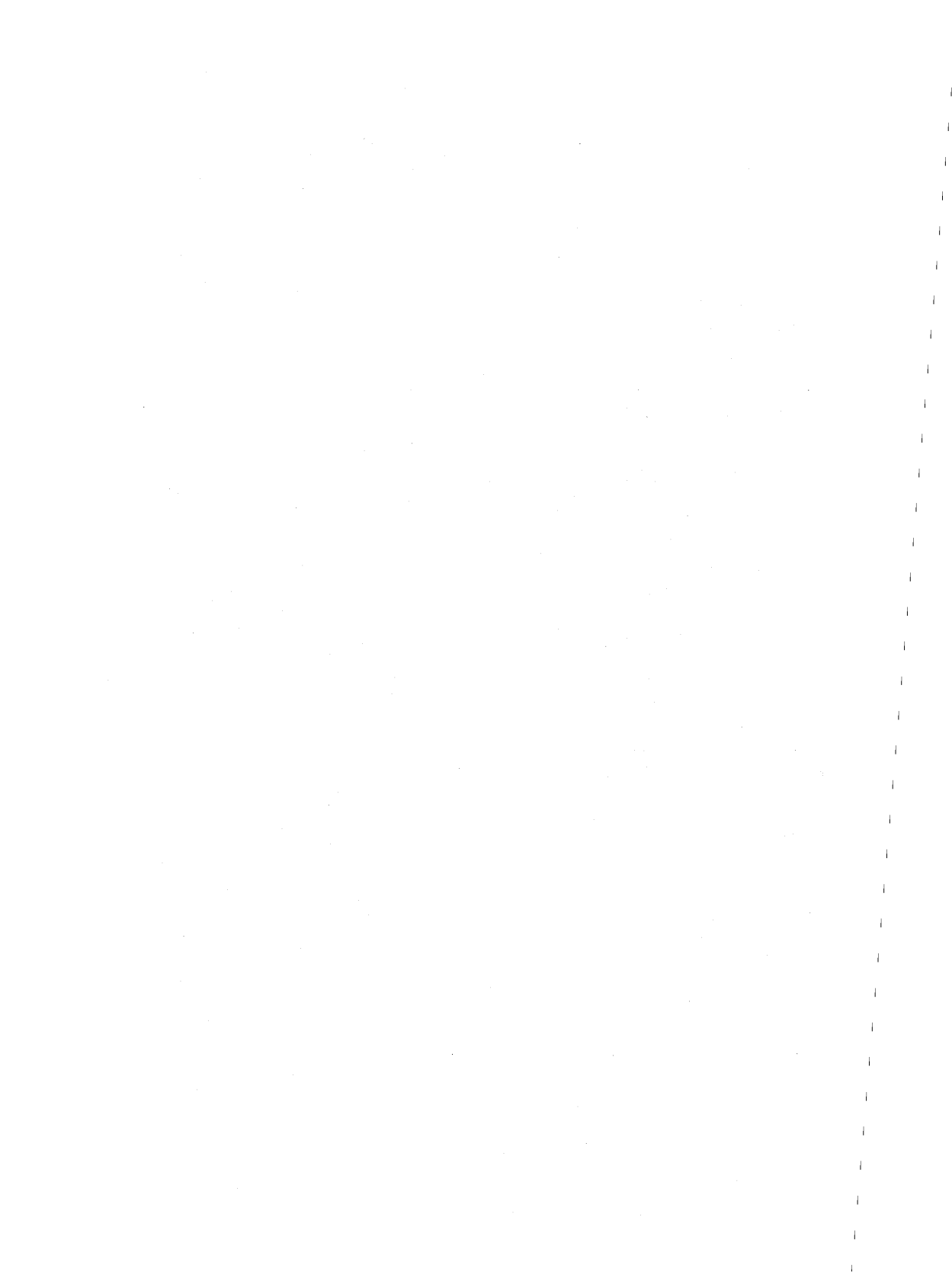
VISITORS

Visitors to the Chamber were Jim Stephenson from Falls City; 45 students and sponsors from St. Agnes School, Omaha; 45 students and sponsor from Edison School and Lincoln School, York; 53 members of Extension Club from Boone and Nance County; and 6 students and teacher from Rose Community School, Rock County.

ADJOURNMENT

At 4:26 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Monday, March 24, 1986.

Patrick J. O'Donnell
Clerk of the Legislature



FORTY-SEVENTH DAY - MARCH 24, 1986

LEGISLATIVE JOURNAL

FORTY-SEVENTH DAY - MARCH 24, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

FORTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 24, 1986

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Chambers, Conway, Haberman, Hannibal, V. Johnson, Wesely, Mesdames Labedz, Nelson, Pirsch, Smith, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1549, line 6, strike "engrossed" and insert "re-engrossed".
The Journal for the Forty-Fifth Day was approved as corrected.
The Journal for the Forty-Sixth Day was approved.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 425, 504, 778, 779, 909, and 922.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 778

The following changes, required to be reported for publication in the Journal, have been made:

ER0172

1. In the Warner amendment, AM2364, adopted March 12, 1986:

a. On page 3, lines 8, 14, and 18; and page 10, lines 2 and 7, "Nebraska" has been inserted after "the"; and

b. On page 8, line 19; and page 11, line 20, a comma has been inserted before "Revised".

2. On page 1, the matter beginning with "section" in line 2 through the semicolon in line 3 has been struck and "sections 2-1503, 2-1593, 2-15,100, 2-15,103 to 2-15,106, and 2-15,108, Revised Statutes Supplement, 1984, and sections 2-1504.03 and 2-15,113, Revised Statutes Supplement, 1985; to redefine a term; to rename the Director of Natural Resources;" has been inserted; the matter beginning with "action" in line 4 through the semicolon in line 5 has been struck and "certain powers and duties of the commission and the director; to harmonize provisions;" has been inserted; and in line 6 "section" has been struck and "sections" inserted.

Enrollment and Review Change to LB 779

The following changes, required to be reported for publication in the Journal, have been made:

ER0163

1. On page 2, line 4, "Individuals" has been struck, shown as stricken, and "Any individual" inserted.

Enrollment and Review Changes to LB 909

The following changes, required to be reported for publication in the Journal, have been made:

ER0167

1. In the DeCamp amendment, AM2019, adopted March 12, 1986:

a. On page 2, lines 9 and 21, "shall have" has been struck, shown as stricken, and "has" inserted; and in lines 17, 18, and 23 all commas have been struck and shown as stricken;

b. On page 3, line 7, the second comma has been struck and shown as stricken; in line 20 the comma has been struck and shown as stricken; and in line 24 the first comma has been struck and shown as stricken;

c. On page 4, line 4, an underscored comma has been inserted after “person”; and in line 22 the first comma has been struck and shown as stricken;

d. On page 6, line 1, “said” has been struck and shown as stricken; and in line 5 “said” has been struck, shown as stricken, and “such” inserted;

e. On page 7, line 1, “and” has been inserted after the semicolon;

f. On page 8, line 12, “Where” has been struck, shown as stricken, and “When” inserted;

g. On page 9, line 9, an underscored comma has been inserted after “receiver”;

h. On page 11, lines 1 and 4, the comma has been struck and shown as stricken; and in line 4 “said” has been struck and shown as stricken;

i. On page 13, line 14, the first and second commas have been struck and shown as stricken; and in line 15 the stricken “or” has been reinstated and the second comma has been struck and shown as stricken;

j. On page 15, lines 10 and 21, the comma has been struck and shown as stricken;

k. On page 16, line 24, “sections 8-1101” has been struck and shown as stricken;

l. On page 17, line 1, “to 8-1124” has been struck, shown as stricken, and “the Securities Act of Nebraska” inserted; and in line 12 the comma has been struck and shown as stricken;

m. On page 17, line 18; page 18, line 23; page 19, lines 2 to 3; page 20, line 7; page 21, lines 22 to 23; and page 22, lines 3 to 4, “sections 8-1101 to 8-1124” has been struck, shown as stricken, and “the Securities Act of Nebraska” inserted;

n. On page 18, line 17; page 19, line 19; page 20, line 19; page 21, line 4; and page 22, line 1, the comma has been struck and shown as stricken; and

o. On page 19, line 8, “where” has been struck, shown as stricken, and “when” inserted.

2. On page 1, lines 2 and 4, “section” has been struck and “sections” inserted; and in line 2 after the comma “8-1,130, 8-206, 8-207, 8-207.01, 8-228, 8-230, 8-318, 8-409, 8-712, 8-1111, and 8-1301,” has been inserted.

Enrollment and Review Change to LB 922

The following changes, required to be reported for publication in the Journal, have been made:

ER0164

1. In the Wesely amendment, AM2140, adopted March 12, 1986, on page 1, the matter beginning with "Sections" in line 16 through "are" in line 17 has been struck, the old matter shown as stricken, and "The Nebraska Comprehensive Community Mental Health Services Act is" inserted.

2. On page 1, line 1, "to amend section 71-5001, Reissue Revised Statutes of Nebraska, 1943;" has been inserted after the semicolon; and in line 3 "to harmonize provisions; and to repeal the original section" has been inserted after "areas".

(Signed) Mary E. Sommermeyer
E & R Attorney

ATTORNEY GENERAL'S OPINIONS

Opinion No. 86037
March 19, 1986

To: Senator Rod Johnson

Subject: Constitutionality of LB 1176 Under Article VIII §1A of the Nebraska Constitution

This is in response to your letter of February 11, 1986, in which you ask for an opinion on the constitutionality of §18 of LB 1176 under Article VIII, Section 1A of the Nebraska Constitution.

Section 18 of LB 1176 would authorize the Director of Agriculture to levy a fee upon those receiving services under the Animal Damage Control Program. This fee would be for actual services rendered under the program and could be levied against counties, in addition to individuals, corporations, or associations receiving those services.

Article VIII, Section 1A of the Nebraska Constitution provides that "The state shall be prohibited from levying a property tax for state purposes." As the court noted in State ex rel. Western Technical Community College Area v. Tallon, 196 Neb. 603 at 606, 244 N.W.2d 183, (1976)

When Article VIII, section 1A, of the Constitution of Nebraska, was adopted in its original and amended form, its purpose was to require the state, after the adoption of sales and income taxes, to leave the property-tax field. No state interest or function could then be financed by means of property taxes, but all traditional state interests and functions must be financed by means other than property taxes.

The court has further noted that "The question of whether an act of the Legislature pertains to state purposes or local purposes is a

judicial question. There is no sure test by which state purposes may be distinguished from local. This court must consider each case as it arises and draw the line of demarcation.” State ex rel. Western Nebraska Technical Community College Area v. Tallon, 192 Neb. 201 at 211, 219 N.W.2d 544 (1974). In this regard, the court has noted that

The levy of a property tax by a local governmental unit should not be treated as a state levy for state purposes merely because the Legislature has authorized or required the local governmental unit to make the levy. Neither should the fact that the tax is for a “governmental” purpose make it automatically for state purposes rather than local.

R-R Realty Company v. Metropolitan Utilities District, 184 Neb. 237 at 240, 166 N.W.2d 746 (1969). This test, particularly where state and local purposes may be commingled, is whether the controlling and predominant purposes are state purposes or local purposes. State ex rel. Western Nebraska Technical Community College Area v. Tallon, *supra*.

We have great difficulty concluding that the services provided here upon request of individuals or counties under the Animal Damage Control Program are predominantly state purposes, rather it would seem that the benefits are purely local in nature. This is particularly true when these services are only obtained by an actual request from the particular locality or individuals seeking such services. Consequently it would seem that the predominant purposes to be served by this legislation are primarily local purposes.

We would also be remiss if we did not point out as the court did in Kovarik v. County of Banner, 192 Neb. 816, 224 N.W.2d 761 (1975), that this particular act does not require the county to levy a property tax for this particular service. Obviously, however, the fees will be paid out of the county general fund.

But, “we also wish to point out that counties are not supported solely by property taxes. There are other sources of revenue available to the counties other than property taxes, . . .” *Id.* at 824. One thus could not conclude, that property taxes would necessarily have to be levied to pay the fees for these services if and when they are requested and received by the county.

For the foregoing reasons we must thus conclude that this provision is not unconstitutional pursuant to Article VIII, Section 1A of the Nebraska Constitution.

Sincerely,
ROBERT M. SPIRE
Attorney General

(Signed) John Boehm
Assistant Attorney General

JB:jem

1/01

cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 86038

March 21, 1986

To: Senator Dennis Baack

Subject: Selected Members of the Legislature and of the General Public Serving, Without Salary, on ad Advisory Educational Planning Committee Created by Statute

If it were to become operative law, LB 997 (as amended) of the Eighty-ninth Legislature, Second Session (1986), would authorize the establishment of an educational service unit planning committee of twelve members. Four members would be appointed from the general public by the State Board of Education. Eight members would be appointed by the Executive Board of the Legislative Council, of which four would be from the general public and four would be from the Legislature. Members of the planning committee would receive no salary but would be reimbursed "for expenses pursuant to sections 84-306.01 to 84-306.05 for state employers." Section 7, 8, and 9 of this legislative bill (which create the planning committee and prescribe its duties) "terminate on January 1, 1987." You have asked if sections 7, 8, and 9 of LB 997 are constitutional and in particular if the sections cited violate section 9 of Article III of the Constitution of Nebraska.

We note the following. The planning committee, authorized by LB 997, is not given any executive duties which involve the rights, duties or privileges of others. The initial date the planning committee is to meet, the frequency of its meetings or where it is to meet is not stated. Its expenses, which are unknown, would be paid out of state funds. The duties of the planning committee include the establishment of a plan for the future role and structure of educational service units and to present the plan to the State Board of Education and to the Educational Committee of the Legislature by a date certain. Any such plan would be merely advisory. Thus, arguably, membership on the planning committee would not be a state office and therefore section 9 of Article III of the Constitution of Nebraska would not be violated if this legislative bill were to become operative law.

Section 7 of LB 997 appears to be flawed, however, for a different reason. That section states that the twelve members of the planning

committee "shall be representative of all geographic areas of the state." LB 997 does not, however, define what constitutes the "geographic areas of the state" and therein is a flaw. There is simply no way to determine, pursuant to LB 997, what constitutes "all the geographic areas of the state" from which the members of the planning committee are to be representative of. Nor is there any way to determine, pursuant to LB 997, how the appointments are to be made from those areas by the two different appointing authorities. In other words, it appears to us that section 7 of LB 997 requires the doing of an act (appointing members to the planning committee) in terms so vague (representative of all geographic areas of the state) that men of common intelligence must necessarily guess at its meaning and differ as to its application. It would therefore appear that the amendment to LB 997 is void for vagueness. See, In the Interest of D. L. H., 198 Neb. 444, 253 N.W.2d (1977) and State ex rel. Douglas v. Herrington, 206 Neb. 516, 294 N.W.2d 330 (1980). Accordingly, we are of the opinion that sections 7, 8, and 9 of LB 997, as amended, are unconstitutional.

Very truly yours,
ROBERT M. SPIRE
Attorney General

(Signed) Harold Mosher
Assistant Attorney General

HM:jem
1/02

cc: Patrick J. O'Donnell
Clerk of the Legislature

RESOLUTION

LEGISLATIVE RESOLUTION 380. Read. Considered.

LR 380 was adopted with 27 ayes, 0 nays, and 22 not voting.

MOTION - Approve Appointment

Mr. Schmit moved the adoption of the report of the Public Works Committee for the following Governor appointment found in the Journal on page 1511: Raymond H. Hogrefe - Director, Chief Engineer for the Nebraska Department of Roads.

Voting in the affirmative, 25:

Baack Barrett Beyer Carsten Chizek

Chronister	Harris	Johnson, L.	McFarland	Rupp
Eret	Hefner	Johnson, R.	Morehead	Schmit
Goodrich	Higgins	Lamb	Nichol	Warner
Hall	Hoagland	Lundy	Remmers	Withem

Voting in the negative, 0.

Present and not voting, 12:

DeCamp	Landis	Miller	Peterson	Sieck
Goll	Lynch	Pappas	Rogers	Vickers
Hartnett	Marsh			

Excused and not voting, 12:

Abboud	Haberman	Labeledz	Pirsch	Smith
Chambers	Hannibal	Nelson	Scofield	Wesely
Conway	Johnson, V.			

The appointment was confirmed with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 1251. Considered.

Messrs. Chizek, Hall, R. Johnson, and Mrs. Labeledz offered the following amendment:

P. 59 Ln 13 strike \$340,536 insert \$349,014

Ln 15 strike \$365,733 insert 374,211

Ln 17 strike 275,427 insert 282,788

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chizek moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. Chizek requested a roll call vote on the Chizek et al. amendment.

Voting in the affirmative, 26:

Abboud	Chambers	Chronister	DeCamp	Goodrich
Beyer	Chizek	Conway	Eret	Haberman

Hall	Labedz	Morehead	Rogers	Sieck
Hartnett	Lynch	Nichol	Rupp	Vickers
Hoagland	McFarland	Pappas	Schmit	Withem
Johnson, R.				

Voting in the negative, 15:

Baack	Goll	Johnson, L.	Lundy	Remmers
Barrett	Hannibal	Lamb	Marsh	Scofield
Carsten	Harris	Landis	Miller	Warner

Present and not voting, 6:

Hefner	Nelson	Peterson	Smith	Wesely
Higgins				

Excused and not voting, 2:

Johnson, V. Pirsch

The Chizek et al. amendment was adopted with 26 ayes, 15 nays, 6 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Chambers renewed his pending amendment found in the Journal on page 1583.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion lost with 7 ayes, 14 nays, and 28 not voting.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Chambers	Conway	Hall	Hartnett	Hoagland
Chizek	Eret	Harris	Higgins	Labedz

Landis	McFarland	Pappas	Sieck	Wesely
Lynch	Nichol	Schmit	Vickers	Withem
Marsh				

Voting in the negative, 27:

Abboud	DeCamp	Johnson, L.	Morehead	Rogers
Baack	Goll	Johnson, R.	Nelson	Rupp
Barrett	Goodrich	Lamb	Peterson	Scofield
Beyer	Haberman	Lundy	Pirsch	Smith
Carsten	Hannibal	Miller	Remmers	Warner
Chronister	Hefner			

Excused and not voting, 1:

Johnson, V.

The Chambers amendment lost with 21 ayes, 27 nays, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Vickers offered the following amendment:

PURPOSE: Reallocated resources within the University of Nebraska (\$245,000) in order to provide adequate funding for the School of Technical Agriculture at Curtis (\$1,245,000).

AMENDMENT:

On page 83, line 7, strike "5,163,532" and insert "4,918,532"; line 9, strike "5,718,532" and insert "5,473,532".

On page 86, line 24, strike "5,163,532" and insert "4,918,532".

On page 87, line 3, strike "305,839,632" and insert "305,594,632"; lines 8 and 9, strike "88,076,803" and insert "88,321,803"; lines 24 and 25, strike "30,376,474" and insert "30,621,474".

On page 88, after line 9, insert the following, "There is included in the allocation shown, \$1,245,000 General Funds for the University of Nebraska School of Technical Agriculture at Curtis."

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Vickers moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Vickers requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Baack	Eret	Hartnett	Lamb	Rogers
Barrett	Haberman	Higgins	Miller	Schmit
Beyer	Hall	Hoagland	Pirsch	Smith
Chambers	Harris	Johnson, R.	Remmers	Vickers
Chizek				

Voting in the negative, 25:

Abboud	Goll	Labeledz	Morehead	Scofield
Carsten	Goodrich	Landis	Nelson	Sieck
Chronister	Hannibal	Lundy	Nichol	Warner
Conway	Hefner	Lynch	Pappas	Wesely
DeCamp	Johnson, L.	Marsh	Rupp	Withem

Present and not voting, 2:

McFarland Peterson

Excused and not voting, 1:

Johnson, V.

The Vickers amendment lost with 21 ayes, 25 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Lamb offered the following amendment:

On page 27, line 6, strike "484,156" and insert "554,156" and in line 10, strike "801,779" and insert "871,779".

Mr. Lamb moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Lamb requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Baack	Haberman	Lamb	Nelson	Rogers
Beyer	Hefner	Landis	Nichol	Sieck
DeCamp	Hoagland	Lynch	Peterson	Vickers
Eret	Johnson, R.	Miller	Remmers	Wesely

Voting in the negative, 19:

Abboud	Conway	Johnson, L.	Pappas	Smith
Barrett	Goll	Labedz	Pirsch	Warner
Carsten	Hall	Lundy	Rupp	Withem
Chizek	Hannibal	Marsh	Scofield	

Present and not voting, 8:

Chambers	Goodrich	Hartnett	McFarland	Morehead
Chronister	Harris	Higgins		

Absent and not voting, 1:

Schmit

Excused and not voting, 1:

Johnson, V.

The Lamb amendment lost with 20 ayes, 19 nays, 8 present and not voting, 1 absent and not voting, and 1 excused and not voting.

The Chair declared the call raised.

MR. CARSTEN PRESIDING

Mr. Nichol asked unanimous consent to be excused until he returns.
No objections. So ordered.

Mr. Vickers offered the following amendment:

Purpose: To increase funds for the University of Nebraska (\$245,000) to provide adequate funding for the School of Technical Agriculture at Curtis.

On page 87 lines 8 & 9, strike "88,076,803" and insert "88,321,803"; lines 24 & 25, strike "30,376,474" and insert "30,621,474"

On page 88, after line 9, insert "There is included in the allocation shown 1,245,000 General Funds for the School of Technical Agriculture at Curtis.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Vickers moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Mr. Vickers requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Baack	Haberman	Lamb	Miller	Rogers
Beyer	Harris	Landis	Pappas	Schmit
Chambers	Hartnett	Lynch	Peterson	Smith
Chronister	Hoagland	Marsh	Remmers	Vickers
Eret	Johnson, R.	McFarland		

Voting in the negative, 21:

Abboud	DeCamp	Hannibal	Lundy	Scofield
Barrett	Goll	Hefner	Nelson	Sieck
Carsten	Goodrich	Johnson, L.	Pirsch	Warner
Chizek	Hall	Labeledz	Rupp	Wesely
Conway				

Present and not voting, 3:

Higgins	Morehead	Withem
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Excused and not voting, 2:

Johnson, V. Nichol

The Vickers amendment lost with 23 ayes, 21 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Messrs. Vickers and R. Johnson offered the following amendment:
On page 37, line 11, strike "92,203" and insert "342,203".

This amendment would add \$250,000 to the Division of Job Training in the Department of Labor to maintain, at a reduced level, programs in the Agriculture in Transition Program. Anticipated losses of federal funding, including a \$1 million supplementary grant, will make it difficult, if not impossible, to continue offering significant services to farmers, ranchers, ag-related employees, and their families who have been forced out of agriculture during the current agricultural depression without increased State funding.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mr. Vickers moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Vickers requested a roll call vote on the Vickers-R. Johnson amendment.

Voting in the affirmative, 24:

Baack	Eret	Johnson, R.	Nelson	Smith
Beyer	Haberman	Landis	Remmers	Vickers
Chambers	Harris	McFarland	Rogers	Wesely
Chizek	Hartnett	Miller	Rupp	Withem
Conway	Hoagland	Morehead	Sieck	

Voting in the negative, 21:

Abboud	Goodrich	Johnson, L.	Lynch	Pirsch
Barrett	Hall	Labeledz	Marsh	Schmit
Carsten	Hannibal	Lamb	Pappas	Scofield
DeCamp	Hefner	Lundy	Peterson	Warner
Goll				

Present and not voting, 2:

Chronister Higgins

Excused and not voting, 2:

Johnson, V. Nichol

The Vickers-R. Johnson amendment lost with 24 ayes, 21 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Lamb and Mrs. Marsh asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Review with 32 ayes, 4 nays, 8 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 1230. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2585.)

(Signed) Loran Schmit, Chairperson

MESSAGES FROM THE GOVERNOR

March 18, 1986

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Commission on Industrial Relations requiring legislative confirmation:

Appointee:

David J. Cullan, Suite 200, 10010 Regency Circle, Omaha, NE 68114, 397-9336(o), Term: 3/14/86 to 6/9/87, Succeeds: J. Brad Ashford, resigned.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) **ROBERT KERREY**
Governor

RK/mr

cc: Staff Assistant to the Governor
Accountability and Disclosure Commission
Department of Administrative Services
Commission on Industrial Relations

March 18, 1986

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Board of Educational Lands and Funds requiring legislative confirmation:

Appointee:

Brenda Warren, Council, Law Department, Union Pacific
Railroad, 1416 Dodge Street, Omaha, NE 68179, 271-4928(o),
Term: 3/17/86 to 10/1/87, Succeeds: Jerry Koch, resigned.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/mr

cc: Staff Assistant to the Governor
Accountability and Disclosure Commission
Department of Administrative Services
Board of Educational Lands and Funds

March 18, 1986

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Public Employees Retirement Board requiring legislative confirmation:

Appointee:

Alan W. Friesen, CPA, Coopers and Lybrand, Suite 1700, First National Bank Building, Lincoln, NE 68508, 475-7633, Term: 3/17/86 to 1/1/89, Succeeds: Jean Jeffrey, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/mr

cc: Staff Assistant to the Governor
Accountability and Disclosure Commission
Department of Administrative Services
Public Employees Retirement Board

UNANIMOUS CONSENT - Print in Journal

Mr. Remmers asked unanimous consent to print the following amendment to LB 1251 in the Journal. No objections. So ordered.

On page 80, line 13, strike 3,145,276 and insert 3,225,276.

Mr. Wesely asked unanimous consent to print the following amendment to LB 782 in the Journal. No objections. So ordered.

AM2618

- 1 1. On page 2, line 7, strike "4" and insert
- 2 "3".
- 3 2. Strike original section 4.
- 4 3. In the Withem amendment, Am2497, on page
- 5 1, line 8, after "year" insert "after the effective date
- 6 of this act".
- 7 4. Renumber the remaining sections
- 8 accordingly.

Mr. Sieck asked unanimous consent to print the following amendment to LB 1105 in the Journal. No objections. So ordered.

AM2156

- 1 1. Insert the following new sections:

- 2 "Sec. 3. Section 4 of this act shall become
- 3 operative on January 1, 1991. The other sections of
- 4 this act shall become operative on their effective date.
- 5 Sec. 4. That section 77-427, Revised Statutes
- 6 Supplement, 1984, is repealed."
- 7 2. On page 3, strike beginning with "and" in
- 8 line 20 through the third comma in line 21.
- 9 3. Renumber original section 3 as section 5.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 850. Placed on Select File as amended.
E & R amendments to LB 850:

AM5389

- 1 1. On page 10, line 17, strike "state or the
- 2 United States;"
- 3 2. On page 12, line 25, after "entity" insert
- 4 a comma.
- 5 3. On page 13, line 8 strike "interest" and
- 6 insert "interests" and strike "is not" and insert "shall
- 7 not be"; and in lines 23 and 24 strike "any".
- 8 4. On page 15, line 8, after "money" insert
- 9 "in".
- 10 5. On page 16, line 25, strike the first "to"
- 11 and strike "carry out" and insert "the carrying out of".
- 12 6. On page 18, line 1, after the second comma
- 13 insert "or"; and in line 2 strike the comma.
- 14 7. On page 19, strike beginning with "The" in
- 15 line 7 through "section" in line 8 and insert "Section".
- 16 8. On page 21, line 5, strike the first
- 17 comma.
- 18 9. On page 23, line 4, strike the comma; in
- 19 line 9 strike "shall be" and insert "are"; and in line
- 20 17 strike "shall".
- 21 10. On page 24, line 19, strike the comma and
- 1 after "and" insert "the power".
- 2 11. On page 25, line 8, strike the second
- 3 "with".
- 4 12. On page 26, lines 3 and 4, strike the
- 5 first comma; in line 14 strike "businesses" and insert
- 6 "business"; in line 17 strike the comma and strike
- 7 "businesses are" and insert "business is"; in line 18
- 8 after "by" insert "a" and strike "interests" and insert
- 9 "interest"; and in line 24 strike the second comma.

- 10 13. On page 27, line 6, strike "executors"
 11 and insert "personal representatives".

LEGISLATIVE BILL 850A. Placed on Select File.

LEGISLATIVE BILL 461. Placed on Select File as amended.
 E & R amendments to LB 461:

AM5386

- 1 1. On page 1, strike beginning with "include"
- 2 in line 4 through "telecommunications" in line 5 and
- 3 insert "expand the scope of the Nebraska Educational
- 4 Telecommunications Act"; and in line 6 after the
- 5 semicolon insert "to redefine a term;"
- 6 2. On page 2, line 10, strike the comma and
- 7 reinstate the stricken "or".
- 8 3. On page 7, line 10, strike "video tapes"
- 9 show as stricken, and insert "videotapes".

(Signed) Timothy Hall, Chairperson

VISITORS

Visitors to the Chamber were 27 students and sponsors of Sophomore Pilgrimage of Nebraska Federation of Womens' Clubs; 11 students and sponsor from Palisade and 8 students and sponsor from Stratton; and 16 students and sponsor from Palmyra.

Visitors to the Chamber on the Forty-Sixth Day were 22 students, teacher, and sponsor from North Loup-Scotia High School.

RECESS

At 12:01 p.m., on a motion by Mr. Sieck, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Carsten, Chambers, Conway, Hall, Hannibal, Hartnett, V. Johnson, Lamb, Landis, Lynch, McFarland, Pappas, Peterson, Rogers, Mesdames Higgins, and Labeledz who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 782. Placed on Select File as amended.
E & R amendments to LB 782:
AM5387

1 1. Strike the original sections and all
2 amendments thereto and insert the following new
3 sections:

4 "Section 1. Medicaid shall mean the medical
5 assistance program under sections 68-1018 to 68-1025.

6 Sec. 2. A nursing home seeking or renewing a
7 license shall be required to retain a resident whose
8 economic status changes so that such resident receives
9 Medicaid or becomes eligible for Medicaid if such
10 resident has resided in the nursing home for a period of
11 at least one year, unless ten per cent of such nursing
12 home's residents are receiving Medicaid or are eligible
13 for Medicaid. Such requirement shall constitute a
14 condition of licensure. The department shall notify the
15 nursing home of such requirement ninety days prior to
16 the renewal of a license or upon application for a
17 license. This section shall not apply to the Nebraska
18 veterans' homes established pursuant to Chapter 80,
19 article 3.

20 Sec. 3. In nontechnical language easily
21 understood by a layperson, any agreement executed
1 between a person acting for or on behalf of a nursing
2 home and a resident of the nursing home shall:

3 (1)(a) Provide for, under appropriate
4 procedures established by the nursing home, the
5 continuing care of only one resident or for two or more
6 persons occupying space designed for multiple occupancy
7 and (b) show the value of all property transferred to
8 the nursing home, including donations, subscriptions,
9 fees, and any other amounts paid or payable by or on
10 behalf of the resident;

11 (2) Specify all services which are to be
12 provided by the nursing home to each resident, including
13 in detail (a) all items which each resident will
14 receive, (b) the length of time during which the items
15 will be provided, and (c) the average annual cost to the
16 nursing home of providing the items. Such items may
17 include, but not be limited to, food, shelter, nursing
18 care, drugs, and incidentals;

(3) Describe the conditions upon which the nursing home may require the resident to relinquish his or her space in the nursing home;

(4) Describe the conditions required for a person to continue as a resident;

(5) If applicable, describe the circumstances under which the resident will be permitted to remain in the nursing home in the event of financial difficulties of the resident; and

(6) State the fees that will be charged if the resident marries while at the nursing home, the terms concerning the entry of a spouse into the nursing home, and the consequences if the spouse does not meet the requirements for entry.

Sec. 4. That section 71-2040, Revised Statutes Supplement, 1984, be amended to read as follows:

71-2040. It is the purpose and intent of sections 71-2024, ~~71-2025~~, and 71-2031 to 71-2040; and ~~71-6008 to 71-6037~~ the Nebraska Nursing Home Act that licensing and regulation of nursing homes in this state shall be governed by ~~the provisions of sections 71-2017 to 71-2029, 71-2031 to 71-2040; and 71-6008 to 71-6037~~ the Nebraska Nursing Home Act.

Sec. 5. That section 71-6008, Revised Statutes Supplement, 1984, be amended to read as follows:

71-6008. As used in ~~sections 71-6008 to 71-6037~~ the Nebraska Nursing Home Act, unless the context otherwise requires, the definitions found in sections 71-6009 to 71-6017 and section 1 of this act shall apply.

Sec. 6. That section 71-6022, Revised Statutes Supplement, 1984, be amended to read as follows:

71-6022. (1) A nursing home shall not transfer or discharge a resident except (a) upon his or her consent, (b) for medical reasons, (c) for the resident's safety or the safety of other residents or nursing home employees, (d) when rehabilitation is such that movement to a less restrictive setting is possible, or (e) for nonpayment for the resident's stay, except as prohibited by section 2 of this act or by Title XVIII or XIX of the Social Security Act as amended.

(2) Involuntary transfer from a nursing home

16 or discharge of a resident shall be preceded by a
17 minimum written notice of thirty days, except when
18 subdivision (d) of subsection (1) of this section
19 applies, five days written notice shall be given to the
20 resident or his or her representative and when
21 subdivision (e) of subsection (1) of this section
22 applies, a resident shall be given ten days written
23 notice if his or her charges are five days or more in
24 arrears. This subsection shall not apply when (a) an
1 emergency transfer or discharge is mandated by the
2 resident's health care needs and is in accord with the
3 written orders and medical justification of the
4 attending physician or (b) the transfer is mandated by
5 the physical safety of other residents or nursing home
6 employees, as documented in the nursing home records.
7 Sec. 7. That section 71-6037, Revised
8 Statutes Supplement, 1984, be amended to read as
9 follows:

10 71-6037. Sections 71-6008 to 71-6037 and
11 sections 1 to 3 of this act shall be known and may be
12 cited as the Nebraska Nursing Home Act.

13 Any reference to sections 71-6008 to 71-6037
14 or the Nebraska Nursing Home Act shall be construed to
15 include sections 1 to 3 of this act.

16 Sec. 8. That original sections 71-2040,
17 71-6008, 71-6022, and 71-6037, Revised Statutes
18 Supplement, 1984, are repealed.”.

19 2. On page 1, strike line 2 and insert
20 “71-2040,”; in line 4 strike “terms” and insert “a
21 term”; in line 6 strike “procedures” and insert “an
22 exception”; and strike beginning with “to” in line 7
23 through the first semicolon in line 9.

LEGISLATIVE BILL 1172. Placed on Select File as amended.
E & R amendments to LB 1172:
AM5388

1 1. In the Vickers amendment, AM2366, adopted
2 March 12, 1986:
3 a. Strike amendments 1, 2, and 6 and renumber
4 accordingly;
5 b. On page 1, line 10, strike “compus” and
6 insert “campus”; and
7 c. On page 2, line 16, strike “appecific” and
8 insert “specific”; and in line 18 after “Act” insert “or
9 any other provisions of law”.

10 2. In the Vickers amendment, AM2365, adopted
11 March 12, 1986, strike amendment 2.

12 3. In the Standing Committee amendments,
13 AM2108, adopted March 12, 1986:

14 a. Strike amendments 1 and 6 and renumber
15 accordingly;

16 b. On page 1, strike beginning with the first
17 semicolon in line 5 through the last quotation marks in
18 line 6; and

19 c. On page 3, line 10, strike "13" and insert
20 "14".

21 4. On page 2, line 6, after the second
1 semicolon insert "to rename funds; to eliminate a fund;"
2 and in line 8 strike "85-912,".

3 5. On page 5, line 2, after "sections" insert
4 "85-912 and".

5 6. On page 7, line 3, strike "17" and insert
6 "19"; in line 7 strike "24" and insert "26"; and in
7 lines 17 and 20 strike "in" and insert "on".

8 7. On page 10, line 20, strike "issued" and
9 insert "adopted and promulgated".

10 8. On page 12, line 17, strike "and" and
11 insert an underscored comma; and in line 18 after
12 "council" insert an underscored comma and strike "its
13 related", show as stricken, and insert "the agency".

14 9. On page 14, line 8, after the period
15 insert "Any money in the Nebraska Coordinating
16 Commission for Postsecondary Education Administrative
17 Cash Fund shall, on the effective date of this act, be
18 transferred to the Higher Education Planning and Review
19 Agency Administrative Cash Fund."; and in line 25 after
20 the period insert "Any money in the Nebraska
21 Coordinating Commission for Postsecondary Education
22 Trust Fund shall, on the effective date of this act, be
23 transferred to the Higher Education Planning and Review
24 Agency Trust Fund.".

1 10. On page 15, lines 9 and 12, strike "to"
2 and insert "for".

3 11. On page 16, line 11, after "committee"
4 insert an underscored comma.

5 12. On page 17, line 12, after "services"
6 insert an underscored comma.

7 13. On page 18, line 8, strike "(1)" and show
8 a stricken; and after line 16 insert:

9 "~~(2) The commission shall adopt and promulgate~~

10 ~~rules and regulations reasonable and necessary to carry~~
11 ~~out the provisions of sections 85-901 to 85-911, 85-974,~~
12 ~~85-980 to 85-9,109, and 85-1101 to 85-1111 and shall at~~
13 ~~all times conduct itself as an independent public~~
14 ~~entity.”.~~

15 14. Strike original sections 23 and 24 and
16 insert the following new sections:

17 “Sec. 25. The citizen advisory committee
18 shall have the following powers and duties:

19 (1) To hold public hearings and receive
20 testimony on all matters relating to the powers, duties,
21 and functions of the agency prescribed in the Higher
22 Education Planning and Review Act;

23 (2) To offer advice, comments, and
24 recommendations to the director regarding the duties of
1 the director prescribed in the act;

2 (3) To suggest specific issues to the director
3 for study by the planning council;

4 (4) To review and attach comments to all
5 plans, proposals, proposed changes in role and mission
6 recommendations, and proposed interstate or intrastate
7 agreements, submitted to the director by the planning
8 council, prior to delivering them to the director for
9 presentation to the Governor or the Legislature;

10 (5) To oversee all program review duties
11 delegated to the agency as prescribed in sections
12 85-9,103 to 85-9,109 and to report its recommendations
13 to the director who shall transmit such recommendations
14 to the planning council for review and comment and shall
15 then report such recommendations and comments to the
16 Legislature as prescribed in section 85-9,107; and

17 (6) To provide comments to the director
18 relating to subdivision (2) of section 85-981.

19 Sec. 26. There is hereby created the Higher
20 Education Planning Council. The planning council shall
21 consist of at least five members who shall be
22 representatives of postsecondary educational
23 institutions of this state, at least one member from the
24 state university system appointed by but not from the
1 Board of Regents of the University of Nebraska, at least
2 one member from the state college system appointed by
3 but not from the Board of Trustees of the Nebraska State
4 Colleges, at least one member from a technical community
5 college appointed by but not from the area boards of the
6 technical community colleges, at least one member from

7 an independent college of this state appointed by the
 8 Governor with the advice of the independent colleges,
 9 but any such member shall not be a member of the
 10 governing board of any such institution, and at least
 11 one member who represents a proprietary school of this
 12 state appointed by the Governor with the advice of the
 13 proprietary schools, but any such member shall not be a
 14 member of the governing board of any such institution.
 15 Such members shall be appointed for terms of three years
 16 each. The director shall be a nonvoting ex officio
 17 member of the planning council.

18 The planning council may request that
 19 representatives of the Governor, the Legislature, or any
 20 state agency and representatives of business, industry,
 21 and agriculture serve on an ad hoc or ex officio basis
 22 on task forces or study committees to examine specific
 23 issues relating to higher education planning and
 24 coordination. Each institutional representative
 1 appointed to the planning council may designate
 2 additional individuals from the institution he or she
 3 represents to serve on such task forces or study
 4 committees.”.

5 15. On page 20, line 21, after “council”
 6 insert an underscored comma.

7 16. On page 47, line 25, after “and” insert
 8 “has”.

9 17. On page 49, line 21; page 52, lines 13,
 10 18, 22, and 24; and page 53, lines 1 and 4, strike
 11 “must”, show as stricken, and insert “shall”.

LEGISLATIVE BILL 1172A. Placed on Select File.

LEGISLATIVE BILL 849. Placed on Select File as amended.
 E & R amendments to LB 849:

AM5390

1 1. In the Standing Committee amendments,
 2 AM1988, adopted March 13, 1986:

3 a. On page 1, line 12, after “strike” insert
 4 “the third”;

5 b. On page 2, line 8, strike “semicolon” and
 6 insert “colon”; and in line 23 strike the comma; and

7 c. On page 3, lines 12 and 13 strike
 8 “enterprises” and insert “enterprise”; and in line 14
 9 after “strike” insert “the second”.

10 2. On page 2, line 10, strike the semicolon

- 11 and insert a comma.
- 12 3. On page 3, line 14, strike the comma.
- 13 14 4. On page 4, line 25, strike "13" and insert
- 14 "10".
- 15 5. On page 9, line 6, strike "shall have" and
- 16 insert "has".
- 17 6. On page 11, line 17, strike the first
- 18 comma.
- 19 7. On page 14, line 14, after "including"
- 20 insert a comma; and in line 15 after "to" insert ", the
- 21 following".
- 1 8. On page 16, line 23, after the comma
- 2 insert "to".
- 3 9. On page 17, line 1, strike the comma.
- 4 10. On page 18, lines 1 and 2, strike "any".
- 5 11. On page 23, line 19, strike the first
- 6 "to" and strike "carry out" and insert "the carrying out
- 7 of".
- 8 12. On page 28, lines 2 and 3, strike the
- 9 comma; and in line 4 strike "trustees" and insert
- 10 "trustee".
- 11 13. On page 30, line 2, strike the comma; in
- 12 line 7 strike "shall be" and insert "are"; and in line
- 13 15 strike "shall".
- 14 14. On page 33, line 2, strike the first
- 15 comma; in line 3 strike "shall deposit" and insert
- 16 "deposits"; and in line 17 strike "shall be" and insert
- 17 "is".
- 18 15. On page 34, line 18, after "and" insert
- 19 "the power".
- 20 16. On page 35, line 7, strike the second
- 21 "with".
- 22 17. On page 36, line 3, strike the first
- 23 comma; in lines 13 and 16 strike the comma; and in line
- 24 16 strike "are" and insert "is" and after "by" insert
- 1 "a".
- 2 18. On page 37, line 4 strike "executors" and
- 3 insert "personal representatives"; and in line 7 strike
- 4 the comma.

LEGISLATIVE BILL 775. Placed on Select File as amended.
E & R amendments to LB 775:
AM5391

- 1 1. On page 1, line 2, after "Act" insert ";
- 2 to create a fund; to provide penalties; and to provide

3 an operative date”.

4 2. On page 2, line 25; page 5, line 10; page
5 6, line 3; and page 8, line 7, after “85” insert a
6 comma.

7 3. On page 3, line 23, after “and” insert a
8 comma.

9 4. On page 9, line 22, strike the first and
10 second “or” and insert a comma in both places and after
11 “fees” insert a comma.

(Signed) Timothy Hall, Chairperson

SELECT FILE

LEGISLATIVE BILL 701. E & R amendments, AM5325, found in the Journal on page 1219 for the Thirty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 267. E & R amendment, AM5323, found in the Journal on page 1220 for the Thirty-Eighth Day was adopted.

Mr. Wesely offered the following amendment:
AM2427

(Amendments to AM1920)

1 1. On page 1, line 3, strike “Dental” and
2 insert “For purposes of sections 71-183 to 71-193.14,
3 dental”.

The Wesely amendment was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 438. E & R amendment, AM5324, found in the Journal on page 1250 for the Thirty-Eighth Day was adopted.

Mr. Wesely offered the following amendment:
AM2461

1 1. On page 2, line 9, after “(3)” insert
2 “Department shall mean the Department of Health;” and
3 strike line 27.
4 2. On page 3, strike lines 1 and 2; in line
5 13 strike “After” and insert “Except as provided in
6 section 4 of this act, after”; in line 16 strike “until”

7 and insert "unless"; in line 18 strike "Each" and insert
 8 "Any"; in line 20 after "analgesia" insert "for at least
 9 twelve months"; in line 22 strike "within such
 10 twelve-month period" and insert "by April 1, 1988,";
 11 strike beginning with "to" in line 23 through "apply" in
 12 line 24; and in line 24 after the second "the" insert
 13 "department, upon the recommendation of the".

14 3. On page 4, line 3, strike "the revocation
 15 or suspension of" and insert "action against"; strike
 16 beginning with the second "or" in line 4 through "board"
 17 in line 7 and insert "pursuant to sections 71-155 to
 18 71-161.08 and sections 71-161.11 to 71-161.18"; in line
 19 8 after "The" insert "department, upon the
 20 recommendation of the" and after "board" insert a comma;
 21 in line 20 strike "and"; and after line 20 insert the
 1 following new subdivision:

2 "(3) Has successfully completed an onsite
 3 evaluation covering the areas of physical evaluation,
 4 monitoring, sedation, and emergency medicine; and".

5 4. On page 5, line 7, after "ten" insert "of
 6 the twelve"; in line 8 before "preceding" insert
 7 "immediately" and strike "the effective date of this
 8 act" and insert "October 1, 1988"; and in line 12 after
 9 "The" insert "department, upon the recommendation of
 10 the" and after "board" insert a comma.

11 5. On page 6, line 14, strike the second
 12 "the" and insert "October 1, 1988."; strike line 15; and
 13 in line 21 after "The" insert "department, upon the
 14 recommendation of the" and after "board" insert a comma.

15 6. On page 7, line 13, strike "the effective
 16 date of this act" and insert "October 1, 1988"; strike
 17 beginning with the first comma in line 15 through
 18 "personnel" in line 16; and strike lines 20 through 25.

19 7. On page 8, line 1, after "The" insert
 20 "department, upon the recommendation of the", after
 21 "board" insert a comma, and strike "reevaluate" and
 22 insert "adopt and promulgate rules and regulations to
 23 define criteria for the reevaluation of"; in line 9
 24 strike "issue permits" and insert "review and to make
 1 recommendations on permit applications"; in line 11
 2 strike "Nebraska-licensed" and insert "licensed"; in
 3 line 12 strike "an incident" and insert "a"; in line 13
 4 strike "mortality or other"; in line 14 strike
 5 "temporary or permanent" and insert "death or"; and in
 6 line 16 strike "and".

- 7 8. On page 9, line 13, strike "Department of
 8 Health" and insert "department"; and in line 14 strike
 9 "shall" and insert "may".
 10 9. In the Standing Committee Amendments
 11 adopted February 3, 1986:
 12 a. On page 1, strike beginning with "'(4)'"
 13 in line 2 through line 4 and insert "the semicolon in
 14 line 16."; strike beginning with the semicolon in line 9
 15 through line 10 and insert a period; and
 16 b. On page 2, strike line 8.
 17 10. Renumber remaining sections accordingly.

The Wesely amendment was adopted with 27 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

Mr. Withem withdrew his pending amendment found in the Journal on page 1599.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 438A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 286. E & R amendments, AM5331, found in the Journal on page 1250 for the Thirty-Eighth Day were adopted.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely withdrew his pending amendment, AM2282, found in the Journal on page 1082.

Mr. Wesely renewed his pending amendment, AM2556, found in the Journal on page 1554.

The Wesely amendment was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 286A. E & R amendment, AM5326, found in the Journal on page 1252 for the Thirty-Eighth Day was adopted.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Morehead offered the following amendment:

AM2664

- 1 1. On page 2, lines 2 and 4, strike "Bureau
- 2 of Examining Boards' Cash" and insert "Social Work".
- 3 2. In the Wesely amendment adopted February
- 4 25, 1986, found on page 999 of the Journal in lines 12
- 5 and 13, strike "Bureau of Examining Boards' Cash" and
- 6 insert "Social Work".

The Morehead amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 355. E & R amendments, AM5328, found in the Journal on page 1252 for the Thirty-Eighth Day were adopted.

Mr. Lynch withdrew his pending amendment, AM2275, found in the Journal on page 1417.

Messrs. Wesely and Goll renewed their pending amendment, AM2562, printed separate from the Journal and referred to on page 1599.

The Wesely-Goll amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Haberman moved to indefinitely postpone LB 355.

Mr. Haberman withdrew his pending motion to indefinitely postpone.

Mr. Lynch offered the following amendment:

(Amendments to AM2562)

1. On page 1, after line 20 insert the following new section:
"Sec. 2. A licensed athletic trainer may practice athletic training in some or all respects only for educational institutions, professional athletic organizations, or national or international amateur athletic organizations approved by the board."
2. Renumber all remaining sections accordingly.

Mr. Lynch moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

The Lynch amendment was adopted with 25 ayes, 4 nays, 16 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Wesely offered the following amendment:

to amend AM2562, as follows

P 2 lines 10 after "modalities" insert "in the treatment of athletic injuries"

The Wesely amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Messrs. Schmit and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Haberman requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 355A. Mr. Goll offered the following amendment:

AM2665

- 1 1. On page 2, lines 2 and 4 and 5 strike
- 2 "Bureau of Examining Boards' Cash" and insert "Athletic
- 3 Training".

The Goll amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Haberman requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 579. E & R amendments, AM5332, found in the Journal on page 1254 for the Thirty-Eighth Day were adopted.

Ms. Scofield renewed her pending amendment, AM2465, found in the Journal on page 1437.

The Scofield amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 579A. E & R amendments, AM5350, found in the Journal on page 1453 for the Forty-Third Day were adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Peterson asked unanimous consent to print the following amendment to LB 70 in the Journal. No objections. So ordered.

AM2537

- 1 1. Strike the original sections and insert
- 2 the following new sections:
- 3 "Section 1. That section 29-2523, Reissue
- 4 Revised Statutes of Nebraska, 1943, be amended to read
- 5 as follows:
- 6 29-2523. The aggravating and mitigating
- 7 circumstances referred to in sections 29-2521 and
- 8 29-2522 shall be as follows:
- 9 (1) Aggravating Circumstances:
- 10 (a) The offender was previously convicted of
- 11 another murder or a crime involving the use or threat of
- 12 violence to the person; or has a substantial history of
- 13 serious assaultive or terrorizing criminal activity;
- 14 (b) The murder was committed in an apparent
- 15 effort to conceal the commission of a crime; or to
- 16 conceal the identity of the perpetrator of a crime;
- 17 (c) The murder was committed for hire; or for
- 18 pecuniary gain; or the defendant hired another to commit
- 19 the murder for the defendant;
- 20 (d) The murder was especially heinous,
- 21 atrocious, cruel, or manifested exceptional depravity by
- 1 ordinary standards of morality and intelligence;
- 2 (e) At the time the murder was committed, the
- 3 offender also committed another murder;
- 4 (f) The offender knowingly created a great
- 5 risk of death to at least several persons;
- 6 (g) The victim was a law enforcement officer
- 7 or a public servant having custody of the offender or
- 8 another; or
- 9 (h) The crime was committed to disrupt or
- 10 hinder the lawful exercise of any governmental function
- 11 or the enforcement of the laws;

12 (i) The murder was committed by means of a
13 destructive device, bomb, or explosive planted, hidden,
14 or concealed in any place, area, dwelling, building, or
15 structure and the defendant knew or reasonably should
16 have known that his or her act or acts would create a
17 great risk of death to a human being or human beings;

18 (j) The murder was committed by means of a
19 destructive device, bomb, or explosive that the
20 defendant mailed or delivered, attempted to mail or
21 deliver, or caused to be mailed or delivered and the
22 defendant knew or reasonably should have known that his
23 or her act or acts would create a great risk of death to
24 a human being or human beings;

1 (k) The victim was intentionally killed
2 because of his or her race, color, religion,
3 nationality, or country of origin; or

4 (l) The capital felony was committed while the
5 defendant was engaged or was an accomplice in the
6 commission of, or an attempt to commit, or flight after
7 committing or attempting to commit, any robbery, first
8 or second degree sexual assault, arson, kidnapping, or
9 aircraft piracy.

10 (2) Mitigating Circumstances:

11 (a) The offender has no significant history of
12 prior criminal activity;

13 (b) The offender acted under unusual pressures
14 or influences or under the domination of another person;

15 (c) The crime was committed while the offender
16 was under the influence of extreme mental or emotional
17 disturbance;

18 (d) The age of the defendant at the time of
19 the crime;

20 (e) The offender was an accomplice in the
21 crime committed by another person and his or her
22 participation was relatively minor;

23 (f) The victim was a participant in the
24 defendant's conduct or consented to the act; or

1 (g) At the time of the crime, the capacity of
2 the defendant to appreciate the wrongfulness of his or
3 her conduct or to conform his or her conduct to the
4 requirements of law was impaired as a result of mental
5 illness, mental defect, or intoxication.

6 Sec. 2. That original section 29-2523,
7 Reissue Revised Statutes of Nebraska, 1943, is
8 repealed.”.

Messrs. Sieck and Wesely asked unanimous consent to print the following amendment to LB 312 in the Journal. No objections. So ordered.

AM2660

1 1. Strike the original sections and all
2 amendments thereto and insert the following new
3 sections:

4 “Section 1. This act shall be known and may
5 be cited as the Resource Recovery and Solid Waste Act.

6 Sec. 2. The Legislature declares that the
7 protection of the land, air, and water of the state, the
8 maintenance of the economic productivity and
9 environmental quality of the state, and the conservation
10 of natural resources require the implementation of a
11 comprehensive resource recovery program throughout the
12 state and the rapid development of technologically and
13 economically feasible operational projects for the
14 reduction of wastes requiring ultimate disposal, the
15 reuse and recycling of resources, and the recovery of
16 energy and other resources.

17 Sec. 3. For purposes of the Resource Recovery
18 and Solid Waste Act, unless the context otherwise
19 requires, the definitions found in sections 4 to 10 of
20 this act shall be used.

21 Sec. 4. Council shall mean the Environmental
1 Control Council.

2 Sec. 5. Department shall mean the Department
3 of Environmental Control.

4 Sec. 6. Director shall mean the Director of
5 Environmental Control.

6 Sec. 7. Person shall mean any individual,
7 partnership, association, public or private corporation,
8 trustee, receiver, assignee, agent, municipality or
9 other governmental subdivision, public agency, or any
10 other legal entity.

11 Sec. 8. Recycling shall mean the process of
12 collecting and preparing materials for reuse of the
13 resources contained in the materials.

14 Sec. 9. Resource recovery shall mean a
15 mechanical system or process for the recovery of
16 materials or energy from waste material.

17 Sec. 10. Solid waste shall mean any garbage,
18 refuse, rubbish, junk, and other discarded material,

19 including solid, liquid, semisolid, or contained gaseous
20 material resulting from industrial or commercial
21 operations or from community or household activities,
22 but does not include solid or dissolved material in
23 domestic sewage or solid or dissolved materials in
24 irrigation return flows or industrial discharges which
1 are point sources subject to permits under section 402
2 of the federal Water Pollution Control Act, as amended,
3 86 Stat. 880, or source, special nuclear, or byproduct
4 material as defined by the federal Atomic Energy Act of
5 1954, as amended, 42 U.S.C. 2011 et seq.

6 Sec. 11. In addition to other powers and
7 duties, the council shall have the power to adopt and
8 promulgate standards, rules, and regulations necessary
9 to carry out the provisions, purposes, and intent of the
10 Resource Recovery and Solid Waste Act.

11 Sec. 12. The department shall study solid
12 waste practices in the state and develop a sound solid
13 waste and resource recovery management and enforcement
14 plan for the state. This plan shall consist of the
15 following components:

16 (1) Study and develop solid waste planning
17 systems for proper storage, collection, transportation,
18 processing, resource recovery, recycling, disposal, and
19 management of solid waste for political subdivisions and
20 other public or private agencies; and

21 (2) Study and develop public educational and
22 informational methods addressing solid waste, resource
23 recovery, and recycling problems and research for
24 solutions to such problems including, but not limited
1 to:

2 (a) Market research into and development of
3 resource recovery of wastes, of recyclable products, and
4 of incentives for recycling and waste-to-energy
5 industries by public and private persons; and

6 (b) Public educational programs designed to
7 encourage waste reduction and the recycling or safe and
8 proper disposal of waste oil, motor vehicle tires,
9 pesticide containers, household appliances, and organic
10 wastes including, but not limited to:

11 (i) Programs which develop ways to recycle or
12 compost such items;

13 (ii) Programs designed to solve the special
14 disposal problems for landfill operators;

15 (iii) Educational and informational programs

16 on ways to recycle or properly dispose of such items;
17 (iv) Technical assistance for waste reduction
18 and waste exchange for waste generators; and
19 (v) Programs to assist communities to develop
20 and implement household hazardous management programs.

21 Sec. 13. The department shall draft enabling
22 legislation upon completion of the study of solid waste
23 practices conducted pursuant to section 12 of this act.
24 The enabling legislation shall be introduced in the
1 Ninetieth Legislature, First Regular Session for the
2 implementation of a plan developed for a comprehensive
3 solid waste management system for the state.

4 Sec. 14. (1) When purchasing products,
5 materials, or supplies for use by the state, the
6 Department of Administrative Services, the University of
7 Nebraska, and any other agency making such purchases
8 shall give preference to products, materials, and
9 supplies which are manufactured or produced from
10 recycled material. Such preference shall not operate
11 when such preference would result in the purchase of
12 products, materials, or supplies which are of inadequate
13 quality or substantially higher cost.

14 (2) When purchasing products for use by the
15 state, the Department of Administrative Services, the
16 University of Nebraska, and any other agency making such
17 purchases shall give preference to products, materials,
18 and supplies which can be readily reused or recycled
19 after normal use. Such preference shall not operate
20 when such preference would result in the purchase of
21 products, materials, or supplies which are of inadequate
22 quality or substantially higher cost.

23 (3) The Department of Administrative Services
24 and the University of Nebraska shall encourage vendors
1 to supply information regarding the recycled material
2 content and the recyclability of their products,
3 materials, and supplies. The Department of
4 Administrative Services and the University of Nebraska
5 shall submit a report to the Clerk of the Legislature
6 and the council on or before June 30, 1987, and every
7 two years thereafter, on the progress made in
8 implementing this section. The report shall identify
9 efforts to encourage vendors to provide information on
10 the recycled material content and recyclability of their
11 products, efforts to encourage vendors of recycled
12 products, materials, and supplies to bid on contracts to

13 supply goods to the state, problems encountered in the
14 implementation of this section, and estimate, whenever
15 possible, the percentage of products, materials, and
16 supplies purchased in the preceding two years which were
17 manufactured or produced from recycled materials or
18 which received the preference prescribed in subsection
19 (1) or (2) of this section.

20 (4) The Department of Administrative Services
21 may adopt and promulgate rules and regulations necessary
22 to carry out the purposes of this section.”.

Messrs. Hoagland and Landis asked unanimous consent to print the following amendment to LB 563 in the Journal. No objections. So ordered.

AM2674

1 1. Strike the original sections and all
2 amendments and insert the following new sections:

3 “Section 1. The Legislature finds that:

4 (1) The preservation of historic structures
5 will enrich life for Nebraska’s citizens both today and
6 for future generations;

7 (2) Many historic structures are owned by the
8 state; and

9 (3) Efforts should be made by the state to
10 identify, preserve, maintain, and restore such historic
11 structures whenever possible.

12 Sec. 2. For purposes of this act, historic
13 structure shall mean any building significant in
14 American history or architecture on a local, state, or
15 national level.

16 Sec. 3. Improvements, alterations, or changes
17 made by the state, its agencies, or departments on or to
18 any historic structure owned by the State of Nebraska
19 shall be in keeping with its historical or architectural
20 significance. Such alterations shall be made according
21 to standards set by the United States Department of the
1 Interior. No alteration shall be made without review
2 and comment by the state historical preservation
3 officer. If the state, its agencies, or departments do
4 not agree with the review and comment of the state
5 historical preservation officer, a final determination
6 as to what action must be followed by the state shall be
7 made by the Governor. A state agency or department
8 shall only be required to comply with this section if it

9 has been notified in writing by the state historical
10 preservation officer that a particular structure is a
11 historic structure.

12 Sec. 4. The George Norris home, located at
13 706 Norris Avenue in McCook, owned by the Nebraska State
14 Historical Society, and legally described as all of lot
15 4, and the north half of lot 5, block 10, McCook first
16 addition to the City of McCook, Red Willow County,
17 Nebraska, is hereby designated as the George Norris
18 House.

19 Sec. 5. The Nebraska State Historical Society
20 shall be responsible for the administration and
21 continued maintenance of the George Norris House and may
22 accept gifts, grants, and bequests for such purposes.”.

GENERAL FILE

LEGISLATIVE RESOLUTION 318CA. Title read. Considered.

Standing Committee amendments, AM2410, found in the Journal on page 1299 for the Thirty-Ninth Day lost with 2 ayes, 11 nays, 32 present and not voting, and 4 excused and not voting.

Mr. Abboud moved to indefinitely postpone LR 318CA.

Mrs. Nelson asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Hoagland moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Abboud moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The Abboud motion to indefinitely postpone lost with 5 ayes, 28 nays, 13 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Lundy moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Rupp moved for a call of the house. The motion prevailed with 18 ayes, 3 nays, and 28 not voting.

Advanced to E & R for Review with 32 ayes, 8 nays, 6 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mrs. Higgins asked unanimous consent to be excused. No objections. So ordered.

MESSAGES FROM THE GOVERNOR

March 24, 1986

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 675, 756, 762, 888, 891, 896, 901, 912, 948, 969, 971, 973, 975, 795 and 795A were received in my office on March 19, 1986.

These bills were signed by me on March 24, 1986 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

March 24, 1986

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 494, 809, 816, 820 and 910 were received in my office on March 18, 1986.

These bills were signed by me on March 24, 1986 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 1129 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2652.)

Mr. Pappas asked unanimous consent to print the following amendment to LB 911 in the Journal. No objections. So ordered.

AM2468

- 1 1. On page 2, line 1, before "The" insert
- 2 "(1)"; and after line 21 insert the following new
- 3 subsection:
- 4 "The Legislature hereby recognizes that each
- 5 community in the state may have different needs and
- 6 standards in the area of licensing alcoholic beverage
- 7 retail and bottle club outlets. Such needs and
- 8 standards should be reviewed and weighed in the process
- 9 of determining whether a liquor license is granted or
- 10 denied."
- 11 2. On page 3, line 2, strike "section 1" and
- 12 insert "sections 1 and 6 to 8".
- 13 3. On page 14, line 8, after "section" insert
- 14 "and any licensing standards enacted by the local
- 15 governing body pursuant to section 6 of this act".
- 16 4. On page 16, line 9, strike "and"; in line
- 17 15 strike the period and insert an underscored
- 18 semicolon; after line 15 insert the following new
- 19 subdivision:
- 20 "(i) Whether the issuance of the license is or
- 21 will be required by the present or future public

1 convenience and necessity; and"; and reinstate lines 18
2 through 21.

3 5. Insert the following new sections:

4 "Sec. 3. That section 53-131, Reissue Revised
5 Statutes of Nebraska, 1943, be amended to read as
6 follows:

7 53-131. Any person; desiring to obtain a new
8 license to sell alcoholic liquors at retail; shall file
9 with the commission:

10 (1) An application in triplicate original upon
11 such forms as the commission shall from time to time
12 prescribe;

13 (2) The license fee if; under ~~the provisions~~
14 ~~of~~ subdivision (5) of section 53-124; such fee is
15 payable to the commission, which fee shall be returned
16 to the applicant if the application is denied;

17 (3) The state registration fee in the sum of
18 twenty-five dollars;

19 (4) The bond as set forth in section
20 53-138.02; and

21 (5) Security for costs in the amount of one
22 hundred dollars.

23 License fees, registration fees, and security
24 for costs shall be paid to the commission by certified
1 or cashier's check of a bank within this state, United
2 States post office money order, or cash in the full
3 amount ~~thereof~~ of such fees and costs. The commission
4 shall forthwith notify, by registered or certified mail
5 marked return receipt requested with postage prepaid,
6 the municipal clerk of the city or incorporated village
7 ~~wherein~~ in which such license is sought; or, if the
8 license is not sought within a city or incorporated
9 village, the county clerk of the county ~~wherein~~ in which
10 such license is sought; of the receipt of the
11 application and shall enclose with the notice one copy
12 of the application. No such license shall then be
13 issued by the commission until the expiration of the
14 time allowed for the receipt of an objection requiring a
15 hearing under subdivision (1)(a) ~~or (1)(b)~~ of section
16 53-133. During the period of thirty days from the date
17 of receiving such application from the commission, the
18 local governing body of such city, village, or county
19 may make and submit to the commission recommendations
20 relative to the granting or refusal to grant such
21 license to the applicant. Except for the renewal of

22 licenses pursuant to section 53-135 and an application
23 for a license involving the sale or transfer of the
24 assets of an existing licensed retailer, if the local
1 governing body recommends denying the issuance of a
2 license, the recommendation shall be binding on the
3 commission, and the commission shall not issue such
4 license to the applicant.

5 Sec. 5. That section 53-133, Reissue Revised
6 Statutes of Nebraska, 1943, be amended to read as
7 follows:

8 53-133. (1) The commission shall set for
9 hearing before it any application for a retail license
10 relative to which it has received:

11 (a) Within thirty days from the date of
12 receipt of ~~such~~ an application for the renewal of a
13 license pursuant to section 53-135 or the issuance of a
14 license involving the sale and transfer of the assets of
15 an existing licensed retailer by the city, village, or
16 county clerk, a recommendation of denial from the city,
17 village, or county, as the case may be;

18 (b) Within ten days after the receipt of a
19 recommendation that the commission grant the license
20 from the city, village, or county, as the case may be,
21 or, if no recommendation is received, within thirty days
22 from the date of receipt of such application by the
23 city, village, or county clerk, objections in writing by
24 not less than three persons residing within ~~said~~ the
1 city, village, or county, as the case may be, protesting
2 the issuance of ~~said~~ the license and no objections will
3 be considered by the commission unless submitted in
4 duplicate, ~~and accompanied by security for costs in the~~
5 ~~sum of one hundred dollars in the form of cash, money~~
6 ~~order, certified check, or bank draft.~~ The withdrawal
7 of the protest shall not prohibit the commission from
8 conducting a hearing based upon the protest as
9 originally filed and making an independent finding as to
10 whether the license should or should not be issued; or

11 (c) Within forty-five days from the date of
12 receipt of such application by the city, village, or
13 county clerk, as the case may be, objections by the
14 commission or any duly appointed employee of the
15 commission, protesting the issuance of ~~said~~ the license.

16 (2) Hearings upon such applications shall be
17 had in the manner provided in section 53-1,116.

18 (3) Except for the renewal of licenses

19 pursuant to section 53-135 and an application for a
20 license involving the sale or transfer of the assets of
21 an existing retailer, if the local governing body
22 recommends denial of a license, the commission may
23 dispense with any hearing or further processing of the
24 application, except to notify the applicant of the
1 denial.

2 Sec. 6. Any local governing body may enact
3 licensing standards which are more restrictive than the
4 Nebraska Liquor Control Act based on that particular
5 community's needs or standards. Such standards shall
6 not be in conflict with the Nebraska Liquor Control Act.

7 Sec. 7. The commission may issue or provide
8 to any person regulated under the Nebraska Liquor
9 Control Act a set of rules or regulations adopted and
10 promulgated by the commission, a copy of the Nebraska
11 Liquor Control Act, and any other information which the
12 commission deems important in the area of liquor control
13 in the State of Nebraska. The information may be
14 printed in a booklet, a pamphlet, or any other form the
15 commission may determine to be appropriate. The
16 commission may update such material as often as it deems
17 necessary and may charge a fee for the material. The
18 fee shall be reasonable and shall not exceed any
19 reasonable or necessary costs of producing the material
20 for distribution.

21 Sec. 8. Any money collected by the commission
22 pursuant to section 7 of this act shall be deposited in
23 the Liquor Control Commission Rule and Regulation Cash
24 Fund, which is hereby created. The purpose of the fund
1 shall be to cover any costs incurred by the commission
2 in producing or distributing the material referred to in
3 section 7 of this act. Any money in the fund available
4 for investment shall be invested by the state investment
5 officer pursuant to sections 72-1237 to 72-1269.

6 Sec. 10. If any section in this act or any
7 part of any section shall be declared invalid or
8 unconstitutional, such declaration shall not affect the
9 validity or constitutionality of the remaining portions
10 thereof.

11 Sec. 11. Since an emergency exists, this act
12 shall be in full force and take effect, from and after
13 its passage and approval, according to law.”.

14 6. On page 20, line 20, strike “and”; and in
15 line 23 after “interest” insert “, (1) whether the

- 16 issuance of the license is or will be required by the
17 present or future public convenience and necessity, and
18 (j) any licensing standards enacted by such local
19 governing body pursuant to section 6 of this act”.
20 7. On page 21, line 12, after “sections”
21 insert “53-131,” and after “53-132” insert “, 53-133.”
22 8. Renumber remaining sections accordingly.

Mr. Schmit asked unanimous consent to print the following amendment to LB 835 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2455.)

Mr. Wesely asked unanimous consent to print the following amendment to LB 926 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2653.)

RESOLUTION

LEGISLATIVE RESOLUTION 383.

Introduced by Barrett, 39th District; Eret, 32nd District; Chizek, 31st District; Hall, 7th District; Pirsch, 10th District; Labedz, 5th District; Wesely, 26th District; Remmers, 1st District; Chronister, 18th District; R. Johnson, 34th District; Sieck, 24th District.

WHEREAS, Nebraska Job Training Programs across the state have proved their effectiveness in training and retraining Nebraskans for productive employment; and

WHEREAS, the Greater Nebraska Job Training Program, directed by the Greater Nebraska Private Industry Council, has targeted its efforts toward our distressed rural sector through the services of the Agriculture in Transition Program and Ag Action Centers across the state; and

WHEREAS, the Agriculture in Transition Program has been cited by the United States Department of Labor and the National Alliance of Business as a model program and has received national recognition for innovation and performance; and

WHEREAS, twenty-one per cent of Nebraska jobs are on farms, ranches, or in agricultural-related industries; and

WHEREAS, forty per cent of Nebraska manufacturing jobs are in agricultural-related industries; and

WHEREAS, there are currently thirty farm bankruptcies per month in Nebraska; and

WHEREAS, in 1985 thirty-seven per cent of agricultural-related businesses in communities of less than five thousand population went bankrupt; and

WHEREAS, the Nebraska Department of Agriculture projects that thirty-six hundred Nebraska farmers will go out of business during 1986; and

WHEREAS, the Agriculture in Transition Program, directed by the Greater Nebraska Private Industry Council, has proven its effectiveness by serving six hundred ten individuals in 1985, placing eighty-six per cent of the adults retrained in new occupational fields; and

WHEREAS, the Ag Action Centers, located at local community colleges, have provided one-on-one employment consultation, fiscal analysis, farm management, legal information, stress management, and job training services for seven hundred twelve individuals since commencing operations on December 11, 1985; and

WHEREAS, the Greater Nebraska Job Training Program has assisted local communities with their economic development efforts to attract new and expanding businesses by providing one million dollars for job training in companies such as Sundstrand in York, Timpte in Wayne, Land of Lakes in Schuyler, Perfection Colby in Scottsbluff, and Monfort in Hastings; and

WHEREAS, the Greater Nebraska Job Training Program has assisted one thousand six hundred thirty-one existing businesses by providing two million dollars to hire and train eligible Job Training Program workers thereby offsetting up-front training costs associated with new employees; and

WHEREAS, an individual retrained by the Greater Nebraska Job Training Program and placed in a new occupational field with a job at \$5.62 an hour will on an annual basis earn \$11,690.00 in personal income, pay \$911.82 in state taxes and \$1,508.00 in federal taxes, and generate \$8,864.00 in retail sales.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature strongly endorses Nebraska Job Training Programs funded in part by the United States Department of Labor and encourages continued federal funding for such efforts.

2. That the Legislature urges the United States Department of Labor to reallocate Job Training Program funds not utilized by other states' programs to the Nebraska Department of Labor in response to the urgent and immediate needs now confronted by displaced

workers in Nebraska hard hit by a severely depressed agricultural economy.

3. That the Legislature strongly encourages private sector fundraising efforts of the Greater Nebraska Private Industry Council for continuation of the Agriculture in Transition Program as well as all job training programs across the state.

4. That the members of the Legislature are proud of the state's Agriculture in Transition Program and of this unique program's performance which is designed to put the economically distressed farmer back into Nebraska's workforce.

5. That a copy of this resolution shall be forwarded to William Brock, United States Secretary of Labor, and to the Nebraska congressional delegation, as evidence of the Nebraska Legislature's continuing support of job retraining in Nebraska.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 325A. Placed on Select File.

LEGISLATIVE BILL 898A. Placed on Select File.

(Signed) Timothy Hall, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of the following Governor appointments.

Business and Labor

David J. Cullan - Commission on Industrial Relations

Education

Brenda Warren - Board of Educational Lands and Funds

Nebraska Retirement Systems

Alan W. Friesen - Public Employees Retirement Board

(Signed) Calvin F. Carsten, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Member Excused

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 105. Mr. Chambers offered the following amendment:

In Johnson-Hoagland amendment adopted 2-24-86

In line 14, subsection (2), strike "significantly", and insert "adversely".

In line 9 of subsection (2), strike "a preponderance of the", and insert "clear and convincing"

The Chambers amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. L. Johnson moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 30:

Barrett	Goodrich	Johnson, L.	Miller	Rupp
Chizek	Haberman	Johnson, V.	Morehead	Schmit
Chronister	Hall	Labeledz	Nichol	Smith
Conway	Harris	Lynch	Pappas	Warner
DeCamp	Hartnett	Marsh	Pirsch	Wesely
Goll	Hoagland	McFarland	Rogers	Withem

Voting in the negative, 17:

Abboud	Chambers	Lamb	Nelson	Scofield
Baack	Eret	Landis	Peterson	Sieck
Beyer	Hannibal	Lundy	Remmers	Vickers
Carsten	Hefner			

Excused and not voting, 2:

Higgins Johnson, R.

Advanced to E & R for Engrossment with 30 ayes, 17 nays, and 2 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 1251 in the Journal. No objections. So ordered.

(1) On page 108, after line 2, insert the following:

Program No. 584 - Commission on Indian Affairs

GENERAL FUND 70,646

PROGRAM TOTAL 70,646

Total expenditures for permanent and temporary salaries and per diems shall not exceed \$50,158.

(2) On page 104, after line 16, insert the following new section:

Agency No. 68 -- Commission on Mexican-Americans

Program No. 537 -- Commission on Mexican-Americans

GENERAL FUND 96,669

PROGRAM TOTAL 96,669

Total expenditures for permanent and temporary salaries and per diems shall not exceed \$68,634.

ADJOURNMENT

At 4:14 p.m., on a motion by Mr. Hall, the Legislature adjourned until 8:30 a.m., Tuesday, March 25, 1986.

Patrick J. O'Donnell
Clerk of the Legislature



FORTY-EIGHTH DAY - MARCH 25, 1986

LEGISLATIVE JOURNAL

FORTY-EIGHTH DAY - MARCH 25, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

FORTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 25, 1986

Pursuant to adjournment, the Legislature met at 8:32 a.m., Mrs. Marsh presiding.

PRAYER

The prayer was offered by Rev. Alton Schwandt, St. John's Lutheran Church, Beatrice, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Conway, DeCamp, Hall, Harris, Hoagland, R. Johnson, V. Johnson, Landis, Miller, Wesely, Mesdames Higgins, Labeledz, Pirsch, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Seventh Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 783. Placed on Select File as amended.
E & R amendments to LB 783:
AM5396

- 1 1. In the Beyer amendment, AM2421, adopted
- 2 March 13, 1986, on page 3, lines 2 and 3, strike the
- 3 last comma; and in line 12 strike "and" and insert "or".
- 4 2. Because of Standing Committee amendment 1:
- 5 a. Strike original sections 1 and 2; and

- 6 b. On page 8, line 18, strike "28-108,"; in
7 line 19 strike the second comma; and strike beginning
8 with "section" in line 20 through the second comma in
9 line 21.
- 10 3. On page 1, line 2, strike "28-108," and
11 the third comma; strike beginning with "section" in line
12 3 through the last comma in line 4; in line 5 strike
13 "39-6,184 and" and after "60-1306" insert "and 60-1307";
14 strike beginning with "to" in line 6 through the
15 semicolon in line 8; in line 10 strike "to change a
16 penalty;"; in line 12 after "Vehicles" insert "relating
17 to information required on certain vehicles"; and in
18 line 13 after the semicolon insert "to authorize a
19 prohibition on the operation of a motor vehicle as
20 prescribed;".
- 21 4. On page 7, line 19, strike the first
1 comma.
- 2 5. On page 8, line 9, strike the first comma
3 and show as stricken; and in line 16 strike "in", show
4 as stricken, and insert "of".

LEGISLATIVE BILL 1004. Placed on Select File as amended.
E & R amendments to LB 1004:
AM5394

- 1 1. On page 1, line 2, strike "and" and insert
2 a comma and after "to" insert "60-2115, and 60-2117 to";
3 and in line 3 after "1943" insert ", and section
4 60-2116, Reissue Revised Statutes of Nebraska, 1943, as
5 amended by section 2, Legislative Bill 5, Eighty-ninth
6 Legislature, Second Special Session, 1985".
- 7 2. On page 3, line 8, strike the first comma
8 and show as stricken.
- 9 3. On page 4, strike lines 6 and 7 and show
10 the old matter as stricken; in line 8 strike "(2)" and
11 insert "(1)"; in line 10 strike "(3)" and insert "(2)";
12 and in line 11 after the semicolon insert:
13 "(3) Director shall mean the Director of Motor
14 Vehicles".
- 15 4. On page 6, line 8, before "Minimum" insert
16 paragraphing and "(2)"; in line 22 after "instruction"
17 insert an underscored period and strike the period and
18 show as stricken; and in line 23 strike "(2)" and insert
19 "(3)".
- 20 5. On page 8, line 13, strike "60-2113;";
21 show as stricken, and insert "10 of this act.".

- 1 6. On page 10, line 3, before "To" insert
2 "(3)".
- 3 7. On page 11, line 22, after "any" insert
4 "rule or".
- 5 8. On page 12, line 2, strike "sections" and
6 insert "section"; in line 7 strike the comma and show as
7 stricken; in line 10 after the second comma insert "as
8 amended by section 2, Legislative Bill 5, Eighty-ninth
9 Legislature, Second Special Session, 1985,"; in line 14
10 reinstate the stricken matter; and in line 15 strike
11 "section", reinstate the stricken "and", and strike
12 "~~60-409.02~~" and insert "60-409".
- 13 9. On page 13, line 14, strike the old
14 matter, show as stricken, and insert "On"; in line 15
15 strike "thereafter,", show as stricken, and insert an
16 underscored comma; and in line 18 after "apportioned"
17 insert "for use as provided in sections 16 to 20 of this
18 act".
- 19 10. On page 15, line 13; page 16, lines 9 and
20 21; and page 18, line 8, strike "priority" and insert
21 "priorities".
- 22 11. On page 15, line 17, after "course"
23 insert an underscored comma; and in line 18 after
24 "achieved" insert an underscored comma.
- 1 12. On page 16, line 8, reinstate the
2 stricken "for reimbursement" and move such phrase to
3 line 9 after "act".
- 4 13. On page 17, line 24, strike "to", show as
5 stricken, and insert "for".
- 6 14. On page 18, line 8, after "in" insert
7 "such" and strike "15 of this"; in line 9 strike "act";
8 in line 11 strike "the priority" and insert
9 "apportionment"; in line 12 after "with" insert
10 "subdivisions (1) to (5) of"; and in line 18 strike
11 "promotion" and insert "promotional".
- 12 15. On page 19, line 5, strike "and" and
13 insert a comma; in line 6 after "to" insert "60-2115,
14 and 60-2117 to"; and in line 7 after the second comma
15 insert "and section 60-2116, Reissue Revised Statutes of
16 Nebraska, 1943, as amended by section 2, Legislative
17 Bill 5, Eighty-ninth Legislature, Second Special
18 Session, 1985,".

LEGISLATIVE BILL 1004A. Placed on Select File as amended.
E & R amendment to LB 1004A:

AM5395

- 1 1. On page 3, line 1, after the first comma
- 2 insert "for".

LEGISLATIVE BILL 219. Placed on Select File as amended.
(E & R amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM5393.)

LEGISLATIVE BILL 219A. Placed on Select File.

LEGISLATIVE BILL 311. Placed on Select File as amended.
E & R amendments to LB 311:
AM5392

- 1 1. In the Standing Committee amendments, AM
- 2 2224, adopted March 17, 1986, on page 2, line 3, after
- 3 the comma insert "information on".
- 4 2. On page 1, strike beginning with
- 5 "sections" in line 2 through line 14 and insert "section
- 6 23-2312, Revised Statutes Supplement, 1985; to provide
- 7 for a preretirement planning program; to provide powers
- 8 and duties; to provide access to certain information;
- 9 and to repeal the original section."

(Signed) Timothy Hall, Chairperson

REPORT

Received minutes of the Board of Public Roads Classifications and Standards for February.

RESOLUTION

LEGISLATIVE RESOLUTION 384.

Introduced by V. Johnson, 8th District; Rogers, 41st District; Hartnett, 45th District; Miller, 37th District; Hefner, 19th District; Sieck, 24th District; Pirsch, 10th District; Landis, 46th District.

WHEREAS, demands for tax dollars coupled with a sluggish state economy have resulted in a high level of concern with respect to revenue sources in Nebraska; and

WHEREAS, this concern has led to increasing criticism of the methods and structure of taxation and the structure and finance of state and local government in Nebraska; and

WHEREAS, there has not been conducted an independent, in-depth study of taxation in Nebraska since 1961; and

WHEREAS, There has not been conducted an independent in-depth study of the structure and finance of state and local government in Nebraska within memory; and

WHEREAS, in order for the Nebraska Legislature to deal with the complex issues and decisions in the revenue area it is desirable that a detailed and comprehensive study be made of all phases of taxation, expenditure, and state and local government structure and finance in this state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Executive Board of the Legislative Council appoint a committee consisting of seven members of the Legislature, which shall oversee the examination of Nebraska's taxation, spending, and the structure and finance of state and local government in Nebraska.

2. That the Committee employ an independent, impartial research entity to conduct a study of all phases of taxation in Nebraska, including, but not limited to: (a) Tax profiles as to who actually pays what taxes; (b) identification of which taxpayers benefit from services and programs provided with tax dollars; (c) structures of state and local governments as they relate to delivery of services and taxing authority (d) financing of state and local government; and (e) potential improvements that could be achieved through consolidation of services and changes in the structures of governments, taxation, financing, and spending.

3. That in conducting the study, the entity make use of available staff and data within the executive and legislative branches of Nebraska government.

4. That the entity report its findings and recommendations to the committee prior to the commencement of the 1988 regular session of the Legislature, and that the committee report the findings to the Legislature.

5. That the Legislature appropriate an amount not to exceed three hundred thousand fifty dollars to accomplish the purposes of this resolution, and that joint funding be sought from private sources.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1252. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 1253. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1254. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 840. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 841. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 842. Title read. Considered.

Mr. Withern asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendments, AM2451, found in the Journal on page 1317 for the Fortieth Day were adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 4 nays, and 23 not voting.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Advanced to E & R for Review with 25 ayes, 3 nays, 19 present and not voting, and 2 excused and not voting.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 491.

Correctly Engrossed

The following bill was correctly engrossed: 997.

(Signed) Timothy Hall, Chairperson

**Enrollment and Review Change to LB 491
(Final Reading Copy)**

The following changes, required to be reported for publication in the Journal, have been made:

ER0170

1. In the Schmit amendment, AM2543, adopted on March 14, 1986:

- a. On page 1, before line 1, the following has been inserted:
“Amendments to Final Reading Copy”; and in line 2 “This” has been struck and “Sections 1 to 39 of this” inserted;
- b. On page 10, line 9, the comma has been struck;
- c. On page 11, line 17; and page 14, line 11, “All” has been struck and “Any” inserted;
- d. On page 12, line 10, after “Fund”, “, which is hereby created” has been inserted;
- e. On page 13, line 4, the first comma has been struck;
- f. On page 15, line 21, “groundwater” has been struck and “ground water” inserted.

2. On page 1, line 1, after the semicolon “to adopt the Low-level Radioactive Waste Disposal Act;” has been inserted; in line 3 “and” has been struck; and in line 5 after “1943”, “; and to declare an emergency” has been inserted.

Enrollment and Review Change to LB 997

The following changes, required to be reported for publication in the Journal, have been made:

ER0175

1. In the Vickers amendment, AM2520, adopted March 14, 1986:
 - a. On page 1, line 6, “all” has been struck and “any” inserted; in line 7 “teachers, nurses, and other persons” has been struck and “teacher, nurse, or other person” inserted; and in line 9 “are” has been struck and “is” inserted;

b. On page 2, line 4, an underscored comma has been inserted after "1986";

c. On page 3, line 13, "5" has been struck and "6" inserted;

d. On page 4, line 4, the colon has been struck and an underscored comma inserted and "Subpoena" has been lowercased; in line 10 the semicolon has been struck; and in line 20 "and the" has been struck and "The" inserted;

e. On page 6, line 1, "the" has been inserted after the second "of"; and

f. On page 6, line 9, "a" has been inserted after "before".

2. In the Vickers amendment, AM2463, adopted March 14, 1986:

a. On page 1, line 2, "Section 1." has been struck and "Sec. 7." inserted; in line 10 the comma has been struck, shown as stricken, and "which are" inserted; and in line 17 the comma has been struck and shown as stricken; and

b. On page 3, line 7, the matter beginning with "and" through "comma" has been struck.

3. In the Vickers amendment, AM2344, adopted March 14, 1986, on page 1, line 2, "6" has been struck and "13" inserted.

4. In the Vickers-Baack amendment, AM2505, adopted March 14, 1986:

a. On page 1, line 2, "7" has been struck and "15" inserted; and in line 21 "pursuant to" has been struck and "as provided in" inserted;

b. On page 2, line 1, "employers" has been struck and "employees" inserted; in line 2 "8" has been struck and "16" inserted; in line 10 "9" has been struck and "17" inserted; and in line 12 "of educational service units" has been inserted after "boundaries";

c. On page 3, line 23, "deliver" has been struck and "delivery" inserted; and

d. On page 4, line 4, "sate" has been struck and "state" inserted; and in line 6 "10" has been struck and "18" inserted and "7, 8, and 9" has been struck and "15 to 18" inserted.

5. On page 1, line 4, "to define and redefine terms; to provide procedures for the amendment, termination, or nonrenewal of contracts of certain employees of educational service units; to change powers of the State Board of Education concerning distribution of certain grant money;" has been inserted after the semicolon; in line 6 "; to redefine a term;" has been struck; and in line 9 "to change provisions relating to biennial course offerings; to establish a committee; to provide duties; to provide a termination date;" has been inserted after the semicolon.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 1250 in the Journal. No objections. So ordered.

(Amendments to AM2586)

1. On page 1, line 16, after "prohibit" insert "by law".
2. On page 2, line 21, strike "noneconomic" and insert "nonsalary or nonclassification"; in line 24, strike "the parties may by mutual agreement".
2. On page 3, line 1, strike "continue" and after "contract" insert "shall be continued".

Mr. Landis asked unanimous consent to print the following amendment to LB 217 in the Journal. No objections. So ordered.

AM1882

- 1 1. In the Vickers-R. Johnson amendment,
- 2 AM1745, adopted January 14, 1986:
- 3 a. On page 2, strike lines 18 through 24; and
- 4 b. On page 3, line 1, strike "1987".

GENERAL FILE

LEGISLATIVE BILL 851. Title read. Considered.

Standing Committee amendments, AM2513, found in the Journal on page 1382 for the Forty-First Day were considered.

Mr. Goll moved for a call of the house. The motion prevailed with 7 ayes, 1 nay, and 41 not voting.

The Standing Committee amendments were adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Goll offered the following amendment:

AM2596

- 1 1. Insert the following new section:
- 2 "Sec. 6. That section 60-117, Reissue Revised
- 3 Statutes of Nebraska, 1943, be amended to read as
- 4 follows:
- 5 60-117. (1) Whoever shall, except as
- 6 otherwise provided for in ~~this act~~ sections 60-101 to
- 7 60-130, operate in this state a motor vehicle for which

8 a certificate of title is required without having such
 9 certificate in accordance with ~~the provisions of this~~
 10 ~~act sections 60-101 to 60-130~~ or upon which the
 11 certificate of title has been canceled; (2) whoever,
 12 except as otherwise provided for in ~~this act sections~~
 13 ~~60-101 to 60-130~~, being a dealer or acting on behalf of
 14 a dealer shall acquire, purchase, hold, or display for
 15 sale a new motor vehicle without having obtained a
 16 manufacturer's or importer's certificate or a
 17 certificate of title therefor as provided for in ~~this~~
 18 ~~act sections 60-101 to 60-130~~; (3) whoever shall fail to
 19 surrender any certificate of title or any certificate of
 20 registration or license plates or tags upon cancellation
 21 of the same by the Department of Motor Vehicles and
 1 notice thereof as prescribed in ~~this act sections 60-101~~
 2 ~~to 60-130~~; (4) whoever fails to surrender the
 3 certificate of title to the county clerk as provided in
 4 ~~this act sections 60-101 to 60-130~~ in case of the
 5 destruction or dismantling or change of a motor vehicle
 6 in such respect that it is not the motor vehicle
 7 described in the certificate of title; (5) whoever shall
 8 purport to sell or transfer a motor vehicle without
 9 delivering to the purchaser or transferee thereof a
 10 certificate of title or a manufacturer's or importer's
 11 certificate thereto duly assigned to such purchaser as
 12 provided in ~~this act sections 60-101 to 60-130~~; (6)
 13 whoever knowingly alters or defaces a Nebraska
 14 certificate of title; or (7) whoever shall violate any
 15 of the other provisions of ~~this act sections 60-101 to~~
 16 ~~60-130~~ or any lawful rules or regulations adopted and
 17 promulgated pursuant to the provisions of this act
 18 sections 60-101 to 60-130, shall be guilty of a Class
 19 III misdemeanor."

20 2. On page 13, line 20, strike "14 and 16"
 21 and insert "15 and 17"; and in line 23 after the comma
 22 insert "60-117,".

23 3. Renumber remaining sections accordingly.

The Goll amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 853. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1001. Title read. Considered.**SPEAKER NICHOL PRESIDING**

Standing Committee amendments, AM2237, found in the Journal on page 1041 for the Thirty-Second Day were adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall requested a record vote on the advancement of the bill.

Voting in the affirmative, 25:

Abboud	Haberman	Labedz	Morehead	Remmers
Carsten	Harris	Landis	Nelson	Rogers
Chizek	Higgins	Lundy	Nichol	Rupp
Chronister	Hoagland	Marsh	Pappas	Smith
Goll	Johnson, V.	Miller	Peterson	Warner

Voting in the negative, 0.

Present and not voting, 21:

Baack	Eret	Hartnett	Lamb	Scofield
Beyer	Goodrich	Hefner	Lynch	Sieck
Chambers	Hall	Johnson, L.	McFarland	Vickers
Conway	Hannibal	Johnson, R.	Schmit	Wesely
DeCamp				

Excused and not voting, 3:

Barrett	Pirsch	Withem
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Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1001A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1089. Title read. Considered.

Standing Committee amendments, AM2131, found in the Journal on page 917 for the Twenty-Ninth Day were considered.

Mr. R. Johnson and Mrs. Higgins asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Standing Committee amendments lost with 10 ayes, 17 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Hall moved to indefinitely postpone LB 1089.

PRESIDENT MCGINLEY PRESIDING

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Haberman moved for a call of the house. The motion prevailed with 10 ayes, 1 nay, and 38 not voting.

Mr. Chambers moved to raise the call. The motion lost with 8 ayes, 19 nays, and 22 not voting.

Mr. Haberman requested a roll call vote on the Hall motion to indefinitely postpone.

Voting in the affirmative, 28:

Abboud	Eret	Johnson, V.	Morehead	Schmit
Baack	Goodrich	Labeledz	Nelson	Smith
Barrett	Hall	Landis	Nichol	Vickers
Chambers	Harris	Lynch	Pappas	Wesely
Chizek	Hartnett	Marsh	Rogers	Withem
Conway	Hoagland	McFarland		

Voting in the negative, 16:

Beyer	Haberman	Johnson, L.	Miller	Rupp
Carsten	Hannibal	Lamb	Peterson	Scofield
Chronister	Hefner	Lundy	Remmers	Warner
Goll				

Present and not voting, 2:

DeCamp Sieck

Excused and not voting, 3:

Higgins Johnson, R. Pirsch

The Hall motion to indefinitely postpone prevailed with 28 ayes, 16 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Harris asked unanimous consent to print the following amendment to LB 1139 in the Journal. No objections. So ordered.

AM2511

(Amendments to AM2356)

- 1 1. On page 4, line 14; page 15, line 24; page
- 2 30, line 6; page 34, line 7; and page 45, line 10, after
- 3 "seventy" insert "and one half years".
- 4 2. On page 23, strike lines 6 through 8 and
- 5 insert the following new subdivision:
- 6 "(12) School employee shall mean the following
- 7 persons who receive compensation from a public school:
- 8 (a) Regular teachers and administrators employed on a
- 9 written contract basis; (b) regular employees not
- 10 certified, hired upon a full time basis, which
- 11 contemplates a work week of not less than thirty hours;
- 12 and (c) part-time employees hired on a work week of not
- 13 less than fifteen hours."
- 14 3. On page 24, strike beginning with
- 15 "hundred" in line 13 through "days" in line 14, show as
- 16 stricken, and insert "thousand thirty-two instructional
- 17 hours".
- 18 4. On page 25, strike line 24 and show as

19 stricken.

20 5. On page 26, strike lines 1 through 3 and
1 show as stricken; in line 4 strike "(27)", show as
2 stricken, and insert "(26)"; in line 7 strike "(28)",
3 show as stricken, and insert "(27)"; and in line 22
4 strike "(29)", show as stricken, and insert "(28)".

5 6. On page 27, line 1, strike "(30)" and
6 insert "(29)".

7 7. Insert the following new sections:

8 "Sec. 15. That section 79-1522, Reissue
9 Revised Statutes of Nebraska, 1943, be amended to read
10 as follows:

11 79-1522. (1) Upon retirement under ~~the~~
12 ~~provisions of~~ sections 79-1520 and 79-1521, if he or she
13 has five or more years of creditable service, a member
14 or emeritus member shall receive a school retirement
15 allowance which shall consist of the sum of: (a) A
16 savings annuity which shall be the actuarial equivalent,
17 as determined by the retirement board, of the member's
18 accumulated contributions at the time of his or her
19 retirement; or, in the case of an emeritus member, the
20 savings annuity fixed by the retirement board at the
21 time of his or her original retirement; and (b) a
22 service annuity to be paid by the State of Nebraska.
23 The amount of any individual service annuity for a
24 full-time school employee or emeritus member shall be
1 three dollars and fifty cents per month for each year of
2 service commencing with his or her retirement on or
3 after May 19, 1981. Each school employee or emeritus
4 member who retired before July 1, 1973, and who is
5 receiving a service annuity as of that date shall have
6 such service annuity adjusted by the increase in the
7 cost of living as determined by the difference between
8 the Consumers Price Index for Urban Wage Earners and
9 Clerical Workers from the date the service annuity
10 commenced and July 1, 1973, except that such annuity
11 shall not exceed three dollars and fifty cents monthly
12 per year of service; based on the same number of years
13 of service that is currently being used to determine his
14 or her service annuity. Such increased service annuity
15 shall commence on July 1, 1973.

16 (2) Under such rules and regulations as the
17 board may ~~prescribe~~ adopt and promulgate, an employee,
18 upon becoming a member, may receive credit for not to
19 exceed ten years of creditable teaching service rendered

20 in public schools in another state if such member shall
21 have paid into the school retirement system of the State
22 of Nebraska an amount equal to the required deposits he
23 or she would have paid had he or she been employed in
24 this state, with such required deposits to be paid as
1 the board may direct within three years after membership
2 in the retirement system begins.

3 (3) A member who retires as a school employee
4 of this state shall not receive credit for time in
5 service outside of this state in excess of the time he
6 or she has been in service as a school employee in this
7 state. In order to receive such out-of-state credit
8 such member ~~must~~ shall be employed as a school employee
9 in this state at the time of his or her retirement.

10 (4) For a beneficiary who is employed as a
11 public school substitute employee for more than
12 seventy-five per cent of the instructional hours ~~ninety~~
13 ~~days~~ in any school year, the state service annuity shall
14 be reduced by fifty per cent. A ; ~~PROVIDED~~, a person
15 receiving a retirement benefit may waive the payments
16 and return to regular employment in a public school of
17 this state if the beneficiary shall notify the
18 retirement board in advance of the time and place of
19 such employment. This notice shall be in writing upon
20 forms prescribed by the retirement board. Any person
21 collecting retirement payments without filing such
22 notice shall be subject to a withholding of future
23 retirement benefits equal to twice the amount collected
24 after being regularly employed. The amount of
1 individual service annuity for a part-time employee
2 shall be determined on a proportional basis.

3 (5) Under such rules and regulations as the
4 board may ~~prescribe~~ adopt and promulgate, any member who
5 was away from his or her position while on a leave of
6 absence from such position authorized by the school
7 board or board of education of the school district by
8 which he or she was employed at the time of such leave
9 of absence or pursuant to any contractual agreement
10 entered into by such school district may receive credit
11 for such time as he or she was on leave of absence.
12 Such credit shall increase the benefits provided by the
13 retirement system and shall be included in creditable
14 service when determining eligibility for death,
15 disability, termination, and retirement benefits. The
16 member who receives the credit shall earn benefits

17 during the leave based on salary at the level received
18 immediately prior to the leave of absence. Such credit
19 shall be allowed if such member shall have paid into the
20 system an amount equal to the sum of the deductions from
21 his or her salary and any contribution which the school
22 district would have been required to make had he or she
23 continued to receive salary at the level received
24 immediately prior to the leave of absence, with such
1 deposits to be paid as the board may direct within three
2 years of the termination of his or her leave of absence.
3 Leave of absence shall be construed to include, but not
4 be limited to, sabbaticals, maternity leave, exchange
5 teaching programs, full-time leave as an elected
6 official of a professional association or
7 collective-bargaining unit, or leave of absence to
8 pursue further education or study. A leave of absence
9 granted pursuant to this subsection shall not exceed
10 four years in length and in order to receive credit for
11 the leave of absence the member must return to
12 employment with a school district, other than a Class V
13 school district, in the state within one year after
14 termination of the leave of absence.

15 Sec. 32. Since an emergency exists, this act
16 shall be in full force and take effect, from and after
17 its passage and approval, according to law.”.

18 8. Renumber remaining sections accordingly.

Mr. Schmit asked unanimous consent to print the following amendment to LB 603 in the Journal. No objections. So ordered.

AM2673

1 1. Strike the original sections and all
2 amendments thereto and insert the following new
3 sections:

4 “Section 1. That Laws 1985, LB 628, section
5 1, be amended to read as follows:

6 INTERSTATE COMPACT ON AGRICULTURAL
7 GRAIN MARKETING
8 ARTICLE I. PURPOSE

9 It is the purpose of this compact to protect,
10 preserve and enhance:

11 (a) The economic and general welfare of
12 citizens of the joining states engaged in the production
13 and sale of agricultural grains;

14 (b) the economies and very existence of local
15 communities in such states, the economies of which are
16 dependent upon the production and sale of agricultural
17 grains; and

18 (c) the continued production of agricultural
19 grains in such states in quantities necessary to feed
20 the increasing population of the United States and the
21 world.

1 ARTICLE II. DEFINITIONS

2 As used in this compact:

3 (a) State means any state of the United States
4 in which agricultural grains are produced for the
5 markets of the nation and world.

6 (b) Agricultural grains means wheat, durum,
7 spelt, triticale, oats, rye, corn, barley, buckwheat,
8 flaxseed, safflower, sunflower seed, soybeans, sorghum
9 grains, peas and beans.

10 ARTICLE III. COMMISSION

11 (a) Organization and Management

12 (1) There is hereby created an agency of the
13 member states to be known as the Interstate Agricultural
14 Grain Marketing Commission, hereinafter called the
15 commission. The commission shall consist of three
16 residents of each member state who shall have an
17 agricultural background and who shall be appointed as
18 follows: (1) One member appointed by the governor, who
19 shall serve at the pleasure of the governor; (2) one
20 senator appointed in the manner prescribed by the senate
21 of such state, except that two senators may be appointed
22 by the Governor of the State of Nebraska from the
23 unicameral legislature of the state of Nebraska; and (3)
24 one member of the house of representatives appointed in
1 the manner prescribed by the house of representatives of
2 such state. The member first appointed by the governor
3 shall serve for a term of one year and the senator and
4 representative first appointed shall each serve for a
5 term of two years; thereafter all members appointed
6 shall serve for two-year terms. The attorneys general
7 of member states or assistants designated thereby shall
8 be nonvoting members of the commission.

9 (2) Each member shall be entitled to one vote.
10 A member must be present to vote and no voting by proxy
11 shall be permitted. The commission shall not act unless
12 a majority of the voting members are present, and no
13 action shall be binding unless approved by a majority of

14 the total number of voting members present.

15 (3) The commission shall be a body corporate
16 of each member state and shall adopt an official seal to
17 be used as it may provide.

18 (4) The commission shall hold an annual
19 meeting and such other regular meetings as its bylaws
20 may provide and such special meetings as its executive
21 committee may determine. The commission bylaws shall
22 specify the dates of the annual and any other regular
23 meetings, and shall provide for the giving of notice of
24 annual, regular and special meetings. Notices of
1 special meetings shall include the reasons therefor and
2 an agenda of the items to be considered.

3 (5) The commission shall elect annually, from
4 among its voting members, a chairperson, a
5 vice-chairperson and a treasurer. The commission shall
6 appoint an executive director who shall serve at its
7 pleasure, and shall fix the duties and compensation of
8 such director. The executive director shall be
9 secretary of the commission. The commission shall make
10 provision for the bonding of such of its officers and
11 employees as it may deem appropriate.

12 (6) Irrespective of the civil service,
13 personnel or other merit system laws of any member
14 state, the executive director shall appoint or discharge
15 such personnel as may be necessary for the performance
16 of the functions of the commission and shall fix, with
17 the approval of the commission, their duties and
18 compensation. The commission bylaws shall provide for
19 personnel policies and programs. The commission may
20 establish and maintain, independently of or in
21 conjunction with any one or more of the member states, a
22 suitable retirement system for its full-time employees.
23 Employees of the commission shall be eligible for social
24 security coverage in respect of old age and survivors
1 insurance provided that the commission takes such steps
2 as may be necessary pursuant to federal law to
3 participate in such program of insurance as a
4 governmental agency or unit. The commission may
5 establish and maintain or participate in such additional
6 programs of employee benefits as may be appropriate.
7 The commission may borrow, accept or contract for the
8 services of personnel from any state, the United States,
9 or any other governmental entity.

10 (7) The commission may accept for any of its

11 purposes and functions any and all donations and grants
12 of money, equipment, supplies, materials and services,
13 conditional or otherwise, from any governmental entity,
14 and may utilize and dispose of the same.

15 (8) The commission may establish one or more
16 offices for the transacting of its business.

17 (9) The commission shall adopt bylaws for the
18 conduct of its business. The commission shall publish
19 its bylaws in convenient form, and shall file a copy of
20 the bylaws and any amendments thereto with the
21 appropriate agency or officer in each of the member
22 states.

23 (10) The commission annually shall make to the
24 governor and legislature of each member state a report
1 covering its activities for the preceding year. Any
2 donation or grant accepted by the commission or services
3 borrowed shall be reported in the annual report of the
4 commission, and shall include the nature, amount and
5 conditions, if any, of the donation, gift, grant or
6 services borrowed and the identity of the donor or
7 lender. The commission may make additional reports as
8 it may deem desirable.

9 (b) Committees

10 (1) The commission may establish such
11 committees from its membership as its bylaws may provide
12 for the carrying out of its functions.

13 ARTICLE IV. POWERS AND DUTIES OF COMMISSION

14 (a) The commission shall conduct comprehensive
15 and continuing studies and investigations of
16 agricultural grain marketing practices, procedures and
17 controls and their relationship to and effect upon the
18 citizens and economies of the member states.

19 (b) The commission shall make recommendations
20 for the correction of weaknesses and solutions to
21 problems in the present system of agricultural grain
22 marketing or the development of alternatives thereto,
23 including the development, drafting, and recommendation
24 of proposed state or federal legislation.

1 (c) The commission is hereby authorized to do
2 all things necessary and incidental to the
3 administration of its functions under this compact.

4 ARTICLE V. FINANCE

5 (a) The commission shall submit to the
6 governor of each member state a budget of its estimated

7 expenditures for such period as may be required by the
8 laws of that state for presentation to the legislature
9 thereof.

10 (b) The moneys necessary to finance the
11 general operations of the commission not otherwise
12 provided for in carrying forth its duties,
13 responsibilities and powers as stated herein shall be
14 appropriated to the commission by the member states,
15 when authorized by the respective legislatures.
16 Appropriations by member states for the financing of the
17 operations of the commission in the initial biennium of
18 the compact shall be in the amount of fifty thousand
19 dollars (\$50,000) for each member state; thereafter the
20 total amount of appropriations requested shall be
21 apportioned among the member states in the manner
22 determined by the commission. Failure of a member state
23 to provide its share of financing shall be cause for the
24 state to lose its membership in the compact.

1 (c) The commission shall not incur any
2 obligations of any kind prior to the making of
3 appropriations adequate to meet the same; nor shall the
4 commission pledge the credit of any of the member
5 states, except by and with the authority of the member
6 state.

7 (d) The commission shall keep accurate
8 accounts of all receipts and disbursements. The
9 receipts and disbursements of the commission shall be
10 subject to the audit and accounting procedures
11 established under its bylaws. However, all receipts and
12 disbursements of funds handled by the commission shall
13 be audited yearly by a certified or licensed public
14 accountant and the report of the audit shall be included
15 in and become part of the annual report of the
16 commission.

17 (e) The accounts of the commission shall be
18 open for inspection at any reasonable time.

19 ARTICLE VI. ELIGIBLE PARTIES, ENTRY
20 INTO FORCE, WITHDRAWAL AND TERMINATION

21 (a) Any agricultural grain marketing state may
22 become a member of this compact.

23 (b) This compact shall become effective
24 initially when enacted into law by any five states prior
1 to July 1, ~~1987~~ 1988, and in additional states upon
2 their enactment of the same into law.

3 (c) Any member state may withdraw from this

4 compact by enacting a statute repealing the compact, but
5 such withdrawal shall not become effective until one
6 year after the enactment of such statute and the
7 notification of the commission thereof by the governor
8 of the withdrawing state. A withdrawing state shall be
9 liable for any obligations which it incurred on account
10 of its membership up to the effective date of
11 withdrawal, and if the withdrawing state has
12 specifically undertaken or committed itself to any
13 performance of an obligation extending beyond the
14 effective date of withdrawal, it shall remain liable to
15 the extent of such obligation.

16 (d) This compact shall terminate one year
17 after the notification of withdrawal by the governor of
18 any member state which reduces the total membership in
19 the compact to less than five states.

20 Sec. 2. That original Laws 1985, LB 628,
21 section 1, is repealed.”.

Mr. Withem asked unanimous consent to print the following amendment to LB 965 in the Journal. No objections. So ordered.

AM2649

(Amendments to AM2256)

- 1 1. On page 15, line 4, after “guidelines”
- 2 insert “for the distribution of funds for community
- 3 development projects within the Community Development
- 4 Block Grant Program”.

Messrs. DeCamp, Nichol, Conway, and Ms. Scofield asked unanimous consent to print the following amendment to LR 16 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2587.)

NOTICE OF COMMITTEE HEARING Constitutional Revision and Recreation

LR 16CA Monday, March 31, 1986
(Special Committee recommendations - AM2587)

1:30 P.M.

(Signed) Lee Rupp, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 851A. By Goll, 16th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 851, Eighty-ninth Legislature, Second Session, 1986; and to declare an emergency.

MOTION - Override Veto on LB 839

Mr. Warner renewed his pending motion found in the Journal on page 1496, pursuant to Rule 6, Section 14, the Appropriations Committee by majority vote moves that the Legislature override the Governor's line item reductions to LB 839 in total.

Mr. Hannibal moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Warner moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the line-item objections of the Governor?'"

Voting in the affirmative, 38:

Abboud	Goll	Johnson, R.	Morehead	Schmit
Baack	Hall	Johnson, V.	Nelson	Scofield
Barrett	Hannibal	Labeledz	Pappas	Sieck
Beyer	Harris	Lamb	Peterson	Smith
Carsten	Hartnett	Landis	Pirsch	Vickers
Chizek	Hefner	Lundy	Remmers	Warner
Conway	Higgins	Lynch	Rogers	Withem
Eret	Johnson, L.	Marsh		

Voting in the negative, 10:

Chambers	DeCamp	Haberman	Miller	Rupp
Chronister	Goodrich	McFarland	Nichol	Wesely

Present and not voting, 1:

Hoagland

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

Mesdames Marsh and Higgins asked unanimous consent to be excused until they return. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 325 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2432.)

Mr. Withem asked unanimous consent to print the following amendment to LB 807 in the Journal. No objections. So ordered.

AM2687

- 1 1. Strike original section 1 and insert the
- 2 following new sections:
- 3 "Section 1. That section 74-5,100, Revised
- 4 Statutes Supplement, 1984, be amended to read as
- 5 follows:
- 6 74-5,100. (1) Except as provided in
- 7 subsection (2) of this section, ~~whenever a railroad~~
- 8 ~~operates a freight train in this state, except for~~
- 9 ~~trains of under one thousand feet, the rear car of the~~
- 10 ~~freight train shall be a manned caboose~~ a railroad may
- 11 operate a freight train in this state without the rear
- 12 car of such train being a manned caboose if the train
- 13 is, commencing: (1) On the effective date of this act,
- 14 under two thousand feet; (2) on July 15, 1987, under
- 15 three thousand feet; (3) on July 15, 1988, under four
- 16 thousand feet; and (4) on July 15, 1989, under five
- 17 thousand two hundred eighty feet. Until July 15, 1990,
- 18 any other freight train shall have the rear car of such
- 19 train be a manned caboose. Commencing July 15, 1990, no
- 20 freight train shall be required to have the rear car of
- 21 such train be a manned caboose.
- 1 (2) A defective freight car that cannot be

2 entrained except behind the caboose may be the rear car
3 from the point at which it is entrained, other than a
4 terminal where repairs can be made, to the first
5 terminal where repairs can be made.

6 Sec. 2. That original section 74-5,100,
7 Revised Statutes Supplement, 1984, is repealed.”.

Mr. Withem asked unanimous consent to print the following amendment to LB 807 in the Journal. No objections. So ordered.

AM2675

1 1. Strike original section 1 and insert the
2 following new sections:

3 “Section 1. That section 74-5,100, Revised
4 Statutes Supplement, 1984, be amended to read as
5 follows:

6 74-5,100. (1) Except as provided in
7 subsection (2) of this section, ~~whenever a railroad~~
8 ~~operates a freight train in this state, except for~~
9 ~~trains of under one thousand feet, the rear car of the~~
10 ~~freight train shall be a manned caboose~~ a railroad may
11 operate a freight train in this state without the rear
12 car of such train being a manned caboose if the train
13 is, commencing: (1) On the effective date of this act,
14 under two thousand feet; (2) on July 15, 1987, under
15 three thousand feet; (3) on July 15, 1988, under four
16 thousand feet; and (4) on July 15, 1989, under five
17 thousand two hundred eighty feet. Any other freight
18 train shall have the rear car of such train be a manned
19 caboose.

20 (2) A defective freight car that cannot be
21 entrained except behind the caboose may be the rear car
1 from the point at which it is entrained, other than a
2 terminal where repairs can be made, to the first
3 terminal where repairs can be made.

4 Sec. 2. That original section 74-5,100,
5 Revised Statutes Supplement, 1984, is repealed.”.

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 1001 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2680.)

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 772. With Emergency.

A BILL FOR AN ACT relating to civil disorders; to amend sections 55-176 and 55-177, Reissue Revised Statutes of Nebraska, 1943; to define terms; to prohibit certain activities involving firearms or explosive or incendiary devices as prescribed; to provide a penalty; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud	Goll	Johnson, L.	Miller	Rupp
Baack	Goodrich	Johnson, R.	Morehead	Schmit
Barrett	Haberman	Johnson, V.	Nelson	Scofield
Beyer	Hall	Labedz	Nichol	Sieck
Carsten	Hannibal	Lamb	Pappas	Smith
Chizek	Harris	Landis	Peterson	Warner
Chronister	Hartnett	Lundy	Pirsch	Wesely
Conway	Hefner	Lynch	Remmers	Withem
DeCamp	Hoagland	McFarland	Rogers	

Voting in the negative, 2:

Chambers Vickers

Present and not voting, 1:

Eret

Excused and not voting, 2:

Higgins Marsh

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 887.

A BILL FOR AN ACT relating to technical community colleges; to amend section 79-2647, Reissue Revised Statutes of Nebraska, 1943; to provide that a vacancy shall exist on a board for specified absences; to provide for notice and hearing; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Abboud	Eret	Hoagland	Miller	Rupp
Baack	Goll	Johnson, L.	Morehead	Schmit
Barrett	Goodrich	Johnson, R.	Nelson	Scofield
Beyer	Haberman	Johnson, V.	Nichol	Sieck
Carsten	Hall	Labeledz	Pappas	Smith
Chambers	Hannibal	Lamb	Peterson	Vickers
Chizek	Harris	Landis	Pirsch	Warner
Chronister	Hartnett	Lundy	Remmers	Wesely
Conway	Hefner	McFarland	Rogers	Withem
DeCamp				

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 2:

Higgins Marsh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1159.

A BILL FOR AN ACT relating to criminal procedure; to eliminate provisions relating to complaints to keep the peace; and to repeal sections 29-301 to 29-312, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Goll	Johnson, L.	Miller	Rupp
Baack	Goodrich	Johnson, R.	Morehead	Schmit
Barrett	Haberman	Johnson, V.	Nelson	Scofield
Beyer	Hall	Labeledz	Nichol	Sieck
Carsten	Hannibal	Lamb	Pappas	Smith
Chambers	Harris	Landis	Peterson	Vickers
Chizek	Hartnett	Lundy	Pirsch	Warner
Chronister	Hefner	Lynch	Remmers	Wesely
Conway	Hoagland	McFarland	Rogers	Withem
DeCamp				

Voting in the negative, 1:

Eret

Excused and not voting, 2:

Higgins Marsh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 1229 to Select File

Mr. Beyer moved to return LB 1229 to Select File for the following specific amendment:

Amend LB 1229 by adding the following new section:

Since an emergency exists, this act shall be in full force and take effect from and after its passage and approval, according to law.

The Beyer motion to return prevailed with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1229. The Beyer specific amendment found in this day's Journal was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Member Excused

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 464.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-515, Revised Statutes Supplement, 1984; to define terms; to change provisions relating to unauthorized use of telecommunications services; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud	Goll	Johnson, L.	Nelson	Schmit
Baack	Goodrich	Johnson, R.	Nichol	Scofield
Barrett	Haberman	Johnson, V.	Pappas	Sieck
Beyer	Hall	Labeledz	Peterson	Smith
Carsten	Hannibal	Lamb	Pirsch	Vickers
Chizek	Harris	Landis	Remmers	Warner
Chronister	Hartnett	Lundy	Rogers	Wesely
Conway	Hefner	McFarland	Rupp	Withem
DeCamp	Hoagland	Miller		

Voting in the negative, 0.

Present and not voting, 3:

Chambers Eret Lynch

Excused and not voting, 3:

Higgins Marsh Morehead

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 877.

A BILL FOR AN ACT relating to civil actions; to eliminate causes of action for alienation of affections and criminal conversation.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 27:

Baack	DeCamp	Johnson, V.	Nelson	Scofield
Barrett	Goll	Landis	Nichol	Smith
Carsten	Goodrich	Lundy	Pappas	Vickers
Chambers	Harris	Lynch	Remmers	Warner
Chronister	Hoagland	McFarland	Schmit	Wesely
Conway	Johnson, R.			

Voting in the negative, 15:

Abboud	Haberman	Hefner	Lamb	Pirsch
Chizek	Hall	Johnson, L.	Miller	Rupp
Eret	Hannibal	Labeledz	Peterson	Sieck

Present and not voting, 3:

Hartnett	Rogers	Withem
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Excused and not voting, 4:

Beyer	Higgins	Marsh	Morehead
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 895.

A BILL FOR AN ACT relating to health care coverages and services; to state findings; to define a term; and to provide a requirement for legislative proposals.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 30:

Baack	Hannibal	Labeledz	Nelson	Scofield
Barrett	Harris	Lamb	Nichol	Smith
Carsten	Hefner	Lynch	Pappas	Vickers
Chizek	Hoagland	McFarland	Pirsch	Warner
DeCamp	Johnson, L.	Miller	Remmers	Wesely
Goodrich	Johnson, R.	Morehead	Schmit	Withem

Voting in the negative, 13:

Abboud	Eret	Hall	Landis	Rupp
Chambers	Goll	Hartnett	Lundy	Sieck
Conway	Haberman	Johnson, V.		

Present and not voting, 3:

Chronister Peterson Rogers

Excused and not voting, 3:

Beyer Higgins Marsh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 122 to Select File

Mr. Warner moved to return LB 122 to Select File for the following specific amendment:
AM2435

(Amendments to the Final Reading Copy)

- 1 1. On page 2, strike beginning with "grain"
- 2 in line 24 through "products" in line 25, show as
- 3 stricken, and insert "sugar beets".
- 4 2. On page 3, strike "product or products"
- 5 and insert "sugar beets".

Pending.

VISITORS

Visitors to the Chamber were 20 representatives of Leadership of Omaha Council of Catholic Women; 35 eighth grade students and teacher from St. Margaret Mary, Omaha; Joe Haba and Roger Smith; 21 ninth grade students and teacher from Friend; 15 seniors and teacher from Palmer; Phil and Peggy Covalt from Alliance; and Ted Brown from California.

RECESS

Mr. Haberman moved to recess. The motion prevailed with 20 ayes, 1 nay, and 28 not voting, and at 12:04 p.m., on a motion by Mr. Haberman, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., President McGinley presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Higgins who was excused; and Messrs. Beyer, Chambers, Hannibal, Hoagland, Rupp, Warner, and Mrs. Labeledz who were excused until they arrive.

COMMUNICATION

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 839 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached certificate, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:rz
Enc.
cc: Governor Kerrey

CERTIFICATE

Legislative Bill 839 having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

1) Reimbursement to local governments, Program 108 in Section 11, page 22.

These provisions have become law the 25th day of March, 1986.

(Signed) Donald F. McGinley
President of the Legislature

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 772, 887, 1159, 464, 877, and 895.

GENERAL FILE

LEGISLATIVE BILL 835. Title read. Considered.

Standing Committee amendments, AM2165, printed separate from the Journal and referred to on page 1094 lost with 0 ayes, 25 nays, 16 present and not voting, and 8 excused and not voting.

Mrs. Smith withdrew her pending amendment, AM2634, found in the Journal on page 1582.

Mr. DeCamp renewed his pending amendment, AM2536, printed separate from the Journal and referred to on page 1589.

Mrs. Smith offered the following amendment to the pending DeCamp amendment:

AM2679

(Amendments to AM2536)

1 1. On page 5, strike beginning with “The” in
2 line 9 through the period in line 17 and insert: “The
3 commission may review basic local exchange rates set by
4 any telecommunications company only upon formal
5 complaint signed by (a) ten per cent of all affected
6 subscribers if the telecommunications company has five
7 thousand or less access lines in service, (b) five per
8 cent of all affected subscribers if the
9 telecommunications company has more than five thousand
10 but not more than fifty thousand access lines in
11 service, (c) three per cent of all affected subscribers
12 if the telecommunications company has more than fifty
13 thousand but not more than two hundred fifty thousand
14 access lines in service, or (d) two per cent of all
15 affected subscribers if the telecommunications company
16 has more than two hundred fifty thousand access lines in
17 service. The complaint shall specifically set forth the
18 particular rate or charge as to which review is
19 requested, the reasons for the requested review, and the
20 relief which complainant’s desire.”; and strike
1 beginning with “signed” in line 16 through “subscribers”
2 in line 17.

3 2. On page 8, after line 11, insert the
4 following new subsection:
5 “(7) The commission may, on its own motion,
6 review basic local exchange rates of any
7 telecommunications company if the company has increased
8 such rates by more than twenty per cent within any
9 consecutive twelve-month period. The commission shall
10 hold and complete a hearing on such rates within sixty
11 days after first giving notice of such hearing to the
12 telecommunications company. The telecommunications
13 company shall have the burden of proof that such rates
14 and charges are not substantially in excess of the
15 actual economic cost of providing such services. The
16 commission may, within sixty days after close of the
17 hearing, enter an order prospectively adjusting the
18 rates and charges at issue, except that the commission
19 may not set any rate or charge below the actual economic
20 cost of providing such service as established by the
21 evidence received at the hearing. If the commission
22 fails to enter any order within sixty days after the
23 close of the hearing, the rates and charges shall be

- 24 deemed approved for all purposes, including for purposes
1 of appeal. For purposes of this subsection, actual
2 economic cost shall also include a ratable portion of
3 administrative expenses and overhead incurred by the
4 telecommunications company in its operations and the
5 appropriate amortization of previously deferred
6 accounting costs. This subsection shall terminate on
7 August 31, 1991."; and in line 12 strike "(7)" and
8 insert "(8)".

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Smith amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Mr. DeCamp offered the following amendment to the pending DeCamp amendment:
AM2707

(Amendments to Am2536)

- 1 1. On page 4, strike beginning with the comma
- 2 in line 3 through "not" in line 4 and insert "1
- 3 Telecommunications companies shall not, however".

The DeCamp amendment was adopted with 18 ayes, 0 nays, 28 present and not voting, and 3 excused and not voting.

Mr. DeCamp offered the following amendment to the pending DeCamp amendment:

(Amendments to AM2536)

- 1 1. On page 4, line 15, strike "thirty" and
- 2 insert "sixty".

The DeCamp amendment was adopted with 16 ayes, 3 nays, 27 present and not voting, and 3 excused and not voting.

Mr. V. Johnson offered the following to the pending DeCamp amendment:
AM2705

(Amendments to AM2536)

- 1 1. Insert the following new section:
- 2 "Sec. 16. This act shall become operative on
- 3 January 1, 1987."

- 4 2. Renumber the remaining section
5 accordingly.

The V. Johnson amendment was adopted with 21 ayes, 8 nays, 19 present and not voting, and 1 excused and not voting.

Mr. V. Johnson offered the following amendment to the pending DeCamp amendment:
AM2704

(Amendments to AM2536)

- 1 1. On page 5, line 22, after the comma insert
2 “may suspend the rates and charges at issue during the
3 pendency of the proceedings and reinstate the rates and
4 charges previously in effect and”; and strike line 24.
5 2. On page 6, strike beginning with “claim”
6 in line 1 through “and” in line 2; in line 7 strike
7 “prospectively”; and in line 11 after the period insert
8 “In such order, the commission may order a refund of
9 amounts collected in excess of the rates and charges as
10 approved at the hearing which may be paid as a credit
11 against billings for future services.”.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

The V. Johnson amendment was adopted with 20 ayes, 3 nays, 24 present and not voting, and 2 excused and not voting.

Mr. Landis moved to return LB 835 to the Public Works Committee.

Mesdames Labeledz and Nelson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Conway moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Landis moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Mr. Landis requested a roll call vote on his motion to return to committee.

Voting in the affirmative, 18:

Abboud	Eret	Lamb	Remmers	Schmit
Barrett	Haberman	Landis	Rogers	Scofield
Carsten	Hall	Lundy	Rupp	Sieck
Chambers	Johnson, R.	Peterson		

Voting in the negative, 28:

Baack	Goll	Hoagland	Miller	Smith
Beyer	Goodrich	Johnson, L.	Morehead	Vickers
Chizek	Hannibal	Johnson, V.	Nelson	Warner
Chronister	Harris	Lynch	Pappas	Wesely
Conway	Hartnett	Marsh	Pirsch	Withem
DeCamp	Hefner	McFarland		

Present and not voting, 1:

Labedz

Absent and not voting, 1:

Nichol

Excused and not voting, 1:

Higgins

The Landis motion lost with 18 ayes, 28 nays, 1 present and not voting, 1 absent and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. V. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mr. Hefner offered the following amendment to the pending DeCamp amendment:

AM2711

(Amendments to AM2679)

- 1 1. On page 1, strike beginning with "ten" in
- 2 line 5 through "(b)" in line 7; strike beginning with
- 3 "more" in line 9 through "than" in line 10 and insert
- 4 "up to"; in line 11 strike "(c)" and insert "(b)"; in
- 5 line 12 strike "more than"; in line 13 after "thousand"
- 6 insert "or more"; and in line 14 strike "(d)" and insert
- 7 "(c)".

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Hefner amendment was adopted with 21 ayes, 5 nays, 21 present and not voting, and 2 excused and not voting.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 768A. By R. Johnson, 34th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 768, Eighty-ninth Legislature, Second Session, 1986; and to declare an emergency.

MESSAGES FROM THE GOVERNOR

March 25, 1986

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 796 was received in my office on March 19, 1986.

This bill was signed by me on March 25, 1986 and delivered to the Secretary of State.

(Signed) Sincerely,
ROBERT KERREY
Governor

RK/jm

March 25, 1986

Patrick J. O'Donnell
Clerk of the Legislature

State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 995, 1037, 1037A, 1045, 1052, 1108, 1228, 1246, 436 and 1035 were received in my office on March 20, 1986.

These bills were signed by me on March 25, 1986 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 25, 1986, at 2:15 p.m., were the following bills: 772, 887, 1159, 464, 877, and 895.

(Signed) Pam Moravec, Enrolling Clerk

EXPLANATION OF VOTE

Had I been present, I would have voted yes on LB 464.

(Signed) Pat Morehead

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendments to LB 1251 in the Journal. No objections. So ordered.

(1)

AM2712

- 1 Purpose: To increase funds for the University of
- 2 Nebraska (\$245,000) to provide specific funding for the
- 3 School of Technical Agriculture at Curtis.
- 4 1. On page 87, lines 8 and 9, strike
- 5 "88,076,803" and insert "88,321,803"; and in lines 24
- 6 and 25 strike "30,376,474" and insert "30,621,474".
- 7 2. On page 88, after line 9 insert the
- 8 following:
- 9 "There is included in the allocation for the

- 10 Institute of Agriculture and Natural Resources
- 11 \$1,245,000 General Funds for the School of Technical
- 12 Agriculture at Curtis.”.

(2)

AM2713

- 1 Purpose: To provide \$250,000 General Funds for support
- 2 of the Agriculture in Transition Program to the Division
- 3 of Job Training, Department of Labor.
- 4 1. On page 37, line 11, strike “92,203” and
- 5 insert “342,203”; and in line 13 strike “12,032,997” and
- 6 insert “12,282,997”.

Mrs. Smith asked unanimous consent to print the following amendment to LB 924 in the Journal. No objections. So ordered.

AM2688

(Amendments to Final Reading Copy)

- 1 1. On page 1, line 3, after “1943,” insert
- 2 “sections 71-2017.02 and 71-6030, Revised Statutes
- 3 Supplement, 1984,”; in line 8 after the semicolon insert
- 4 “to change provisions relating to the administration of
- 5 certain medication by health care facility staff;” and
- 6 in line 11 after the first semicolon insert “to change a
- 7 provision relating to informal conferences as
- 8 prescribed;”.
- 9 2. On page 19, line 19, strike the first
- 10 “health”; and strike beginning with “when” in line 20
- 11 through the comma in line 21.
- 12 3. Insert the following new sections:
- 13 “Sec. 3. That section 71-2017.02, Revised
- 14 Statutes Supplement, 1984, be amended to read as
- 15 follows:
- 16 71-2017.02. Nothing contained in sections
- 17 71-2017 to 71-2029 and 81-604.01 shall prohibit the
- 18 licensee, as a convenience, from administering to or
- 19 assisting a resident of a domiciliary facility,
- 20 residential care facility, mental health center, or
- 1 center for the developmentally disabled in taking
- 2 routine oral or external medications prescribed for the
- 3 resident by a licensed physician and dispensed by a
- 4 licensed pharmacist, or from providing storage and
- 5 handling of such medication as long as there is such
- 6 supervision as is determined necessary by the resident’s
- 7 physician. This service shall be permitted only

8 pursuant to rules and regulations adopted and
9 promulgated by the Department of Health which (1)
10 approve existing training courses in a domiciliary
11 facility, residential care facility, mental health
12 center, or center for the developmentally disabled, (2)
13 provide for establishment of new training courses and
14 their content, length of training, and requirements for
15 ~~certification~~ approval for facility staff administering
16 medications, and (3) insure proper storage, handling,
17 and disposal of controlled substances and all other
18 drugs. Such regulations shall conform to all state and
19 federal statutes, rules and regulations, and standards
20 regarding the dispensing, prescribing, and storage of
21 controlled substances and all other drugs. No
22 unlicensed member of the staff of such a care facility
23 shall provide the service of administering medications
24 unless ~~certified~~ approved by the facility and by the
1 Department of Health to do so. Such ~~certification~~
2 approval may be denied ~~or revoked~~ by the department for
3 violation of sections 71-2017 to 71-2029, 81-604.01, or
4 the rules and regulations of the department or for other
5 due cause.

6 Sec. 9. That section 71-6030, Revised
7 Statutes Supplement, 1984, be amended to read as
8 follows:

9 71-6030. The director shall assign a
10 representative of the department, other than the
11 inspector upon whose inspection the contested citation
12 is based, to hold an informal conference with the
13 licensee of the nursing home within ~~ten~~ fifteen working
14 days after receipt of a request made pursuant to
15 subdivision (2) of section 71-6029. Within five working
16 days of the conclusion of such conference the
17 representative shall affirm, modify, or dismiss the
18 citation. The representative shall state in writing the
19 specific reasons for affirming, modifying, or dismissing
20 the citation and shall immediately transmit copies of
21 the statement to the director and the nursing home. The
22 nursing home's copy of such statement shall be
23 transmitted by certified mail. If the nursing home does
24 not desire to further contest an affirmed or modified
1 citation, it shall within five working days after the
2 receipt of the written explanation of the
3 representative, comply with subdivision (1) of section
4 71-6029.”.

- 5 4. On page 26, line 12, before "and" insert
- 6 "sections 71-2017.02 and 71-6030, Revised Statutes
- 7 Supplement, 1984, ".
- 8 5. Renumber the remaining sections
- 9 accordingly.

Ms. Scofield asked unanimous consent to print the following amendment to LB 579 in the Journal. No objections. So ordered.

AM2700

(Amendments to AM2465)

- 1 1. On page 4, line 10, strike "September" and
- 2 insert "June"; and in line 11 strike "September" and
- 3 insert "June".
- 4 2. On page 6, line 4, strike "September" and
- 5 insert "June".

Mr. Warner asked unanimous consent to print the following amendment to LB 768 in the Journal. No objections. So ordered.

AM2699

(Amendments to AM2098)

- 1 1. On page 2, line 9, after "any" insert
- 2 "current"; and in line 14 after "permit" insert "and
- 3 obtained a permit".
- 4 2. On page 3, strike beginning with the comma
- 5 in line 3 through the period in line 4, show as
- 6 stricken, and insert an underscored period.
- 7 3. Insert the following new section:
- 8 "Sec. 3. (1) Any person who applies for a
- 9 permit to sell a tractor model in the state shall
- 10 provide to the department at the time of application
- 11 information on the availability and accessibility of
- 12 service and replacement parts for such tractor model.
- 13 Such information shall include the names and addresses
- 14 of any regional service, parts, or supply dealers,
- 15 instructions on how to order parts and supplies, and any
- 16 limitations as to the availability and accessibility of
- 17 service and replacement parts. Any person who fails to
- 18 provide the information required in this section shall
- 19 not be issued a sales permit for the tractor model. The
- 20 information received by the department pursuant to this
- 1 section shall be public information.
- 2 (2) Any person who initially sells to the
- 3 ultimate consumer a current tractor model for which a

4 sales permit has been issued after the effective date of
5 this act shall provide to the purchaser written notice
6 that the information required in subsection (1) of this
7 section has been filed with and is available at the
8 department. Any remedy for failure to comply with this
9 subsection shall be as provided in subsection (3) of
10 this section.

11 (3) Any person who provides to the department
12 information required in subsection (1) of this section
13 which is inaccurate at the time of application shall be
14 liable for damages to any injured purchaser of the
15 tractor for which a sales permit has been issued or any
16 person who fails to provide the notice required in
17 subsection (2) of this section shall be liable for
18 damages to the person who purchased such tractor from
19 such person. For purposes of this section, damages may
20 include, but not be limited to, loss of profits, the
21 additional cost of shipment of parts, and the additional
22 cost of obtaining parts or services from another
23 provider. In any action brought under this section, the
24 court may award reasonable attorney's fees to the
1 prevailing party."

2 4. On page 6, line 22, before "The" insert
3 "(1)(a)".

4 5. On page 7, line 2, before "The" insert
5 "(b)"; in line 6 before "The" insert "(c)"; and after
6 line 10 insert the following new subsection:

7 "(2) In addition to the powers and duties
8 prescribed in sections 2-2701 to 2-2711 and sections 1,
9 3, 6, and 8 of this act, the University of Nebraska
10 shall have the power to:

11 (a) Authorize the use of the Nebraska Tractor
12 Testing Laboratory facilities to conduct Organization
13 for Economic Cooperation and Development testing;

14 (b) Cooperate with the United States
15 Department of Commerce when planning and conducting
16 Organization for Economic Cooperation and Development
17 testing;

18 (c) Conduct offsite tractor tests; and

19 (d) Submit and certify tractor test results to
20 the federal government."

21 6. On page 10, in lines 6 and 7, strike
22 "fiscal year" and insert "biennium".

23 7. On page 1, line 4; page 3 line 3; page 10,
24 line 23; page 11, in lines 7 and 21; page 12, line 5;

- 1 and page 15, line 4, strike "5, and 7" and insert "3, 6,
 2 and 8".
 3 8. On page 3, in lines 9 and 15; page 4, line
 4 10; page 8, line 18; page 9, line 19; page 10, line 19;
 5 and page 12, line 3, strike "7" and insert "8".
 6 9. Renumber the remaining sections
 7 accordingly.

GENERAL FILE

LEGISLATIVE BILL 835. Mr. Barrett offered the following amendment to the pending DeCamp amendment:

In the Smith amendment, AM2679, on page 1, line 3, strike "may" and insert "shall"

The Barrett amendment was adopted with 21 ayes, 0 nays, 26 present and not voting, and 2 excused and not voting.

Mr. Lamb offered the following amendment to the pending DeCamp amendment:

amend the DeCamp amendment, as amended by AM2679 (Smith amendment)

Pg 2 line 8 strike twenty and insert ten

Pg 3 line 6 strike beginning with word This through 1991 in line 7

Mrs. Smith requested a division of the question on the Lamb amendment.

The Chair sustained the division of the question.

The first Lamb amendment to the pending DeCamp amendment is as follows:

Pg 2 line 8 strike twenty and insert ten

Mr. Miller asked unanimous consent to be excused. No objections. So ordered.

The first Lamb amendment was adopted with 24 ayes, 0 nays, 22 present and not voting, and 3 excused and not voting.

The second Lamb amendment to the pending DeCamp amendment is as follows:

Pg 3 line 6 strike beginning with word This through 1991 in line 7

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 1251 in the Journal. No objections. So ordered.

PURPOSE: To phase out the College of Law at the University of Nebraska - Lincoln over a period of three (3) years.

AMENDMENT:

On page 87, lines 8 and 9, strike "88,076,803" and insert "87,780,877"; after line 20, insert the following: "It is the intent of the Legislature that the University of Nebraska - Lincoln begin to phase out the College of Law over a period of three years beginning in fiscal year 1986-87."

Mr. Vickers asked unanimous consent to print the following amendment to LR 16 in the Journal. No objections. So ordered.

AM2716**(Amendments to AM2587)**

- 1 1. On page 3 strike beginning with "voting"
- 2 in line 13 through "ranch" in line 16 and insert "total
- 3 votes from all classes of stock issued by the
- 4 corporation are held by (a) one or more family farm or
- 5 ranch corporations or (b) one or more natural persons
- 6 whose principal occupations are farming or ranching and
- 7 who are actively engaged in the day to day labor and
- 8 management of a farm or ranch".

Mr. Vickers asked unanimous consent to print the following amendment to LB 807 in the Journal. No objections. So ordered.

AM2723

- 1 1. Strike the original section and insert the
- 2 following new sections:
- 3 "Section 1. In order to determine the
- 4 relative safety value of cabooses and rear end
- 5 monitoring devices, the Public Service Commission may
- 6 authorize railroad companies operating in Nebraska to
- 7 operate a specific number of trains without cabooses
- 8 under the following conditions:
- 9 (1) A public hearing shall be held prior to
- 10 such authorization to establish the railroad company's
- 11 ability to meet the conditions for authorization;
- 12 (2) All trains without cabooses shall operate
- 13 during a test period which shall begin on July 15, 1986.

14 and end on July 15, 1987;

15 (3) Trains operating without cabooses shall
16 run only on mainline tracks fully equipped with operable
17 monitoring devices; and

18 (4) Each train operating without a caboose
19 shall be equipped with an operable rear end telemetry
20 device which shall be monitored from a display in the
21 locomotive.

1 Sec. 2. For purposes of section 1 of this
2 act, rear end telemetry device shall mean a device which
3 shall monitor the following:

4 (1) The brake pipe pressure in one pound-per
5 square-inch intervals;

6 (2) Whether the last car is moving or stopped;

7 (3) Whether the strobe is on or off;

8 (4) Whether the battery is low;

9 (5) Whether the transmission from the radio
10 has broken; and

11 (6) The battery voltage.

12 Sec. 3. After the test period specified in
13 section 1 of this act has passed, the Public Service
14 Commission shall examine the safety record of trains
15 operating in Nebraska with and without cabooses, shall
16 collect and analyze any relevant data, and shall prepare
17 a report to be submitted to the Legislature no later
18 than November 15, 1987.”.

Ms. Scofield asked unanimous consent to print the following amendment to LB 894 in the Journal. No objections. So ordered.

AM2697

1 1. On page 2, strike beginning with “as” in
2 line 13 through “entities” in line 14 and insert “in
3 cooperation with other political subdivisions including
4 counties and cities”; and in line 23 strike “and”.

5 2. On page 3, line 2, strike “ground water”;
6 in line 4 after “areas” insert “;

7 (8) There is a need to improve data, evidence,
8 and other information concerning potential ground water
9 conditions which may require the designation of special
10 ground water quality protection areas”; in line 8 strike
11 “is” and insert “of ground water may be”; in line 9
12 after “If” insert an underscored comma; in line 13
13 strike “if”; in line 15 strike “is” and insert “may be”
14 and after “or” insert “may be”; in line 19 after the

15 first "the" insert "possible"; and in line 24 after the
16 second "of" insert "possible".

17 3. On page 4, line 7, after the second "of"
18 insert "possible"; in line 10 strike "the"; in line 11
19 strike "district" and insert "all districts, counties,
20 and municipalities"; and in line 19 strike "considered"
21 and insert "identified".

1 4. On page 5, line 8, strike "district" and
2 insert "districts, counties, and municipalities"; in
3 line 19 after "consider" insert "(a)"; in line 20 strike
4 "is" and insert "may be"; and strike beginning with the
5 comma in line 21 through line 25 and insert "and (b)
6 whether designating a special ground water quality
7 protection area and implementing protective measures are
8 likely to prevent the increase or spread of
9 contamination of ground water, to prevent potential
10 contamination of ground water, or to reduce or stabilize
11 the level of contamination of ground water.".

12 5. On page 6, strike lines 1 through 4.

13 6. On page 7, line 4, after "prepare" insert
14 ", in cooperation with affected counties and
15 municipalities.".

16 7. On page 8, strike beginning with "the" in
17 line 5 through "available" in line 7 and insert "one or
18 more of the following protective measures"; strike
19 beginning with the period in line 9 through "for" in
20 line 11 and insert "in"; in line 12 strike "water users"
21 and insert "persons engaging in potentially
22 contaminating activities"; in line 15 strike "and"; and
23 in line 16 after "(3)" insert "A prohibition on the use
24 of certain practices; and

1 (4)".

2 8. On page 9, line 13, strike "ground water
3 uses" and insert "activities or practices which may
4 affect ground water quality"; in line 24 strike "ground
5 water uses" and insert "activities, practices."; and in
6 line 25 strike "for different categories of".

7 9. On page 10, line 1, strike "ground water
8 use".

9 10. On page 11, line 25, after
10 "contamination" insert "of ground water, to prevent
11 potential contamination of ground water.".

12 11. On page 12, line 1, strike "ground water"
13 and after "contamination" insert "of ground water"; in
14 line 11 after "water" insert "or that contamination of

15 ground water is no longer likely to occur"; and strike
 16 beginning with "(1)" in line 23 through "(2)" in line
 17 25.

18 12. On page 17, line 3, after the second
 19 "water" insert "potentially"; and in line 5 after "uses"
 20 insert ", taking into consideration long-term health
 21 effects".

22 13. On page 19, line 15, strike "is" and
 23 insert "may be" and after "occurring" insert "or may be
 24 likely to occur".

1 14. In the Standing Committee amendments,
 2 AM1863:

3 a. Strike amendment 3 and renumber the
 4 remaining amendments accordingly;

5 b. On page 1, line 11, strike "19" and insert
 6 "25"; strike beginning with "report" in line 12 through
 7 "shall" in line 13 and insert "order shall also"; and in
 8 line 15 after "causes" insert "of contamination"; and

9 c. On page 2, line 3, after "to" insert
 10 "appropriate".

Ms. Scofield asked unanimous consent to print the following amendment to LB 894 in the Journal. No objections. So ordered.

AM2619

1 1. Insert the following new section:
 2 "Sec. 18. Each district shall develop and
 3 implement by rules and regulations ground water quality
 4 standards for each beneficial use as defined in section
 5 46-288. For any given beneficial use, such standards
 6 shall provide the same or a greater level of protection
 7 as the standards adopted for such use by any state or
 8 federal agencies.".

9 2. On page 12, lines 14, 20, and 22; page 13,
 10 lines 4, 18, and 23; and page 36, line 4, strike "19"
 11 and insert "20".

12 3. On page 17, line 5, after "uses" insert
 13 "as defined in section 46-288".

14 4. Renumber the remaining sections
 15 accordingly.

Ms. Scofield asked unanimous consent to print the following amendment to LB 894 in the Journal. No objections. So ordered.

AM2620

- 1 1. Insert the following new section:
- 2 "Sec. 19. No later than January 1, 1987, the
- 3 Department of Health shall develop and implement by
- 4 rules and regulations ground water quality standards for
- 5 each beneficial use as defined in section 46-288. For
- 6 any given beneficial use, such standards shall provide
- 7 the same or a greater level of protection as the
- 8 standards adopted for such use by any other state or
- 9 federal agencies.".
- 10 2. On page 12, lines 14, 20, and 22; page 13,
- 11 lines 4, 18, and 23; and page 36, line 4, strike "19"
- 12 and insert "20".
- 13 3. On page 17, line 5, after "uses" insert
- 14 "as defined in section 46-288".
- 15 4. Renumber the remaining sections
- 16 accordingly.

Ms. Scofield asked unanimous consent to print the following amendment to LB 894 in the Journal. No objections. So ordered.

AM2621

- 1 1. Insert the following new section:
- 2 "Sec. 16. No later than January 1, 1987, the
- 3 Environmental Control Council shall develop and
- 4 implement by rules and regulations ground water quality
- 5 standards for each beneficial use as defined in section
- 6 46-288. For any given beneficial use, such standards
- 7 shall provide the same or a greater level of protection
- 8 as the standards adopted for such use by any other state
- 9 or federal agencies.".
- 10 2. On page 12, lines 14, 20, and 22; page 13,
- 11 lines 4, 18, and 23; and page 36, line 4, strike "19"
- 12 and insert "20".
- 13 3. On page 17, line 5, after "uses" insert
- 14 "as defined in section 46-288".
- 15 4. Renumber the remaining sections
- 16 accordingly.

Ms. Scofield asked unanimous consent to print the following amendment to LB 894A in the Journal. No objections. So ordered.

AM2622

- 1 1. Insert the following new section:
- 2 "Sec. 2. It is the intent of the Legislature
- 3 that the Environmental Control Council prepare a report

4 on recommended financing mechanisms for state ground
 5 water quality programs. In preparing the report, the
 6 council shall examine financing mechanisms used by other
 7 state agencies, environmental agencies in other states,
 8 and federal programs. The report shall include an
 9 evaluation of the fiscal impact of and the funds
 10 generated by such financing mechanisms. The council
 11 shall submit the report to the Executive Board and the
 12 Appropriations Committee of the Nebraska Legislature by
 13 December 1, 1986.”.

MOTION - Adjournment

Mr. Withem moved to adjourn until 9:00 a.m. tomorrow. The motion lost with 10 ayes, 23 nays, 13 present and not voting, and 3 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 835. Mr. Lamb renewed his pending second amendment to the pending DeCamp amendment.

Messrs. Barrett and Harris asked unanimous consent to be excused. No objections. So ordered.

The second Lamb amendment was adopted with 20 ayes, 0 nays, 24 present and not voting, and 5 excused and not voting.

Mr. Pappas moved to adjourn until 9:00 a.m.

Mr. Schmit requested a roll call vote on the Pappas motion to adjourn.

Voting in the affirmative, 21:

Baack	Goll	Hoagland	Pappas	Smith
Chizek	Goodrich	Johnson, L.	Pirsch	Vickers
Chronister	Hartnett	Marsh	Remmers	Wesely
Conway	Hefner	Nichol	Scofield	Withem
DeCamp				

Voting in the negative, 17:

Abboud	Haberman	Johnson, R.	Lamb	Lundy
Beyer	Hall	Labeledz	Landis	Morehead

Nelson	Rogers	Schmit	Sieck	Warner
Peterson	Rupp			

Present and not voting, 6:

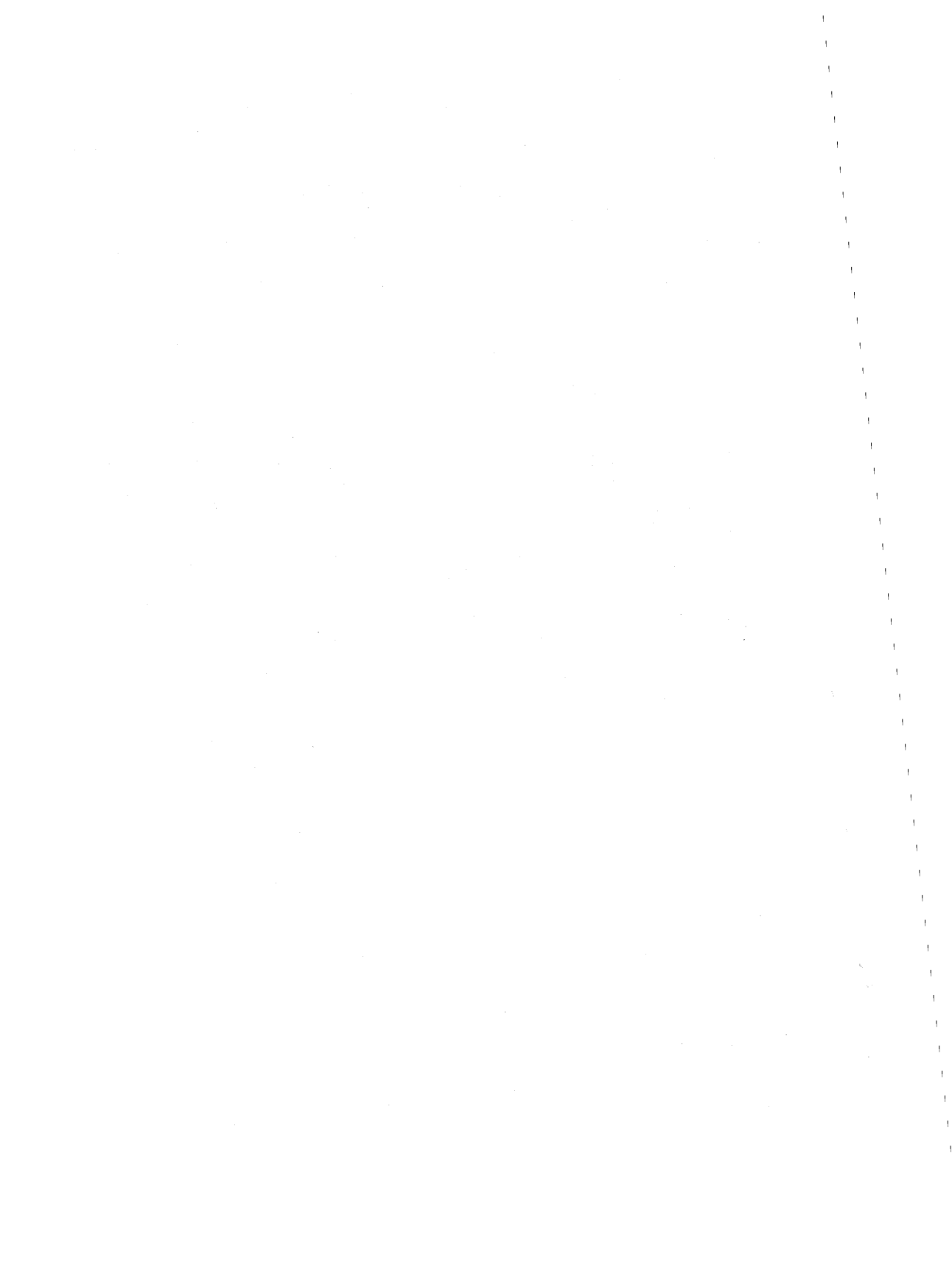
Carsten	Eret	Hannibal	Lynch	McFarland
Chambers				

Excused and not voting, 5:

Barrett	Harris	Higgins	Johnson, V.	Miller
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The Pappas motion to adjourn prevailed with 21 ayes, 17 nays, 6 present and not voting, and 5 excused and not voting, and at 5:12 p.m. on a motion by Mr. Pappas, the Legislature adjourned until 9:00 a.m., Wednesday, March 26, 1986.

Patrick J. O'Donnell
Clerk of the Legislature



FORTY-NINTH DAY - MARCH 26, 1986

LEGISLATIVE JOURNAL

FORTY-NINTH DAY - MARCH 26, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

FORTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 26, 1986

Pursuant to adjournment, the Legislature met at 9:02 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. Albert Winseman, District Superintendent of United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Higgins and Mr. Rogers who were excused; and Messrs. Conway, Hall, V. Johnson, Lamb, Lynch, Peterson, Rupp, Mesdames Labedz, Nelson, Pirsch, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Eighth Day was approved.

MESSAGE FROM THE SECRETARY OF STATE

March 26, 1986

Patrick J. O'Donnell
Clerk of the Legislature
Room 2018
State Capitol

Dear Mr. O'Donnell:

This letter is to acknowledge that I have received on March 25, 1986 at 3:30 p.m., L.B. 839. Along with L.B. 839, I hereby acknowledge receipt of your cover letter dated March 25, 1986 and a Certificate signed by Donald F. McGinley, President of the Legislature, the contents of which are as follows:

Legislative Bill 839 having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

- 1) Reimbursement to local governments, Program 108 in Section 11, page 22.

These provisions have become law the 25th day of March, 1986.

Further, I hereby acknowledge that L.B. 839, cover letter, certificate and a copy of the Governor's message have all been filed in this office as a matter of record on the day and hour stated above.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

Attachments

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 839, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by a Constitutional majority has overridden said line-item vetoes as follows:

Legislative Bill 839 having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the Constitutional majority has overridden said line-item vetoes as follows:

- 1) Reimbursement to local governments, Program 108 in Section 11, page 22.

These provisions have become law the 25th day of March, 1986.

Further, I hereby certify that L.B. 839 was filed in the office of Secretary of State on March 25, 1986 at 3:30 p.m., along with the cover letter from the Clerk, the certificate of Donald F. McGinley, President of the Legislature and a copy of the Governor's message.

Finally, I hereby certify that all documents herein certified to have been filed in the office of Secretary of State and made a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this twenty-sixth day of March in the year of our Lord, one thousand nine hundred and eighty-six.

(SEAL)

Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems

Governor Appointment Tuesday, April 1, 1986
Alan Friesen - Public Employees Retirement Board

1:15 P.M.

(Signed) Bill Harris, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 516.

Correctly Engrossed

The following bill was correctly engrossed: 529.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 516
(Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:

ER0176

1. In the Barrett-Baack-Hoagland amendment, AM2627, adopted March 19, 1986:

a. Amendment 6 has been struck and the following inserted:

“6. On page 14, line 3, after ‘a’ insert ‘declaration of the location of a district or county judicial vacancy by the Judicial Resources Commission or, in the event of a judicial vacancy in any other court, after a’; and in line 9 after ‘the’ insert ‘location of a vacancy has been declared or the’ and after ‘occurs’ insert ‘, as the case may be’.”;

b. On page 1, the matter beginning with the second “in” in line 11 through the semicolon in line 12 has been struck; in line 13 “(c)”

has been struck and “(b)” inserted; in line 14 “(d)” has been struck and “(c)” inserted; and in line 15 “to (c)” has been struck and “and (b)” inserted; and

c. On page 5, line 2, an underscored comma has been inserted after “summons”; and in line 12 “issuance of ex parte orders pursuant to” has been inserted after “to”.

2. In the Abboud-Withem amendment, AM2630, adopted March 19, 1986, on page 1, line 8, “separate juvenile” has been inserted after “such”.

3. On page 10, line 8, “appointed by the Governor” has been inserted after “citizens”; in line 11 “and who shall be appointed by the Governor” has been struck; and in line 13 “its” has been struck and “of the commission” has been inserted after “chairperson”.

4. On page 11, line 9, “his or her” has been struck and “the” inserted.

Enrollment and Review Changes to LB 529

The following changes, required to be reported for publication in the Journal, have been made:

ER0150

1. In the Hoagland-Lamb amendment, AM2548, adopted March 17, 1986:

a. On page 2, line 23, “participation” has been struck and “participate” inserted;

b. On page 3, line 15, “33” has been struck and “32” inserted and “Reissue” has been struck; in line 16 “of Nebraska, 1943” has been struck and “Supplement, 1984” inserted; and the matter beginning with “sections” in line 18 through the first comma in line 19 has been struck, shown as stricken, and “the Nebraska Probation Administration Act and sections” inserted and the third comma has been struck and shown as stricken;

c. On page 4, line 24, “35” has been struck and “34” inserted and “Reissue” has been struck;

d. On page 5, line 1, “of Nebraska, 1943” has been struck and “Supplement, 1984” inserted;

e. On page 7, line 12, “40” has been struck and “39” inserted;

f. On page 8, line 5, “43” has been struck and “42” inserted;

g. The matter beginning with “provisions” on page 9, line 23, through “29-2268” on page 10, line 1, has been struck, shown as stricken, and “Nebraska Probation Administration Act” inserted;

h. On page 10, line 2, “47” has been struck and “50” inserted; and

i. Amendments 2.b. and 2.c. have been struck.

2. In the Warner-Hoagland amendment, AM2138, adopted March 3, 1986:

- a. On page 1, line 18, the stricken "the" has been reinstated;
- b. On page 2, lines 1 to 2, "the provisions of" has been struck and shown as stricken; and in line 11 the comma has been struck and shown as stricken;
- c. On page 3, line 7, "(3)" has been struck, shown as stricken, and "(4)" inserted;
- d. On page 6, line 12, after "district" an underscored comma has been inserted;
- e. On page 7, line 15; and page 10, line 2, the comma has been struck and shown as stricken; and
- f. On page 9, line 20, the last comma has been struck and shown as stricken.

3. In the Hoagland amendment, AM2103, adopted March 3, 1986:

- a. On page 14, line 6, "24-532" has been struck and "24-532.01" inserted; and in line 15 "be deposited" has been inserted after the second "shall";
- b. On page 43, line 4, an underscored comma has been inserted after "rendered"; in line 7 "reception" has been struck and "receipt" inserted; and in line 17, "must" has been struck and "shall" inserted;
- c. On page 52, line 12, after the comma "Reissue" has been inserted; in line 13 "Supplement, 1984" has been struck and "of Nebraska, 1943" inserted; and in lines 19 and 23 the comma has been struck and shown as stricken;
- d. On page 64, line 15, "24," has been struck and "36, 37, and 41" has been struck and "26, 51, 52, and 57" inserted;
- e. Sections 28 and 42 have been struck; and
- f. Amendment 2 has been struck.

4. Because of the amendment of section 24-701, Revised Statutes Supplement, 1984, by section 1 of Legislative Bill 92, Eighty-ninth Legislature, Second Session, 1986, in the Hoagland amendment, AM2103, adopted March 3, 1986:

- a. On page 24, line 10, after the second comma "as amended by section 1, Legislative Bill 92, Eighty-ninth Legislature, Second Session, 1986," has been inserted; and in lines 19 and 24 the comma has been struck;
- b. On page 28, line 8, "Annuity" has been struck and "Single life annuity" inserted; and
- c. On page 29, the matter beginning with "on" in line 5 through "1970" in line 6 has been struck and "pursuant to subsection (8) of section 24-703 or section 24-710.01" inserted; in line 13 the stricken matter has been reinstated and the new matter has been struck; and in line 14 "or section 24-710.01" has been inserted after "24-703".

5. Because of the amendment of section 24-703, Revised Statutes Supplement, 1984, by section 2 of Legislative Bill 92, Eighty-ninth Legislature, Second Session, 1986, in the Hoagland amendment,

AM2103, adopted March 3, 1986, section 18 has been struck and the following new section inserted:

"Sec. 18. That section 24-703, Revised Statutes Supplement, 1984, as amended by section 2, Legislative Bill 92, Eighty-ninth Legislature, Second Session, 1986, be amended to read as follows:

24-703. (1) Each original member shall contribute monthly four per cent of his or her monthly salary to the fund until the maximum benefit as limited in subsection (1) of section 24-710 has been earned. It shall be the duty of the Director of Administrative Services in accordance with subsection (10) of this section to make a deduction of four per cent on the monthly payroll of each original member who is a Judge of the Supreme Court, a judge of the district court, a judge of a separate juvenile court, a judge ~~or associate judge~~ of the county court, a clerk magistrate of the county court who was an associate county judge and a member of the fund at the time of his or her appointment as a clerk magistrate, or a judge of the Nebraska Workmen's Compensation Court showing the amount to be deducted and its credit to the fund. The Director of Administrative Services and the State Treasurer shall credit the four per cent as shown on the payroll and the amounts received from the various counties and cities to the fund and remit the same to the executive officer in charge of the judges' retirement system who shall keep an accurate record of the contributions of each judge.

(2) Each future member shall contribute monthly six per cent of his or her monthly salary to the fund until the maximum benefit as limited in subsection (2) of section 24-710 has been earned. It shall be the duty of the Director of Administrative Services to make a deduction of six per cent on the monthly payroll of each such future member who is a Judge of the Supreme Court, a judge of the district court, a judge of a separate juvenile court, a judge ~~or associate judge~~ of the county court, a clerk magistrate of the county court who was an associate county judge and a member of the fund at the time of his or her appointment as a clerk magistrate, or a judge of the Nebraska Workmen's Compensation Court showing the amount to be deducted and its credit to the fund. This shall be done each month. The Director of Administrative Services and the State Treasurer shall credit the six per cent as shown on the payroll and the amounts received from the various counties to the fund and remit the same to the executive officer in charge of the judges' retirement system who shall keep an accurate record of the contributions of each judge.

(3) A Nebraska Retirement Fund for Judges fee of one dollar shall be taxed as costs in each civil and criminal cause of action or proceeding filed in the district courts and the county courts, and in county courts a sum shall be charged which is equal to ten per cent

of each fee provided by sections 33-125, 33-126, and 33-126.02, except on the fees provided for in section 33-125 for the dismissal of a cause and for filing a report pursuant to sections 33-126 and 33-126.02. A similar fee shall be charged for prosecutions of any city ordinance regulating nonmoving traffic violations, to be credited to the costs of a violations bureau when established by a local governing body, except when such cause, proceeding, or defendant has been dismissed by the court. When collected by the clerk of the district or county court, such fees shall be paid to the executive officer in charge of the judges' retirement system on forms prescribed by the board by the clerk within ten days after the close of each calendar quarter. Such executive officer shall promptly thereafter remit the same to the state treasury. Upon the receipt thereof, the State Treasurer shall credit the same to the Nebraska Retirement Fund for Judges.

(4) All expenditures from the Nebraska Retirement Fund for Judges shall be authorized by voucher in the manner prescribed in section 24-713. The fund shall be used for the payment of all annuities and other benefits, and for the expenses of administration.

(5) The fund shall consist of the total fund as of December 25, 1969, the contributions of members as provided in this section, all supplementary court fees as provided in subsection (3) of this section, and any required contributions of the state.

(6) Not later than January 1 of each year, the State Treasurer shall transfer to the fund the amount certified by the board as being necessary to pay the cost of any benefits accrued during the fiscal year ending the previous June 30 in excess of member contributions for that fiscal year and court fees as described above, if any, for that fiscal year plus any required contributions of the state, as provided in subsection (9) of this section.

(7) Benefits under the retirement system to members or to their beneficiaries shall be paid from the fund.

(8) Any member who is making contributions to the fund on December 25, 1969, may, on or before June 30, 1970, elect to become a future member by delivering written notice of such election to the board.

(9) Not later than January 1 of each year, the State Treasurer shall transfer to the fund an amount, determined on the basis of an actuarial valuation as of the previous June 30 and certified by the board, to fully fund the unfunded accrued liabilities of the system by level payments up to January 1, 2000.

(10) The state or county shall pick up the member contributions required by this section for all compensation paid on or after January 1, 1985, and the contributions so picked up shall be treated as employer contributions in determining federal tax treatment under the United States Internal Revenue Code, except that the state or

county shall continue to withhold federal income taxes based upon these contributions until the Internal Revenue Service, or the federal courts, rule that, pursuant to section 414(h) of the United States Internal Revenue Code, these contributions shall not be included as gross income of the member until such time as they are distributed or made available. The state or county shall pay these member contributions from the same source of funds which is used in paying earnings to the member. The state or county shall pick up these contributions by a salary deduction either through a reduction in the salary of the member or a combination of a reduction in salary and offset against a future salary increase. Member contributions picked up shall be treated for all purposes of sections 24-701 to 24-714 in the same manner and to the extent as member contributions made prior to the date picked up.”.

6. The following new sections have been inserted:

“Sec. 49. That section 43-2,113, Revised Statutes Supplement, 1985, as amended by section 64, Legislative Bill 7, Eighty-ninth Legislature, Second Special Session, 1985, be amended to read as follows:

43-2,113. Where a separate juvenile court is established, the county board of the county shall provide suitable rooms and offices for the accommodation of the judge thereof and the officers and employees appointed by such judge or by the probation administrator pursuant to subsection ~~(3)~~ (4) of section 29-2253. Such separate juvenile court, the judge thereof, and the officers and employees of such court shall have the same and exclusive jurisdiction, powers, and duties that are prescribed in the Nebraska Juvenile Code, concurrent jurisdiction under sections 83-223 and 83-1101 to 83-1139, and such other jurisdiction, powers, and duties as may hereafter be specifically provided by law. A juvenile court created in a separate juvenile court judicial district or a county court sitting as a juvenile court in all other counties shall have and exercise jurisdiction within such juvenile court judicial district or county court judicial district with the district court in all matters arising under Chapter 42, article 3, when the care, support, custody, or control of minor children under the age of eighteen years is involved. Such cases shall be filed in the district court and may with the consent of the juvenile judge be transferred to the docket of the separate juvenile court or county court. All orders issued by such court which provide for child support or spousal support, as defined in section 42-347, shall be governed by the provisions of sections 42-347 to 42-379 relating to such support. Certified copies of such orders shall be filed by the clerk of the separate juvenile or county court with the clerk of the district court. There shall be no fee charged for the filing of such certified copies.

Sec. 58. That original sections 8-1401, 24-507 to 24-509, 24-511, 24-520, 24-589, 25-217, 25-1901, 29-2249, 29-2250, 29-2251, 29-2257, 29-2258, 29-2265, 29-2270, 29-2275, 30-2218, 30-2402, 43-2,106, 44-1627, and 81-1401, Reissue Revised Statutes of Nebraska, 1943, sections 24-513, 24-517, 24-541.01 to 24-541.05, 24-709, 24-709.02, 29-103, 29-403, 29-611, 29-812, 29-1804.14, 29-2246, 29-2249.04, 29-2252, 29-2253, 29-2259, and 84-1301, Revised Statutes Supplement, 1984, sections 24-519 and 24-532.01, Revised Statutes Supplement, 1985, section 43-2,113, Revised Statutes Supplement, 1985, as amended by section 64, Legislative Bill 7, Eighty-ninth Legislature, Second Special Session, 1985, section 24-701, Revised Statutes Supplement, 1984, as amended by section 1, Legislative Bill 92, Eighty-ninth Legislature, Second Session, 1986, and section 24-703, Revised Statutes Supplement, 1984, as amended by section 2, Legislative Bill 92, Eighty-ninth Legislature, Second Session, 1986, and also sections 24-510, 24-513.01, 24-518, 25-225, 25-404, 25-405, 25-407 to 25-409, 29-302, 29-302.03 to 29-312, 29-612, 29-2249.01, and 29-2255.01, Reissue Revised Statutes of Nebraska, 1943, and sections 25-406, 29-301, 29-302.01, 29-302.02, 29-613, 29-614, 29-2249.02, and 29-2249.03, Revised Statutes Supplement, 1984, are repealed.”.

7. On page 1, the matter beginning with “24-507” in line 1 through line 15 has been struck and “8-1401, 24-507 to 24-509, 24-511, 24-520, 24-589, 25-217, 25-1901, 29-2249, 29-2250, 29-2251, 29-2257, 29-2258, 29-2265, 29-2270, 29-2275, 30-2218, 30-2402, 43-2,106, 44-1627, 48-182, 48-185, and 81-1401, Reissue Revised Statutes of Nebraska, 1943, sections 24-513, 24-517, 24-541.01 to 24-541.05, 24-709, 24-709.02, 25-1912, 25-1916, 29-103, 29-403, 29-611, 29-812, 29-1804.14, 29-2246, 29-2249.04, 29-2252, 29-2253, 29-2259, and 84-1301, Revised Statutes Supplement, 1984, sections 24-519 and 24-532.01, Revised Statutes Supplement, 1985, section 43-2,113, Revised Statutes Supplement, 1985, as amended by section 64, Legislative Bill 7, Eighty-ninth Legislature, Second Special Session, 1985, section 24-701, Revised Statutes Supplement, 1984, as amended by section 1, Legislative Bill 92, Eighty-ninth Legislature, Second Session, 1986, and section 24-703, Revised Statutes Supplement, 1984, as amended by section 2, Legislative Bill 92, Eighty-ninth Legislature, Second Session, 1986; to change provisions relating to disclosure of certain information; to provide for clerk magistrates rather than associate county judges; to provide duties for clerk magistrates; to eliminate pro tempore associate county judges; to eliminate a provision relating to county clerks as ex officio clerks of the county court; to change provisions relating to civil and criminal procedure; to provide for rules of the Supreme Court; to change provisions relating to the commencement of actions; to change

provisions relating to the jurisdiction of the county court and investments by county court clerks; to change provisions relating to the Nebraska Probation Administration Act; to eliminate the Field Probation Service; to establish the Nebraska Probation System; to provide powers and duties for the Supreme Court; to provide a termination date for the Nebraska Probation System Committee; to change provisions relating to certain appeals; to change provisions relating to proceedings for the termination of parental rights; to provide for the payment of certain expenses; to eliminate provisions relating to the transfer of certain actions; to eliminate certain provisions relating to the trial of minor criminal offenses; to eliminate provisions relating to complaints to keep the peace; to eliminate certain provisions relating to probation; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections, and also sections 24-510, 24-513.01, 24-518, 25-225, 25-404, 25-405, 25-407 to 25-409, 29-302, 29-302.03 to 29-312, 29-612, 29-2249.01, and 29-2255.01, Reissue Revised Statutes of Nebraska, 1943, and sections 25-406, 29-301, 29-302.01, 29-302.02, 29-613, 29-614, 29-2249.02, and 29-2249.03, Revised Statutes Supplement, 1984; and to declare an emergency." inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

GENERAL FILE

LEGISLATIVE BILL 1093. Title read. Considered.

Standing Committee amendments, AM1907, found in the Journal on page 592 for the Sixteenth Day were adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Mr. Carsten withdrew his pending amendment, AM2024, found in the Journal on page 719.

Mr. Warner renewed his pending amendment, AM2524, found in the Journal on page 1511.

The Warner amendment was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Mr. Warner moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Advanced to E & R for Review with 25 ayes, 10 nays, 7 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1105. Title read. Considered.

Standing Committee amendments, AM1928, found in the Journal on page 608 for the Seventeenth Day were adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Haberman renewed his pending amendment, AM1912, found in the Journal on page 1221.

Mr. Haberman moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Haberman requested a roll call vote on his amendment.

Voting in the affirmative, 16:

Beyer	Goodrich	Lynch	Nichol	Schmit
Chronister	Haberman	Miller	Pappas	Sieck
DeCamp	Labedz	Nelson	Remmers	Vickers
Eret				

Voting in the negative, 22:

Abboud	Hannibal	Johnson, R.	Lundy	Smith
Baack	Hartnett	Johnson, V.	Morehead	Warner
Barrett	Hefner	Lamb	Pirsch	Wesely
Carsten	Hoagland	Landis	Scofield	Withem
Goll	Johnson, L.			

Present and not voting, 7:

Chambers	Hall	Marsh	McFarland	Peterson
Chizek	Harris			

Excused and not voting, 4:

Conway	Higgins	Rogers	Rupp
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The Haberman amendment lost with 16 ayes, 22 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Haberman renewed his pending amendment, AM1913, found in the Journal on page 1222.

SPEAKER NICHOL PRESIDING

Mr. Haberman withdrew his pending amendment, AM1913, found in the Journal on page 1222.

Mr. Sieck renewed his pending amendment, AM2156, found in the Journal on page 1622.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Sieck amendment lost with 9 ayes, 14 nays, 22 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 25 ayes, 1 nay, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1105A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1190. Title read. Considered.

Standing Committee amendment, AM2492, found in the Journal on page 1346 for the Fortieth Day was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1080. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Goll asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 931. Title read. Considered.

Standing Committee amendment, AM2339, found in the Journal on page 1187 for the Thirty-Seventh Day was considered.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

The Standing Committee amendment was adopted with 25 ayes, 2 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Vickers offered the following amendment:

1. In the Committee Amendment, Page 1, strike beginning with the comma in line 17 through "year" in line 21.
2. Page 2, strike subsection (a) in lines 11 and 12 and renumber the remaining subsections.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Vickers moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Vickers requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Beyer	Goodrich	Hartnett	Rupp	Smith
Chronister	Haberman	Hefner	Schmit	Vickers
DeCamp	Hall	Johnson, R.	Sieck	Wesely
Eret	Harris	Lynch		

Voting in the negative, 19:

Abboud	Hannibal	Landis	Nichol	Scofield
Barrett	Hoagland	Lundy	Peterson	Warner
Carsten	Johnson, L.	Marsh	Pirsch	Withem
Goll	Johnson, V.	Miller	Remmers	

Present and not voting, 7:

Baack	Chambers	Chizek	Lamb	McFarland
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Morehead Nelson

Absent and not voting, 2:

Labeledz Pappas

Excused and not voting, 3:

Conway Higgins Rogers

The Vickers amendment lost with 18 ayes, 19 nays, 7 present and not voting, 2 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Vickers offered the following amendment:

1. In the Committee Amendment, Page 1, strike beginning with the comma in line 17 through "year" in line 21.
2. Page 2, strike subsection (a) in lines 11 and 12 and renumber the remaining subsections.
3. Strike 75% and insert 65%

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

The Vickers amendment lost with 7 ayes, 15 nays, 24 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 25 ayes, 2 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 870. Title read. Considered.

Standing Committee amendment, AM2518, found in the Journal on page 1386 for the Forty-First Day was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Pappas asked unanimous consent to print the following amendment to LB 911 in the Journal. No objections. So ordered.

AM2678

1 1. On page 2, line 1, before “The” insert
2 “(1)”; and after line 21 insert the following new
3 subsection:

4 “(2) The Legislature hereby recognizes that
5 each community in the state may have different needs and
6 standards in the area of licensing alcoholic beverage
7 retail and bottle club outlets. Such needs and
8 standards should be reviewed and weighed in the process
9 of determining whether a liquor license is granted or
10 denied.”.

11 2. On page 3, line 2, strike “section 1” and
12 insert “sections 1, 5, and 6”.

13 3. On page 16, line 9, strike “and”; in line
14 15 strike the period and insert: “;

15 (i) Whether the issuance of the license is or
16 will be required by the present or future public
17 convenience and necessity; and”; and reinstate lines 18
18 through 21.

19 4. Insert the following new sections:

20 “Sec. 5. The commission may issue or provide
21 to any person regulated under the Nebraska Liquor
1 Control Act a set of rules or regulations adopted and
2 promulgated by the commission, a copy of the Nebraska
3 Liquor Control Act, and any other information which the
4 commission deems important in the area of liquor control
5 in the State of Nebraska. The information may be
6 printed in a booklet, a pamphlet, or any other form the
7 commission may determine to be appropriate. The
8 commission may update such material as often as it deems
9 necessary and may charge a fee for the material. The
10 fee shall be reasonable and shall not exceed any
11 reasonable or necessary costs of producing the material
12 for distribution.

13 Sec. 6. Any money collected by the commission
14 pursuant to section 5 of this act shall be deposited in
15 the Liquor Control Commission Rule and Regulation Cash
16 Fund, which is hereby created. The purpose of the fund
17 shall be to cover any costs incurred by the commission
18 in producing or distributing the material referred to in
19 section 5 of this act. Any money in the fund available
20 for investment shall be invested by the state investment
21 officer pursuant to sections 72-1237 to 72-1269.

22 Sec. 7. If any section in this act or any

23 part of any section shall be declared invalid or
24 unconstitutional, such declaration shall not affect the
1 validity or constitutionality of the remaining portions
2 thereof.

3 Sec. 9. Since an emergency exists, this act
4 shall be in full force and take effect, from and after
5 its passage and approval, according to law."

6 5. On page 20, line 20, strike "and"; and in
7 line 23 after "interest" insert ", and (i) whether the
8 issuance of the license is or will be required by the
9 present or future public convenience and necessity".

10 6. Renumber remaining sections accordingly.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 603 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2668.)

Mr. DeCamp asked unanimous consent to print the following amendment to LB 603 in the Journal. No objections. So ordered.

AM2669

1 1. Insert the following new section:

2 "Sec. 2. That section 9-415, Uniform
3 Commercial Code, be amended to read as follows:
4 9-415. Secretary of State; implementation of
5 centralized computer system.

6 The Secretary of State shall, on or before
7 January 1, 1986, implement a centralized computer system
8 as developed or recommended by the Uniform Commercial
9 Code Filing Council for the accumulation and
10 dissemination of information relative to financing
11 statements and other necessary Uniform Commercial Code
12 documents whenever the collateral is equipment used in
13 farming operations, farm products, farm products which
14 have become inventory of a person engaged in farming, or
15 accounts or general intangibles arising from or relating
16 to the sale of farm products by a farmer. Such a system
17 shall include the entry of information relative to
18 notice of liens into the computer system by county
19 clerks and the dissemination of such information by a
20 computer system or systems, telephone, mail, and such
21 other means of communication as may be deemed
1 appropriate. Such system shall be designed as an

2 interactive system.

3 When the centralized computer system is
4 implemented, computer access to information regarding
5 obligations of debtors shall be made available
6 twenty-four hours a day, three hundred sixty-five days
7 per year. When such system is implemented, ~~the~~
8 ~~Secretary of State shall until June 30, 1987, provide~~
9 ~~information from the system by telephone between the~~
10 ~~hours of 8:00 a.m. and 9:00 p.m. central daylight time,~~
11 ~~Monday through Saturday except on January 1, Memorial~~
12 ~~Day, Labor Day, Thanksgiving Day, and December 25.~~
13 ~~After June 30, 1987, the Secretary of State shall~~
14 ~~provide information from the system by telephone during~~
15 ~~normal business hours.”.~~

16 2. In the E and R amendments, on page 3, line
17 12, strike “section 9-405” and insert “sections 9-405
18 and 9-415”; and in line 13 strike “is” and insert “are”.

19 3. Renumber the remaining section
20 accordingly.

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 768 in the Journal. No objections. So ordered.

AM2726

(Amendments to AM2098)

1 1. On page 1, after line 9 insert the
2 following new subdivision:
3 “(2) Current tractor model shall mean any
4 model included in the manufacturer’s annual price list
5 of tractors being offered for sale by its dealers or
6 distributors;”; in line 10 strike “(2)” and insert
7 “(3)”; in line 12 strike “(3)” and insert “(4)”; in line
8 14 strike “(4)” and insert “(5)”; and in line 18 strike
9 “(5)” and insert “(6)”.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 997A. By Baack, 47th District; Vickers, 38th District.

A BILL FOR AN ACT relating to to appropriate funds to aid in carrying out the provisions of Legislative Bill 997, Eighty-ninth Legislature, Second Session, 1986.

MOTION - Return LB 153 to Select File

Mr. V. Johnson moved to return LB 153 to Select File for the following specific amendment:

(Amendment to Final Reading Copy)

1. On page 3, line 1, strike "twenty-five" and insert "fifty".
2. On page 4, line 23, strike "twenty-five" and insert "fifty".
3. On page 5, line 14, strike "twenty-five" and reinstate the stricken matter.

The V. Johnson motion to return prevailed with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 153. The V. Johnson specific amendment found in this day's Journal was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Suspend Rules

Mr. DeCamp moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of AM2730 to LB 153.

The DeCamp motion to suspend the rules prevailed with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

MOTION - Return LB 153 to Select File

Mr. V. Johnson moved to return LB 153 to Select File for the following V. Johnson, DeCamp, Wesely, Hoagland, Chizek, Lynch, Pirsch, Rupp, Remmers specific amendment:

(Amendment on file in the Clerk's Office - Room 2018 - AM2730.)

The V. Johnson motion to return prevailed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 153. The V. Johnson et al. amendment, AM2730, referred to in this day's Journal was adopted with 32 ayes, 1 nay, 13 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Member Excused

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 277.

A BILL FOR AN ACT relating to respiratory care; to amend section 33-150, Reissue Revised Statutes of Nebraska, 1943, section 71-101, Revised Statutes Supplement, 1984, and sections 71-102, 71-110, 71-112, 71-113, 71-131, and 71-162, Revised Statutes Supplement, 1985; to create a board of examiners; to provide for the licensure of respiratory care practitioners; to provide exceptions; to provide for fees, examinations, continuing education, and temporary permits; to define terms; to create a fund; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Abboud	Eret	Johnson, L.	McFarland	Rupp
Baack	Goll	Johnson, R.	Miller	Scofield
Barrett	Goodrich	Johnson, V.	Morehead	Sieck
Beyer	Haberman	Lamb	Nelson	Smith
Carsten	Hall	Landis	Nichol	Vickers
Chambers	Hannibal	Lundy	Peterson	Warner
Chizek	Hartnett	Lynch	Pirsch	Wesely
Chronister	Hefner	Marsh	Remmers	Withem
DeCamp	Hoagland			

Voting in the negative, 0.

Present and not voting, 3:

Harris	Pappas	Schmit
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Excused and not voting, 4:

Conway Higgins Labeledz Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 277A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 277, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Eret	Hoagland	McFarland	Rupp
Baack	Goll	Johnson, L.	Miller	Scofield
Barrett	Goodrich	Johnson, R.	Morehead	Sieck
Beyer	Haberman	Johnson, V.	Nelson	Smith
Carsten	Hall	Lamb	Nichol	Vickers
Chambers	Hannibal	Landis	Pappas	Warner
Chizek	Harris	Lundy	Peterson	Wesely
Chronister	Hartnett	Lynch	Pirsch	Withem
DeCamp	Hefner	Marsh	Remmers	

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 4:

Conway Higgins Labeledz Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 437 to Select File

Mr. Chambers moved to return LB 437 to Select File for his specific amendment found in the Journal on page 1593.

The Chambers motion to return prevailed with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 437. The Chambers specific amendment found in the Journal on page 1593 was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Member Excused

Mr. Vickers asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 907.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-1502, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to notice requirements for acquisitions of certain financial institutions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud	Eret	Hoagland	Miller	Rupp
Baack	Goll	Johnson, L.	Morehead	Schmit
Barrett	Goodrich	Johnson, R.	Nelson	Scofield
Beyer	Haberman	Johnson, V.	Nichol	Sieck
Carsten	Hall	Lamb	Pappas	Smith
Chambers	Hannibal	Landis	Peterson	Warner
Chizek	Harris	Lundy	Pirsch	Wesely
Chronister	Hartnett	Lynch	Remmers	Withem
DeCamp	Hefner	Marsh		

Voting in the negative, 0.

Present and not voting, 1:

McFarland

Excused and not voting, 5:

Conway Higgins Labedz Rogers Vickers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1036.

A BILL FOR AN ACT relating to workers' compensation; to amend section 136, Legislative Bill 811, Eighty-ninth Legislature, Second Session, 1986; to provide an assessment; to create a fund and specify the source and use of the fund; to harmonize provisions; to state intent; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Goll	Hoagland	McFarland	Rupp
Baack	Goodrich	Johnson, L.	Morehead	Schmit
Barrett	Haberman	Johnson, R.	Nelson	Scofield
Beyer	Hall	Johnson, V.	Nichol	Sieck
Carsten	Hannibal	Lamb	Pappas	Smith
Chizek	Harris	Landis	Peterson	Warner
Chronister	Hartnett	Lundy	Pirsch	Wesely
DeCamp	Hefner	Marsh	Remmers	Withem
Eret				

Voting in the negative, 0.

Present and not voting, 3:

Chambers Lynch Miller

Excused and not voting, 5:

Conway Higgins Labedz Rogers Vickers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1036A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1036, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Abboud	Eret	Hoagland	McFarland	Rupp
Baack	Goll	Johnson, L.	Miller	Schmit
Barrett	Goodrich	Johnson, R.	Morehead	Scofield
Beyer	Haberman	Johnson, V.	Nelson	Sieck
Carsten	Hall	Lamb	Nichol	Smith
Chambers	Hannibal	Landis	Pappas	Warner
Chizek	Harris	Lundy	Peterson	Wesely
Chronister	Hartnett	Lynch	Pirsch	Withem
DeCamp	Hefner	Marsh	Remmers	

Voting in the negative, 0.

Excused and not voting, 5:

Conway Higgins Labedz Rogers Vickers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Print in Journal

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 849 in the Journal. No objections. So ordered.

AM2727

- 1 1. On page 18, line 12, after "servicing"
- 2 insert ". All loans purchased or guaranteed by the

3 authority shall meet prudent underwriting standards, and
 4 any bond or security issued by the authority shall be
 5 investment grade quality and shall be rated A or better
 6 by at least one national rating service".
 7 2. On page 33, line 21, after "Governor"
 8 insert "and the Legislature"; and in line 24 after the
 9 period insert "The Governor shall include such sum, if
 10 any, in his or her budget recommendation for the ensuing
 11 fiscal year as required by Article IV, section 7, of the
 12 Constitution of the State of Nebraska.".

VISITORS

Visitors to the Chamber were 38 fourth grade students and teachers from Davenport and Milliken Park School, Fremont; 30 students and teacher from Marquette High School; 35 seniors and teacher from Fort Calhoun High School; and Sara Brennan and Jenney Peck from Roncalli High School, Omaha.

RECESS

At 12:11 p.m., on a motion by Mr. Hall, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Higgins who was excused; and Messrs. Chambers, Haberman, Hall, Hannibal, Hartnett, Hefner, V. Johnson, Landis, Miller, Rogers, Sieck, Vickers, Mesdames Labedz, and Pirsch who were excused until they arrive.

PRESIDENT MCGINLEY PRESIDING

STANDING COMMITTEE REPORTS

Business and Labor

LEGISLATIVE BILL 1256. Placed on General File.

LEGISLATIVE BILL 1255. Placed on General File as amended.
 Standing Committee amendment to LB 1255:

AM2729

- 1 1. On page 4, after line 3 insert the
- 2 following:
- 3 "Claim No. 096, against the Department of
- 4 Revenue, pay to Silvestor I. and Imogene
- 5 Quick, 2110 Bantam Street, Grand Island,
- 6 Nebraska, 68801, out of the
- 7 General Fund 3.60
- 8 Claim. No. 147, against the Department of
- 9 Revenue, pay to Arlen Nieveen, 5520
- 10 Prescott Street, Lincoln, Nebraska,
- 11 68506, out of the
- 12 General Fund 80.00".

LEGISLATIVE BILL 1257. Indefinitely postponed.

(Signed) Bill Barrett, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 90 in the Journal. No objections. So ordered.

(1)

Amendment to AM2657

1. Section 1, line 7, strike "or a child-witness".
2. Section 1, line 11, strike "or child-witness".
3. Sec. 3, line 4, strike "or child-witness".
4. Sec. 3, line 24, strike "or child-witness".

(2)

Amendment to AM2657

1. Sec. 3, line 2 after "attorney" insert "or defense attorney".
2. Sec. 3, subsection (4), line 14 after "jury," strike the remainder of line 14 and all of lines 15, 16, 17, 18, 19, 20. After the comma following "jury," insert "and shall be subject to the provisions of subsection (2) of this section."
3. Sec. 3, subsection (7), line 11, after "court.", add "Except that no one other than the court or the Clerk of the Court shall be allowed to have actual physical possession of a video tape used or allowed pursuant to this section."

(3)

Amendment to AM2657

1. Sec. 3, line 5, strike "ordinarily".

2. Sec. 3, subsection (3), strike lines 5, 6, 7, 8, 9.

(4)

Amendment to AM2657

1. Sec. 3, strike line 19.

2. Sec. 3, line 20, strike "the" and insert "The".

MOTION - Suspend Rules

Mr. L. Johnson moved to suspend Rule 8 Section 5 so as to allow for the Final Reading of L.B. 1038.

The L. Johnson motion to suspend the rules prevailed with 32 ayes, 0 nays, 3 present and not voting, and 14 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1038. With Emergency.

A BILL FOR AN ACT relating to appropriations; to state intent; to make appropriations for certain projects; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 37:

Abboud	DeCamp	Johnson, R.	Morehead	Schmit
Baack	Eret	Lamb	Nelson	Scofield
Barrett	Goll	Landis	Nichol	Smith
Beyer	Goodrich	Lundy	Pappas	Vickers
Carsten	Haberman	Lynch	Peterson	Warner
Chizek	Harris	Marsh	Remmers	Wesely
Chronister	Hoagland	McFarland	Rupp	Withem
Conway	Johnson, L.			

Voting in the negative, 0.

Excused and not voting, 12:

Chambers	Hall	Hannibal	Hartnett	Hefner
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Higgins	Labedz	Pirsch	Rogers	Sieck
Johnson, V.	Miller			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1047.

A BILL FOR AN ACT relating to fees; to amend sections 39-669.11, 42-121.01, and 71-5306, Reissue Revised Statutes of Nebraska, 1943, and sections 71-1116, 71-2619, 71-4305, and 71-4624, Revised Statutes Supplement, 1984; to authorize the Department of Health to establish certain fees; to change provisions relating to fees; to harmonize provisions; to create a fund; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 38:

Abboud	DeCamp	Johnson, L.	Morehead	Schmit
Baack	Eret	Johnson, R.	Nelson	Scofield
Barrett	Goll	Lamb	Nichol	Smith
Beyer	Goodrich	Landis	Pappas	Vickers
Carsten	Haberman	Lundy	Peterson	Warner
Chizek	Hannibal	Lynch	Remmers	Wesely
Chronister	Harris	Marsh	Rupp	Withem
Conway	Hoagland	McFarland		

Voting in the negative, 0.

Excused and not voting, 11:

Chambers	Hefner	Johnson, V.	Miller	Rogers
Hall	Higgins	Labedz	Pirsch	Sieck
Hartnett				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 1123 to Select File

Mr. Landis moved to return LB 1123 to Select File for the following specific amendment:

by striking the enacting clause.

Mr. Landis withdrew his pending motion to return LB 1123 to Select File.

Mr. Nichol moved to return LB 1123 to Select File for the following specific amendment:

Strike the enacting clause.

Pending.

Mr. DeCamp asked unanimous consent to pass over LB 1123. No objections. So ordered.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 277, 277A, 907, 1036, 1036A, 1038, and 1047.

UNANIMOUS CONSENT - Member Excused

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 384. Read. Considered.

Mr. V. Johnson offered the following amendment:

AM2745

- 1 1. In LR 384, beginning on page 1657 of the
- 2 Journal, strike the first resolve and insert:
- 3 "1. That a committee of fourteen members be
- 4 appointed to oversee an examination of Nebraska's
- 5 taxation and spending and the structure and financing of
- 6 state and local government in Nebraska. Seven members
- 7 of the committee shall be members of the Legislature
- 8 appointed by the Executive Board of the Legislative
- 9 Council, and seven members of the committee shall be
- 10 appointed by the Governor."

Mr. V. Johnson withdrew his pending amendment, AM2745.

Mr. V. Johnson offered the following amendment:

To amend LR 384, page 1658 of the Journal, as follows:

In the fifth resolve, second line, strike "fifty", and before "thousand" insert "fifty".

Mr. Lundy moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The V. Johnson amendment was adopted with 25 ayes, 2 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Lamb requested a record vote on the adoption of LR 384.

Voting in the affirmative, 25:

Baack	Chizek	Hall	Johnson, V.	Rupp
Barrett	Chronister	Hannibal	Lundy	Scofield
Beyer	Conway	Hartnett	Nelson	Smith
Carsten	DeCamp	Hoagland	Pappas	Vickers
Chambers	Goll	Johnson, L.	Remmers	Warner

Voting in the negative, 6:

Eret	Harris	Lamb	Lynch	Wesely
Goodrich				

Present and not voting, 13:

Abboud	Johnson, R.	McFarland	Peterson	Sieck
Haberman	Labeledz	Morehead	Schmit	Withem
Hefner	Marsh	Nichol		

Excused and not voting, 5:

Higgins	Landis	Miller	Pirsch	Rogers
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LR 384 was adopted with 25 ayes, 6 nays, 13 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Chambers asked unanimous consent to have his name added as co-introducer to LB 1129. No objections. So ordered.

MOTION - Suspend Rules

Mr. Chambers moved to suspend the rules, Rule 7, Section 3(d) to allow consideration of the Chambers amendment to LB 1129.

The Chambers motion to suspend the rules prevailed with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

MOTION - Return LB 1129 to Select File

Mr. Chambers moved to return LB 1129 to Select File for his specific amendment, AM2652, printed separate from the Journal and referred to on page 1645.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Vickers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Chambers motion to return prevailed with 26 ayes, 6 nays, 12 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1129. The Chambers specific amendment, AM2652, printed separate from the Journal and referred to on page 1645 was considered.

Mr. Rupp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. DeCamp moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Hefner requested a record vote on the Chambers amendment.

Voting in the affirmative, 30:

Baack	Chronister	Goodrich	Harris	Landis
Chambers	Conway	Haberman	Hoagland	Lundy
Chizek	DeCamp	Hall	Labeledz	Lynch

Marsh	Nelson	Peterson	Schmit	Vickers
McFarland	Nichol	Rogers	Scofield	Warner
Miller	Pappas	Rupp	Smith	Wesely

Voting in the negative, 16:

Abboud	Eret	Hartnett	Johnson, V.	Pirsch
Barrett	Goll	Hefner	Lamb	Remmers
Beyer	Hannibal	Johnson, L.	Morehead	Withem
Carsten				

Present and not voting, 1:

Sieck

Excused and not voting, 2:

Higgins Johnson, R.

The Chambers specific amendment was adopted with 30 ayes, 16 nays, 1 present and not voting, and 2 excused and not voting.

Mr. Hefner requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

Baack	Hall	Landis	Nelson	Schmit
Chambers	Harris	Lundy	Nichol	Scofield
Chizek	Hoagland	Lynch	Pappas	Smith
Chronister	Johnson, V.	Marsh	Rogers	Warner
Conway	Labedz	McFarland	Rupp	Wesely
DeCamp				

Voting in the negative, 16:

Abboud	Eret	Hartnett	Lamb	Remmers
Barrett	Goll	Hefner	Morehead	Sieck
Beyer	Hannibal	Johnson, L.	Pirsch	Vickers
Carsten				

Present and not voting, 5:

Goodrich	Haberman	Miller	Peterson	Withem
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Excused and not voting, 2:

Higgins Johnson, R.

Advanced to E & R for Re-Engrossment with 26 ayes, 16 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

WITHDRAW - Amendment to LB 1129

Mr. Vickers withdrew his pending amendment, AM2494, printed separate from the Journal and referred to on page 1351 to LB 1129.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 1005 in the Journal. No objections. So ordered.

AM2644

- 1 1. Strike original section 5.
- 2 2. On page 2, line 10, strike "three" and
- 3 insert "two"; and in line 13 strike "nine" and insert
- 4 "six".
- 5 3. On page 3, strike beginning with "Any" in
- 6 line 11 through the period in line 19 and show as
- 7 stricken.
- 8 4. On page 5, line 1, strike "three" and
- 9 insert "two"; in line 20 strike "three" and insert
- 10 "two"; and in line 24 strike "nine" and insert "six".
- 11 5. On page 6, line 22, strike "one"; and in
- 12 line 23 strike "hundred".
- 13 6. On page 8, line 4, after "(6)" insert:
- 14 "The Director of Insurance, as administrator
- 15 of the fund, shall be responsible for legal defense of
- 16 the fund. The director, using money from the fund as
- 17 deemed necessary, appropriate, or desirable, may
- 18 purchase the services of persons, firms, and
- 19 corporations to aid in protecting the fund against
- 20 claims. The Department of Justice shall not be
- 21 responsible for legal defense of the fund.".
- 1 7. On page 10, line 8, strike "three" and
- 2 insert "two"; and in line 12 strike "three" and insert
- 3 "two".
- 4 8. On page 11, line 3, strike "three" and
- 5 insert "two"; and in line 12 strike "three" and insert

6 “two”.

7 9. On page 13, line 2, strike “three” and
8 insert “two”.

9 10. Insert the following new sections:

10 “Sec. 7. Sections 1, 2, 3, 5, 6, and 8 of
11 this act shall become operative on January 1, 1987. The
12 remaining sections of this act shall become operative on
13 their effective date.

14 Sec. 9. That original section 44-2829,
15 Reissue Revised Statutes of Nebraska, 1943, is
16 repealed.”

17 11. On page 13, line 18, strike “44-2829,
18 44-2831.”.

19 12. Renumber the remaining sections
20 accordingly.

Mr. Pappas asked unanimous consent to print the following amendment to LR 318 in the Journal. No objections. So ordered.

AM2693

1 1. On page 1, line 2, strike “sections 2 and
2 3” and insert “section 24”.

3 2. Strike the original section 1 and insert
4 the following new section:

5 “Section 1. That at the general election in
6 November 1986 there shall be submitted to the electors
7 of the State of Nebraska for approval the following
8 amendment to Article III, section 24, of the
9 Constitution of Nebraska, which is hereby proposed by
10 the Legislature:

11 CIII-24 ‘The Legislature shall not authorize
12 any game of chance, nor any lottery, or gift enterprise
13 where the consideration for a chance to participate
14 involves the payment of money for the purchase of
15 property, services, chance or admission ticket, or
16 requires an expenditure of substantial effort or time,
17 ~~except~~ ; **PROVIDED**, that it may authorize and regulate
18 other lotteries, raffles, and gift enterprises which are
19 intended solely as business promotions or the proceeds
20 of which are to be used solely for charitable or
21 community betterment purposes without profit to the
1 promoter of such lotteries, raffles, or gift
2 enterprises. Nothing in this section shall be construed
3 to prohibit the enactment of laws providing for the
4 licensing and regulation of wagering on the results of

5 horse or dog races by the parimutuel or certificate
6 method, when conducted by licensees within the race
7 track enclosure at licensed horse or dog race meetings,
8 or to prohibit the enactment of laws providing for the
9 licensing and regulation of bingo games conducted by
10 nonprofit associations which have been in existence for
11 a period of five years immediately preceding the
12 application for license, except that such ; ~~PROVIDED,~~
13 bingo games ~~cannot~~ shall not be conducted by agents or
14 lessees of such associations on a percentage basis.'".
15 3. On page 4, strike lines 13, 14, and 15 and
16 insert: "provide that the Legislature may authorize the
17 licensing and regulation of wagering on the results of
18 dog races."

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 26, 1986, at 3:05 p.m., were the following bills: 277, 277A, 907, 1036, 1036A, 1047 and 1038.

(Signed) Pam Moravec, Enrolling Clerk

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Hoagland asked unanimous consent to have his name added as co-introducer to LB 153. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Co-Introducer

Mr. Hartnett asked unanimous consent to have his name withdrawn as co-introducer to LB 1129. No objections. So ordered.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Hefner asked unanimous consent to have his name added to the pending Pappas et al. amendment, AM2367, found in the Journal on page 1319. No objections. So ordered.

MOTION - Return LB 325 to Select File

Mr. Hefner moved to return LB 325 to Select File for the specific Hefner et al. amendment, AM2367, found in the Journal on page 1319.

The Hefner motion to return prevailed with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 325. The Hefner et al. amendment, AM2367, found in the Journal on page 1319 was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 325 to Select File

Mr. Vickers moved to return LB 325 to Select File for his specific amendment, AM2432, printed separate from the Journal and referred to on page 1676.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Vickers motion to return prevailed with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 325. The Vickers specific amendment, AM2432, printed separate from the Journal and referred to on page 1676 was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 325 to Select File

Mr. Hartnett moved to return LB 325 to Select File for the following specific amendment:
AM2750

(Amendments to Final Reading Copy)

- 1 1. Insert the following new section:
- 2 "Sec. 4. That section 79-1528, Reissue
- 3 Revised Statutes of Nebraska, 1943, be amended to read
- 4 as follows:

5 79-1528. (1) Should a member die before
6 retirement, his or her accumulated contributions shall
7 be paid to his or her estate or to such person as he or
8 she shall have nominated by written designation duly
9 executed and filed with the retirement board. If no
10 legal representatives or beneficiary designated in
11 writing shall apply for his or her accumulated
12 contributions within five years following (a) his or her
13 sixty-fifth birthday if death occurred prior to such
14 date, or (b) the date of his or her death if death
15 occurred after his or her sixty-fifth birthday, they
16 shall be forfeited to the retirement system and credited
17 to the Contingent Fund at that time.

18 (2) When the deceased member ~~had~~ has ~~attained~~
19 ~~the age of at least fifty-five years with not less than~~
20 ~~twenty years of creditable service, or had not less than~~
1 ~~thirty years of creditable service~~ regardless of age,
2 and leaves a surviving spouse who has been designated in
3 writing as beneficiary and who, as of the date of the
4 member's death, is the sole surviving primary
5 beneficiary, such beneficiary may elect, within sixty
6 days after the death of the member, to receive the
7 member's accumulated contributions in one lump sum. If
8 no election is made, there shall be paid to such
9 surviving spouse a monthly annuity for life. The amount
10 of such annuity shall be equal to the amount of the
11 annuity which would have been paid had the deceased
12 member retired on the date of death and elected to have
13 his or her retirement annuity paid as a joint and
14 survivor annuity payable as long as either the member or
15 the member's spouse should survive. If the surviving
16 spouse is not the sole surviving primary beneficiary as
17 of the date of the member's death, the member's
18 accumulated contributions shall be paid to his or her
19 surviving primary beneficiary or beneficiaries as of
20 such date or, in the absence of any surviving designated
21 beneficiary, to his or her estate.”.

22 2. On page 1, line 1, after “sections” insert
23 “79-1528,”.

24 3. On page 37, line 9, after “sections”
1 insert “79-1528,”.

2 4. Renumber the remaining sections
3 accordingly.

The Hartnett motion to return prevailed with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 325. The Hartnett specific amendment, AM2750, found in this day's Journal was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Member Excused

Mrs. Labeledz asked unanimous consent to be excused until she returns. No objections. So ordered.

WITHDRAW - Amendment to LB 579

Ms. Scofield withdrew her pending amendment, AM2700, found in the Journal on page 1694 to LB 579.

MOTION - Return LB 579 to Select File

Ms. Scofield moved to return LB 579 to Select File for the following specific amendment:

AM2748

(Amendments to LB AM2465)

- 1 1. On page 1, line 16, strike "September" and
- 2 insert "June".
- 3 2. On page 3, line 5, strike "September" and
- 4 insert "June".
- 5 3. On page 4, line 10, strike "September" and
- 6 insert "June"; and in line 11 strike "September" and
- 7 insert "June".
- 8 4. On page 6, line 4, strike "September" and
- 9 insert "June".

The Scofield motion to return prevailed with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 579. The Scofield specific amendment, AM2748, found in this day's Journal was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 311A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 775A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 851A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 768A. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 774A. Mr. V. Johnson offered the following amendment:

AM2293

- 1 1. On page 2, line 2, strike "55,000" and
- 2 insert "84,111"; in line 3 strike "18,300" and insert
- 3 "42,321"; in line 10 strike "8,000" and insert "30,644";
- 4 and in line 11 strike "8,300" and insert "32,977".

The V. Johnson amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 804A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 899A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 992A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 325A. Mr. Goodrich offered the following amendment:

Strike Section 1 and insert the following new section:

Sec. 1. There is hereby appropriated for the period of July 1, 1986, to June 30, 1987, and for the period July 1, 1987, to June 30, 1988, to the State Department of Education, for each program, the amounts shown from the respective funds, to aid in carrying out the provisions of Legislative Bill 325, Eighty-ninth Legislature, Second Session, 1986.

(1) Program No. 25 - Departmental Administration

GENERAL FUND	693
FEDERAL FUND est.	61
PROGRAM TOTAL	754

(2) Program No. 55 - Private and Vocational Schools and Veterans' Education

FEDERAL FUND est.	107
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(3) Program No. 143 - State Aid and School Food Services and Reserve Teacher Act

FEDERAL FUND est.	95
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(4) Program No. 292 - Special Education

GENERAL FUND	276
CASH FUND	27
FEDERAL FUND est.	205
PROGRAM TOTAL	508

(5) Program No. 294 - Vocational Education

GENERAL FUND	402
FEDERAL FUND est.	236
PROGRAM TOTAL	638

(6) Program No. 351 - Vocational Rehabilitation

GENERAL FUND	330
FEDERAL FUND est.	1502
PROGRAM TOTAL	1832

(7) Program No. 352 - Old Age and Survivors' Insurance Disability Determinations

FEDERAL FUND est.	554
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(8) Program No. 401 - Nebraska School for the Deaf

GENERAL FUND	5,369
CASH FUND	760
FEDERAL FUND est.	271
PROGRAM TOTAL	6,400

(9) Program No. 402 - Nebraska School for the Visually Handicapped

GENERAL FUND	2,127
CASH FUND	441
FEDERAL FUND est.	65

PROGRAM TOTAL 2,633

(10) Program No. 508 - School Assistance and Support

GENERAL FUND 1,193

FEDERAL FUND est. 109

PROGRAM TOTAL 1,302

(11) Program No. 614 - Professional Practices Commission

CASH FUND 129

(12) Program No. 642 - Instructional Television

GENERAL FUND 248

For Informational Purposes Only: Total Appropriations to Agency
No. 13 and Fund Source

GENERAL FUND 10,638

CASH FUND 1,357

FEDERAL FUND est. 3,205

AGENCY TOTAL 15,200

No expenditure for permanent and temporary salaries and per diems
for state employees shall be made from funds appropriated in this
section.

The Goodrich amendment was adopted with 25 ayes, 0 nays, 23
present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 835. Considered.

The pending DeCamp amendment, AM2536, as amended, printed
separate from the Journal and referred to on page 1589 and 1685 was
renewed.

Mr. Schmit offered the following amendment to the pending
DeCamp amendment:

(Amendment on file in the Clerk's Office - Room 2018 - AM2735.)

Mr. DeCamp moved the previous question. The question is, "Shall
the debate now close?" The motion prevailed with 25 ayes, 0 nays,
and 24 not voting.

Mr. Schmit moved for a call of the house. The motion prevailed with
16 ayes, 0 nays, and 33 not voting.

Mr. Haberman requested a record vote on the Schmit amendment.

Voting in the affirmative, 16:

Abboud	Haberman	Johnson, R.	Landis	Rupp
Barrett	Hall	Labeledz	Morehead	Schmit
Carsten	Harris	Lamb	Peterson	Sieck
Chambers				

Voting in the negative, 28:

Baack	Goll	Johnson, L.	Nelson	Scofield
Beyer	Goodrich	Johnson, V.	Pappas	Smith
Chizek	Hannibal	Lundy	Pirsch	Warner
Chronister	Hartnett	Lynch	Remmers	Wesely
Conway	Hefner	Marsh	Rogers	Withem
DeCamp	Hoagland	Miller		

Present and not voting, 4:

Eret	McFarland	Nichol	Vickers
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Excused and not voting, 1:

Higgins

The Schmit amendment lost with 16 ayes, 28 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Lamb offered the following amendment to the pending DeCamp amendment:

AM2755

(Amendments to AM2536)

- 1 1. On page 7, in lines 9 and 10, strike
- 2 "until August 31, 1991,".

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mr. Lamb requested a record vote on his amendment.

Voting in the affirmative, 14:

Abboud	Carsten	Goll	Harris	Johnson, L.
Barrett	Eret	Haberman	Hefner	Lamb

Landis Remmers Rupp Schmit

Voting in the negative, 24:

Baack	DeCamp	Johnson, V.	Nichol	Smith
Beyer	Goodrich	Lundy	Pappas	Warner
Chizek	Hall	Lynch	Pirsch	Wesely
Chronister	Hannibal	Marsh	Rogers	Withem
Conway	Hoagland	Nelson	Scofield	

Present and not voting, 9:

Chambers	Labedz	Miller	Peterson	Vickers
Hartnett	McFarland	Morehead	Sieck	

Excused and not voting, 2:

Higgins Johnson, R.

The Lamb amendment lost with 14 ayes, 24 nays, 9 present and not voting, and 2 excused and not voting.

Mr. Lamb offered the following amendment to the pending DeCamp amendment:

AM2740

(Amendments to AM2536)

1 1. On page 4, line 15, after the period
 2 insert "Such notice shall include (a) the reasons for
 3 the rate increase, (b) a description of the affected
 4 services, (c) an explanation of the right of the
 5 subscriber to petition the commission for a public
 6 hearing on the rate increase, (d) a list of subscribers
 7 who are affected by the proposed rate increase, (e) the
 8 effective date of the rate increase, and (f) the dates,
 9 times, and places for the public hearings required by
 10 this subsection. A telecommunications company which
 11 proposes to increase its basic local exchange rates
 12 shall hold at least two public hearings within the
 13 affected local exchange area prior to the effective date
 14 of the rate increase.".

The Lamb amendment was adopted with 27 ayes, 2 nays, 18 present and not voting, and 2 excused and not voting.

Mr. Schmit offered the following amendment to the pending DeCamp amendment:

AM2736

(Amendments to AM2536)

- 1 1. On page 10, after line 12, insert the
- 2 following new subsection:
- 3 “(4) State government and all political
- 4 subdivisions of the state shall examine their current
- 5 telecommunications services and the opportunity to
- 6 benefit from the diversity of the supply of
- 7 telecommunications services and products. Any
- 8 telecommunication company may offer any agency or
- 9 political subdivision of state government any
- 10 telecommunication services. Telecommunications
- 11 companies under this subsection shall not be subject to
- 12 section 75-604.”; and in line 13 strike “(4)” and insert
- 13 “(5)”.

Mr. Schmit moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Schmit requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Abboud	Hall	Lynch	Remmers	Sieck
Carsten	Hannibal	Morehead	Rogers	Smith
Chambers	Labeledz	Nelson	Rupp	Vickers
Eret	Lamb	Peterson	Schmit	

Voting in the negative, 24:

Baack	DeCamp	Hoagland	Marsh	Pirsch
Beyer	Goll	Johnson, L.	McFarland	Scofield
Chizek	Goodrich	Johnson, V.	Miller	Warner
Chronister	Harris	Landis	Nichol	Wesely
Conway	Hefner	Lundy	Pappas	

Present and not voting, 4:

Barrett	Haberman	Hartnett	Withem
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Excused and not voting, 2:

Higgins	Johnson, R.
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The Schmit amendment lost with 19 ayes, 24 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The pending DeCamp amendment, AM2536, as amended, was considered.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Lamb requested a record vote on the pending DeCamp amendment.

Voting in the affirmative, 29:

Baack	Goll	Johnson, L.	Nelson	Scofield
Beyer	Goodrich	Johnson, V.	Nichol	Smith
Chizek	Hannibal	Lundy	Pappas	Warner
Chronister	Hartnett	Lynch	Pirsch	Wesely
Conway	Hefner	Marsh	Remmers	Withem
DeCamp	Hoagland	Miller	Rogers	

Voting in the negative, 15:

Abboud	Eret	Harris	Landis	Rupp
Barrett	Haberman	Labeledz	Morehead	Schmit
Chambers	Hall	Lamb	Peterson	Sieck

Present and not voting, 3:

Carsten McFarland Vickers

Excused and not voting, 2:

Higgins Johnson, R.

The pending DeCamp amendment, as amended, was adopted with 29 ayes, 15 nays, 3 present and not voting, and 2 excused and not voting.

Mr. V. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mr. Schmit withdrew his pending amendment, AM2455, printed separate from the Journal and referred to on page 1649.

Mr. Pappas moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 31:

Baack	Goll	Hoagland	Miller	Rogers
Beyer	Goodrich	Johnson, L.	Nelson	Scofield
Carsten	Hall	Lundy	Nichol	Smith
Chizek	Hannibal	Lynch	Pappas	Vickers
Chronister	Hartnett	Marsh	Pirsch	Warner
Conway	Hefner	McFarland	Remmers	Withem
DeCamp				

Voting in the negative, 14:

Abboud	Eret	Labeledz	Morehead	Schmit
Barrett	Haberman	Lamb	Peterson	Sieck
Chambers	Harris	Landis	Rupp	

Present and not voting, 1:

Wesely

Excused and not voting, 3:

Higgins Johnson, R. Johnson, V.

Advanced to E & R for Review with 31 ayes, 14 nays, 1 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 243 in the Journal. No objections. So ordered.

AM2747

(Amendments to AM2602)

- 1 1. On page 3, line 21; on page 6, line 11; on
- 2 page 11, in lines 20 and 21; and on page 12, line 6,
- 3 strike all occurrences of "September" and insert "June".
- 4 2. On page 19, line 20, after the semicolon
- 5 insert "June, dietetics and nutrition services;"; in
- 6 line 21 strike "and"; and in line 22 strike "dietetics
- 7 and nutrition services;".

VISITORS

Visitors to the Chamber were Senator Goll's brother and sister-in-law, Mr. and Mrs. Dick Goll and Robert Maxwell; R. D. Makinster from Omaha; 5 students and teacher from Hemmingford Seventh-Day Adventist Elementary School; and 26 fourth grade students and teacher from St. Joseph's School, York.

ADJOURNMENT

At 7:14 p.m., on a motion by Mr. Hall, the Legislature adjourned until 8:30 a.m., Thursday, March 27, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTIETH DAY - MARCH 27, 1986

LEGISLATIVE JOURNAL

FIFTIETH DAY - MARCH 27, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 27, 1986

Pursuant to adjournment, the Legislature met at 8:31 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Senator James Goll.

ROLL CALL

The roll was called and all members were present except Mrs. Higgins who was excused; and Messrs. Abboud, R. Johnson, V. Johnson, McFarland, Schmit, Mesdames Labedz, Morehead, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1737, line 29, after "page 1319" insert "to LB 325".
The Journal for the Forty-Ninth Day was approved as corrected.

MESSAGE FROM THE GOVERNOR

March 26, 1986

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 131 and 131A were received in my office on March 20, 1986.

These bills were signed by me on March 26, 1986 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

RESOLUTIONS

LEGISLATIVE RESOLUTION 385.

Introduced by Warner, 25th District.

WHEREAS, the Legislature recognizes the importance of providing reasonable access to postsecondary educational opportunities;

WHEREAS, public postsecondary education is at a crossroads in funding structures and governance;

WHEREAS, changes in the coordination or governance in public postsecondary education may be premature unless the proposed structure reflects statewide public postsecondary educational policies;

WHEREAS, role and mission assignments for public postsecondary education contained in sections 85-917 through 85-967 were developed after three years of legislative study;

WHEREAS, role and mission assignments have been amended for specific institutions and campuses without regard to the entire public postsecondary educational system;

WHEREAS, the existing statutory role and mission assignments for all public postsecondary education should be periodically reviewed from a statewide perspective;

WHEREAS, the Legislature bears the primary and continuing responsibility for developing statewide public postsecondary educational policies.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA SECOND SESSION:

1. That two senators from each of the Congressional Districts in the State and the chair of the Education Committee be appointed by the Executive Board to serve as an interim study committee on the role and mission of postsecondary education.

2. That this committee is directed to investigate the following topics:

- a) what assignment of educational responsibilities among each of the sectors and individual campuses makes the best use of available resources;
- b) what should be the academic, vocational and adult educational roles of the technical community colleges;
- c) what should be the responsibility among sectors and campuses with regard to public service, cooperative extension and off-campus programs;
- d) the feasibility of cooperative programs and some institutional roles being redefined for greater economic and educational efficiency; and
- e) the role of the state in preparing for declining or static enrollments in postsecondary education.

3. That the committee report the results of its investigation and recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 386.

Introduced by Miscellaneous Subjects Committee: Hefner, 19th District, Chairperson; Conway, 17th District; Haberman, 44th District; Hartnett, 45th District; V. Johnson, 8th District; Morehead, 30th District; Pappas, 42nd District.

PURPOSE: The Nebraska Liquor Control Act was enacted in 1935. It is a broad act which contains specific regulations in the manufacture, sale, and consumption of alcoholic beverages. Many parts of the act have not been reviewed or modified since its enactment. Other areas have been subjected to considerable amendments and litigation. The purpose of this study is to direct the Miscellaneous Subjects Committee to thoroughly review the Nebraska Liquor Control Act and propose any changes, including a total rewrite of the act, as the committee may deem necessary. The study shall include a review of the following elements:

1. A review of any proposals which the committee may direct or commission to be drafted which may be in the form of total redrafts of the present act. Any model act may be used as a basis for such proposals;
2. A historical review and analysis of the current act and its modifications from 1935 to 1986;
3. A brief review of the provisions of similar laws in other states; and
4. A brief review of federal regulations in the area of alcoholic beverage control.

After its review of the preceding elements, the committee shall draft and offer a proposal for public review. The chairperson of the committee may appoint or designate individuals with particular expertise to assist the committee in its study by offering any recommendations. After this process, the committee shall finalize any proposals and prepare them for introduction in the 1987 Legislative Session.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Miscellaneous Subjects Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 387.

Introduced by Constitutional Revision and Recreation Committee: Rupp, 22nd District, Chairperson; Baack, 47th District; Hall, 7th District; Labedz, 5th District; McFarland, 28th District; Miller, 37th District; Wesely, 26th District.

Purpose: The purpose of this resolution is to study the Nongame and Endangered Species Conservation Act and its relationship to development projects, especially water projects. The study should explore the need for an exemption process and the possible conflict between the Act and other state policies.

WHEREAS: The Legislature recognizes that nongame, threatened and endangered species have need of special protection to preserve, perpetuate and enhance such species through a satisfactory environment; and

WHEREAS: The Legislature also recognizes the importance of water as a primary resource of Nebraska and that the development of water projects are vital to the progress of Nebraska;

NOW THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature study the Nebraska Nongame and Endangered Species Conservation Act and determine whether it is accomplishing its original legislative intent and whether there is a

need for an exemption process regarding the Nongame and Endangered Species Conservation Act.

2. That the Legislature research situations where conflicting policies have not been resolved or resolved unsatisfactorily and determine what changes can be undertaken to enhance the preservation of endangered species as well as future development projects.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 388.

Introduced by Revenue Committee: V. Johnson, 8th District, Chairperson; Hartnett, 45th District; Landis, 46th District; Miller, 37th District; Pirsch, 10th District; Rogers, 41st District.

PURPOSE: The purpose of this resolution is to set forth five areas of study relating to revenue and taxations. Such areas of study shall include:

(1) A study regarding the taxation of community antenna television service, commonly known as cable TV. The study shall include an examination of the taxes which currently are paid by cable TV companies in Nebraska, methods which are used to tax these companies in other states, and the propriety of including cable TV companies under the statutory definition of public service entities, which are subject to a franchise tax;

(2) An examination of the eligibility of the elderly and disabled for the homestead exemption based on income as well as the actual exemption level. The study shall consider the equity of existing homestead exemption laws and the application of income eligibility standards and shall also examine the possibility of expanding the homestead exemption based on income eligibility for veterans and their spouses;

(3) An examination of the abuses in the use of the nonhighway use motor vehicle fuel income tax credit. The examination shall include, but not be limited to: (a) How to control the abuses; and (b) the elimination of the nonhighway use credit;

(4) An examination of the existing use of auditing at the Department of Revenue. The examination shall include, but not be limited to:

- (a) The coverage of the various tax programs;
- (b) The current return on expenditures;
- (c) The cost of compliance audits; and
- (d) Equipment and personnel needs for compliance auditing;

(5) A study of the feasibility of transferring selected duties of the Department of Motor Vehicles to the Department of Revenue. The study shall include an examination of:

(a) Which functions of the Department of Motor Vehicles could appropriately, and effectively be carried out by the Department of Revenue;

(b) The potential cost savings of such a transfer; and

(c) The disposition of those functions of the Department of Motor Vehicles which would not fall under the jurisdiction of the Department of Revenue.

Should the study show that a transfer of duties is feasible, a plan shall be developed outlining the details of such a transfer. When conducting this study, the Revenue Committee shall seek the active involvement of the Department of Revenue and the Department of Motor Vehicles.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Revenue Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MOTION - Introduce New Bill

Mr. Warner moved for the introduction of a new bill by the Appropriations Committee, Req. 1918.

The Warner motion prevailed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1259. By Appropriations Committee: Warner, 25th District, Chairperson; Carsten, 2nd District; Goodrich, 20th District; Hannibal, 4th District; L. Johnson, 15th District; Lundy, 36th District; Marsh, 29th District; Scofield, 49th District.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of civil action claims against the state; to provide how payment shall be made; and to declare an emergency.

MOTION - Suspend Rules

Mr. Warner moved to suspend the rules, Rule 3, Section 4(e) and 13 and Rule 6, Section 1, to place LB 1259 on General File.

The Warner motion to suspend the rules prevailed with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 425.

A BILL FOR AN ACT relating to bonds; to amend section 10-140, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the registration of fully registered bonds; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Baack	Eret	Hefner	Marsh	Rupp
Barrett	Goll	Hoagland	Miller	Scofield
Beyer	Goodrich	Johnson, L.	Morehead	Sieck
Carsten	Haberman	Johnson, R.	Nelson	Smith
Chizek	Hall	Johnson, V.	Nichol	Vickers
Chronister	Hannibal	Lamb	Pappas	Warner
Conway	Harris	Lundy	Peterson	Wesely
DeCamp	Hartnett	Lynch	Remmers	Withem

Voting in the negative, 0.

Present and not voting, 4:

Chambers Landis McFarland Rogers

Excused and not voting, 5:

Abboud Higgins Labedz Pirsch Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 504.

A BILL FOR AN ACT relating to crimes and punishment; to amend section 29-2262, Reissue Revised Statutes of Nebraska, 1943, and section 28-416, Revised Statutes Supplement, 1985; to require mandatory conditions on probation as prescribed; to provide an eligibility requirement for parole; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Baack	Goll	Johnson, L.	Miller	Rupp
Barrett	Goodrich	Johnson, R.	Morehead	Scofield
Beyer	Haberman	Johnson, V.	Nelson	Sieck
Carsten	Hall	Lamb	Nichol	Smith
Chizek	Hannibal	Landis	Pappas	Vickers
Chronister	Harris	Lundy	Peterson	Warner
Conway	Hartnett	Lynch	Remmers	Wesely
DeCamp	Hefner	Marsh	Rogers	Withem
Eret	Hoagland	McFarland		

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 5:

Abboud Higgins Labedz Pirsch Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 778.

A BILL FOR AN ACT relating to the Nebraska Natural Resources Commission; to amend sections 2-1503, 2-1593, 2-15,100, 2-15,103 to 2-15,106, and 2-15,108, Revised Statutes Supplement, 1984, and sections 2-1504.03 and 2-15,113, Revised Statutes Supplement, 1985; to redefine a term; to rename the Director of Natural Resources; to change provisions relating to certain powers and duties of the commission and the director; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Eret	Hoagland	Miller	Rupp
Baack	Goll	Johnson, L.	Morehead	Schmit
Barrett	Goodrich	Johnson, R.	Nelson	Scofield
Beyer	Haberman	Johnson, V.	Nichol	Sieck
Carsten	Hall	Lamb	Pappas	Smith
Chizek	Hannibal	Lundy	Peterson	Vickers
Chronister	Harris	Lynch	Remmers	Warner
Conway	Hartnett	Marsh	Rogers	Withem
DeCamp	Hefner			

Voting in the negative, 2:

Landis Wesely

Present and not voting, 2:

Chambers McFarland

Excused and not voting, 3:

Higgins Labedz Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 779.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-669.34, Reissue Revised Statutes of Nebraska, 1943; to

provide for the revocation of employment driving permits; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Abboud	Goll	Johnson, L.	McFarland	Rupp
Baack	Goodrich	Johnson, R.	Miller	Schmit
Barrett	Haberman	Johnson, V.	Morehead	Scofield
Beyer	Hall	Labeledz	Nelson	Sieck
Carsten	Hannibal	Lamb	Nichol	Smith
Chambers	Harris	Landis	Pappas	Vickers
Chizek	Hartnett	Lundy	Peterson	Warner
Chronister	Hefner	Lynch	Remmers	Wesely
Conway	Hoagland	Marsh	Rogers	Withem
Eret				

Voting in the negative, 0.

Present and not voting, 1:

DeCamp

Excused and not voting, 2:

Higgins Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 909.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-158, 8-1,130, 8-206, 8-207, 8-207.01, 8-228, 8-230, 8-318, 8-409, 8-712, 8-1111, and 8-1301, Reissue Revised Statutes of Nebraska, 1943; to change a term relating to estates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

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Voting in the affirmative, 47:

Abboud	Eret	Johnson, L.	McFarland	Rupp
Baack	Goll	Johnson, R.	Miller	Schmit
Barrett	Goodrich	Johnson, V.	Morehead	Scofield
Beyer	Haberman	Labedz	Nelson	Sieck
Carsten	Hall	Lamb	Nichol	Smith
Chambers	Hannibal	Landis	Pappas	Vickers
Chizek	Harris	Lundy	Peterson	Warner
Chronister	Hartnett	Lynch	Remmers	Wesely
Conway	Hefner	Marsh	Rogers	Withem
DeCamp	Hoagland			

Voting in the negative, 0.

Excused and not voting, 2:

Higgins Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 922.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-5001, Reissue Revised Statutes of Nebraska, 1943; to provide that matching funds for mental health treatment programs are not required in certain areas; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	DeCamp	Hefner	Lynch	Remmers
Baack	Eret	Hoagland	Marsh	Rogers
Barrett	Goll	Johnson, L.	McFarland	Rupp
Beyer	Goodrich	Johnson, R.	Miller	Schmit
Carsten	Haberman	Johnson, V.	Morehead	Scofield
Chambers	Hall	Labedz	Nelson	Sieck
Chizek	Hannibal	Lamb	Nichol	Smith
Chronister	Harris	Landis	Pappas	Vickers
Conway	Hartnett	Lundy	Peterson	Warner

Wesely Withem

Voting in the negative, 0.

Excused and not voting, 2:

Higgins Pirsch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Suspend Rules

Messrs. Warner and Conway moved to suspend Section 5 of Rule 8 to permit LB 1041 to be read on Final Reading prior to the passage of the Appropriations bills.

The motion to suspend the rules prevailed with 40 ayes, 1 nay, 6 present and not voting, and 2 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1041. With Emergency.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1205 and 2-1207, Reissue Revised Statutes of Nebraska, 1943, and section 2-1208.01, Revised Statutes Supplement, 1985; to define terms; to create a fund; to provide for the distribution of percentages of the receipts from exotic wagers as prescribed; to eliminate obsolete language; to change provisions relating to deductions from amounts wagered; to change the tax on parimutuel wagering; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud	Beyer	Chronister	Eret	Haberman
Baack	Carsten	Conway	Goll	Hall
Barrett	Chizek	DeCamp	Goodrich	Hannibal

Harris	Johnson, V.	Marsh	Peterson	Sieck
Hartnett	Labedz	McFarland	Remmers	Smith
Hefner	Lamb	Miller	Rogers	Vickers
Hoagland	Landis	Morehead	Rupp	Warner
Johnson, L.	Lundy	Nelson	Schmit	Wesely
Johnson, R.	Lynch	Pappas	Scofield	

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Nichol Withem

Excused and not voting, 2:

Higgins Pirsch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1041A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1041, Eighty-ninth Legislature, Second Session, 1986; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 41:

Abboud	Eret	Hoagland	Lynch	Remmers
Baack	Goll	Johnson, L.	Marsh	Rogers
Barrett	Haberman	Johnson, R.	McFarland	Rupp
Beyer	Hall	Johnson, V.	Miller	Scofield
Carsten	Hannibal	Labedz	Morehead	Sieck
Chizek	Harris	Lamb	Nelson	Smith
Chronister	Hartnett	Landis	Pappas	Wesely
Conway	Hefner	Lundy	Peterson	Withem
DeCamp				

Voting in the negative, 1:

Chambers

Present and not voting, 5:

Goodrich Nichol Schmit Vickers Warner

Excused and not voting, 2:

Higgins Pirsch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 997 to Select File

Mr. Hartnett moved to return LB 997 to Select File for the following specific amendment:

AM2645

(Amendments to Final Reading Copy)

- 1 1. On page 2, line 8, after the second
- 2 semicolon insert "to establish procedures and provide
- 3 for removal from an educational service unit;".
- 4 2. Insert the following new section:
- 5 "Sec. 19. Commencing June 1, 1987, any school
- 6 district may, by a majority vote of the local board of
- 7 education, decide to remove itself from the educational
- 8 service unit of which it is a member under section
- 9 79-2202. Such election shall be communicated to the
- 10 educational service unit not later than February 1 and
- 11 shall become effective on the last day of the current
- 12 fiscal year of the educational service unit, except that
- 13 an election communicated after June 1, 1987, and before
- 14 June 30, 1987, shall become effective the last day of
- 15 the educational service unit's fiscal year. After the
- 16 effective date of the election: (1) The property within
- 17 the school district shall be exempt from taxes levied
- 18 for the education service unit under section 79-2210,
- 19 and (2) the school district shall only be obligated for
- 20 its proportionate share of the indebtedness incurred by
- 1 the educational service unit prior to the date of the
- 2 election and for contractual commitments between the
- 3 educational service unit and the school district.".

- 4 3. Renumber the remaining sections
5 accordingly.

Mr. Vickers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmit moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. Hartnett moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The Hartnett motion to return prevailed with 25 ayes, 11 nays, 11 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

SELECT FILE

LEGISLATIVE BILL 997. The Hartnett specific amendment, AM2645, found in this day's Journal was considered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?"

Mr. Schmit moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Schmit requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 23:

Abboud	DeCamp	Hefner	Marsh	Pappas
Beyer	Goodrich	Hoagland	McFarland	Pirsch
Carsten	Haberman	Lamb	Miller	Schmit
Chizek	Hall	Landis	Nichol	Wesely
Chronister	Hartnett	Lundy		

Voting in the negative, 19:

Baack	Goll	Johnson, R.	Remmers	Smith
Barrett	Hannibal	Morehead	Rogers	Warner
Conway	Harris	Nelson	Rupp	Withem
Eret	Johnson, L.	Peterson	Sieck	

Present and not voting, 2:

Chambers Scofield

Absent and not voting, 3:

Johnson, V. Labedz Lynch

Excused and not voting, 2:

Higgins Vickers

The motion to cease debate lost with 23 ayes, 19 nays, 2 present and not voting, 3 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills and resolution: 425, 504, 778, 779, 909, 922, 1041, 1041A, and LR 384.

SELECT FILE

LEGISLATIVE BILL 997. The Hartnett specific amendment, AM2645, found in this day's Journal was renewed.

Mr. Lundy moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Hartnett moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

The Hartnett specific amendment, AM2645, was adopted with 28 ayes, 19 nays, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

The Chair declared the call raised.

MOTION - Return LB 997 to Select File

Mr. Baack moved to return LB 997 to Select File for the following specific amendment:

AM2765

(Amendments to Final Reading Copy)

- 1 1. On page 28, strike beginning with
2 “representative” in line 4 through “state” in line 5;
3 strike beginning with the comma in line 9 through the
4 second “four” in line 10 and insert “. Four of such
5 members”; in line 11 strike “. One of the appointed
6 senators” and insert “, one of whom”; in line 13 insert
7 after the period “Four members shall be appointed from
8 the general public, one chosen from the state at large
9 and the remaining chosen from each congressional
10 district.”.
- 11 2. Insert the following new sections:
12 “Sec. 19. If any section in this act or any
13 part of any section shall be declared invalid or
14 unconstitutional, such declaration shall not affect the
15 validity or constitutionality of the remaining portions
16 thereof.
- 17 Sec. 21. Since an emergency exists, this act
18 shall be in full force and take effect, from and after
19 its passage and approval, according to law.”.
- 20 3. On page 2, line 9, strike “and” and insert
1 “to provide severability;” and in line 10 after
2 “sections” insert “; and to declare an emergency”.
- 3 4. Renumber remaining section.

The Baack motion to return prevailed with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 997. The Baack specific amendment, AM2765, found in this day's Journal was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 880 in the Journal. No objections. So ordered.

AM2720

(Amendments to AM2006)

- 1 1. Insert the following new section:
- 2 "Sec. 3. Nothing in section 1 or 2 of this
- 3 act shall create any liability which would not otherwise
- 4 exist."

Mr. DeCamp asked unanimous consent to print the following amendment to LB 880 in the Journal. No objections. So ordered.

AM2721

(Amendments to the Standing Committee amendments)

- 1 1. Strike original amendment 1 and insert:
- 2 "1. Strike the original sections and insert
- 3 the following new sections:
- 4 'Section 1. As used in section 2 of this act,
- 5 unless the context otherwise requires:
- 6 (1) Economic damages shall mean all damages
- 7 other than noneconomic damages which are allowed or
- 8 awarded in any court of this state and a federal court
- 9 applying Nebraska law. Economic damages include, but
- 10 are not limited to, all medical expenses, rehabilitative
- 11 services; lost wages, lost income, impairment of earning
- 12 capacity and loss of economic opportunity; present net
- 13 cash value of work life expectancy, and funeral and
- 14 related expenses; loss of use of personal and real
- 15 property, diminishment of property value, expenses for
- 16 repair or replacement, depreciation of personal and real
- 17 properties, and replacement value; professional fees;
- 18 and lost interest; and
- 19 (2) Noneconomic damages shall mean all damages
- 20 allowed or awarded in a civil action in a court of this
- 1 state and in a federal court applying Nebraska law,
- 2 which do not directly represent economic or financial
- 3 losses which have been incurred or will be incurred by
- 4 the plaintiff in the future. Noneconomic damages
- 5 include, but are not limited to, damages for past,
- 6 present, and future pain and suffering; mental anxiety,
- 7 worry and stress; inconvenience; loss of consortium;
- 8 embarrassment and humiliation; loss of love, society,
- 9 and companionship; and loss of enjoyment of use.
- 10 Sec. 2. (1) In any civil action, the maximum
- 11 amount of the total or aggregate of noneconomic damages
- 12 which may be allowed to a plaintiff shall not exceed the

13 lesser of the following amounts:

14 (a) Three times the economic damages which the
15 court or jury awards to such plaintiff; or

16 (b) Two hundred fifty thousand dollars.

17 The court shall not restrict a jury in the
18 amount of its award nor shall the jury be advised that
19 noneconomic damages are limited to two hundred fifty
20 thousand dollars, but the court shall reduce any verdict
21 for noneconomic damages to three times the economic
22 damages or two hundred fifty thousand dollars, whichever
23 is applicable.

24 (2) The trier of fact shall, as a part of the
1 verdict, be required to itemize the amounts awarded into
2 economic and noneconomic damages.

3 (3) The limitations prescribed in this section
4 shall not apply to causes of action arising under the
5 Political Subdivisions Tort Claims Act or the Nebraska
6 Hospital Medical-Liability Act.

7 Sec. 3. Nothing in section 1 or 2 of this act
8 shall create any liability which would not otherwise
9 exist.

10 Sec. 4. This act shall be operative for all
11 causes of action accruing on or after January 1,
12 1987.'".

NOTICE OF COMMITTEE HEARINGS

Business and Labor

Governor Appointment Wednesday, April 9, 1986 12:30 P.M.

David J. Cullan - Commission of Industrial Relations

State Labor Contracts Wednesday, April 9, 1986 12:30 P.M.

(Signed) Bill Barrett, Chairperson

Education

Govenor Appointment Wednesday, April 9, 1986 1:00 P.M.

Brenda Warren - Board of Educational Lands and Funds

(Signed) Tom Vickers, Chairperson

EXPLANATION OF VOTE

Had I been present, I would have voted yes on LB 425 and LB 504.

(Signed) Chris Abboud

RESOLUTIONS

LEGISLATIVE RESOLUTION 389.

Introduced by Withem, 14th District.

PURPOSE: The purpose of this resolution is to study the funding of public school education in the State of Nebraska. Because public school education is a valuable and necessary resource, the Legislature needs to study the current state aid to education formula which has been employed since 1967. The study shall include, but not be limited to, an examination of the state's role in distributing its resources to provide an opportunity for all students to receive an equal education and have equal access to financial resources.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a Select committee be appointed by the Executive Board of the Legislature to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 390.

Introduced by Urban Affairs Committee: Withem, 14th District, Chairperson.

PURPOSE: The purpose of this resolution is to investigate problems unique to Nebraska municipalities and sanitary and improvement districts. Because Nebraska municipalities range in population from two to over three hundred thousand inhabitants and vary from rural agricultural villages to a metropolitan center linked by suburbs, the needs and problems which these municipalities confront are unique to each based on such diverse conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 391.

Introduced by Withem, 14th District.

PURPOSE: The purpose of this resolution is to ascertain the need, if any, for additional judicial resources in the separate juvenile courts of Nebraska or other changes needed, to improve the operation of the separate juvenile courts in this state. To implement this study, the Executive Board shall appoint a special task force to be known as the Separate Juvenile Court Study Commission to undertake the study. Such special task force shall consist of nine members as follows: (a) A county attorney; (b) an attorney with juvenile court experience; (c) a judge with juvenile court experience; (d) two members of the Legislature; (e) a mental health professional with experience in child welfare cases; (f) a representative from the public schools; and (g) two members of the general public. Such study shall include, but not be limited to, an investigation of the following:

(1) The number of cases processed by each of the separate juvenile courts during the past five years;

(2) The average amounts of time cases are pending;

(3) The frequency and length of hearings conducted in each case;

(4) The length of time children are held in detention, in temporary foster care, or in other circumstances against their will or that of a parent before a hearing is conducted on the merits of the case;

(5) Whether the cases are processed with adequate thoroughness and judicial attention;

(6) Whether the implementation of or changes in case progression standards are necessary to protect the interests of the children involved; and

(7) Other areas the task force deems necessary to accomplish the purposes of this study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Separate Juvenile Court Study Commission be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the legal counsel for the Judiciary Committee be designated as a staff member to the Separate Juvenile Court Study Commission.

3. That the Separate Juvenile Court Study Commission shall, upon the conclusion of its study, make a report of its findings, together with its recommendations, to the Legislative Council or Legislature by December 1, 1986.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 392.

Introduced by Nebraska Retirement Systems Committee: Harris, 27th District, Chairperson.

PURPOSE: The Nebraska Retirement Systems Committee shall review the general principles of sound retirement planning in view of recent changes in state and federal laws.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 393.

Introduced by Scofield, 49th District; Landis, 46th District; Smith, 33rd District; Marsh, 29th District; Barrett, 39th District; Chambers, 11th District; Morehead, 30th District; Nelson, 35th District; V. Johnson, 8th District.

WHEREAS, there is an increasing national awareness of the need to address government policies and programs that affect children;

WHEREAS, government policies and programs that affect children have been implemented on an ad hoc basis, without clear, purposeful, overall design;

WHEREAS, children are now by a wide margin the most impoverished age group in the nation.

NOW, THEREFORE, BE IT RESOLVED BY THE SECOND SESSION OF THE EIGHTY-NINTH NEBRASKA LEGISLATURE:

1. That the Executive Board establish a select interim committee on Children's Programs;
2. That staff resources to the select committee be coordinated by the Legislative Research Division;
3. That the select committee inventory federal and state government policies and programs in Nebraska that deal with the concerns and needs of children;
4. That the select committee develop public policy options and strategies for addressing the needs of children; and
5. That the select committee report its findings and recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

STANDING COMMITTEE REPORT

Revenue

LEGISLATIVE BILL 1258. Placed on General File as amended.
Standing Committee amendment to LB 1258:

AM2689

- | | |
|---|--|
| 1 | 1. On page 6, strike lines 11 through 15 and |
| 2 | insert “ |
| 3 | <u>0 through 15,000</u> <u>100</u> |
| 4 | <u>15,001 through 16,000</u> <u>80</u> |
| 5 | <u>16,001 through 17,000</u> <u>60</u> |
| 6 | <u>17,001 through 18,000</u> <u>40</u> |
| 7 | <u>18,001 through 19,000</u> <u>20”.</u> |

(Signed) Vard R. Johnson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 190. Title read. Considered.

Messrs. Lynch, Abboud, DeCamp, Landis, Mesdames Labedz, and Morehead asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. V. Johnson and Warner withdrew their pending amendment, AM1058, found in the Journal on page 1686, First Session.

Mr. Warner withdrew his pending amendment, AM1185, found in the Journal on page 1907, First Session.

Mr. Lynch withdrew his pending amendment, AM1225, found in the Journal on page 1973, First Session.

Mr. Vickers withdrew his pending amendment, AM1130, found in the Journal on page 1974, First Session.

Mr. Chronister renewed his pending amendment, AM2478, found in the Journal on page 1435.

Mr. Baack asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chronister moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Chronister requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Chizek	Hall	Labeledz	Miller	Schmit
Chronister	Hartnett	Landis	Nelson	Sieck
DeCamp	Hefner	Lynch	Pirsch	Smith
Eret	Hoagland	Marsh	Remmers	Vickers
Goodrich	Johnson, R.	McFarland	Rogers	Withem

Voting in the negative, 16:

Beyer	Haberman	Johnson, V.	Nichol	Rupp
Carsten	Hannibal	Lamb	Pappas	Warner
Conway	Johnson, L.	Lundy	Peterson	Wesely
Goll				

Present and not voting, 1:

Harris

Absent and not voting, 2:

Chambers Scofield

Excused and not voting, 5:

Abboud Baack Barrett Higgins Morehead

The Chronister amendment was adopted with 25 ayes, 16 nays, 1 present and not voting, 2 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Warner moved to indefinitely postpone LB 190.

Messrs. Chizek, Hall, and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

The Warner motion to indefinitely postpone prevailed with 19 ayes, 16 nays, 9 present and not voting, and 5 excused and not voting.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of March 26, 1986. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
 Clerk of the Legislature

Castellano, Peter A. - Lincoln, Lombardi, Richard
Crosby, Guenzel, Davis, Kessner & Kuester
Crosby, Robert B. - Lincoln, Burlington Northern Railroad
 (Withdrawn 86/03/21)
Orton, Leroy W. - Lincoln, Teleconnect Company
Hoven, Stephen B. - St. Louis, MO., (Withdrawn 86/02/15), Ozark
Air Lines (Withdrawn 86/02/15)
Robotham, Geno - Pleasant Dale (Withdrawn 86/01/01), Abate of
Nebraska, Inc. (Withdrawn 86/01/01)

Sullivan, Mort - Omaha, (Withdrawn 85/06/06), Mort Associates, Ltd. (Withdrawn 85/06/06)

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 27, 1986, at 10:55 a.m., were the following bills: 425, 504, 778, 779, 909, 922, 1041, and 1041A.

(Signed) Pam Moravec, Enrolling Clerk

UNANIMOUS CONSENT - Unbracket LB 603

Mr. Schmit asked unanimous consent to unbracket LB 603. No objections. So ordered.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 1251. Placed on Select File as amended.
E & R amendments to LB 1251:
AM5397

- 1 1. On page 1, lines 4 to 5, strike "to
- 2 provide severability;".
- 3 2. On page 13, line 13; page 32, line 19;
- 4 page 41, line 2; page 50, line 24; page 73, line 19;
- 5 page 76, line 23; page 86, line 14; and page 107, line
- 6 15, strike "Office" and insert "Analyst".
- 7 3. On page 13, lines 24 to 25, strike "State
- 8 Social Security Bureau" and insert "social security
- 9 administration bureau".
- 10 4. On page 15, line 16, after "the" insert
- 11 "Nebraska"; and in line 17 after "Tuition" insert
- 12 "Assistance".
- 13 5. On page 22, line 20, after "and" insert
- 14 "Board of".
- 15 6. On page 29, line 18, before "Poultry"
- 16 insert "Nebraska".
- 17 7. On page 32, line 24, strike "4" and insert
- 18 "7".
- 19 8. On page 69, line 12, strike "Trust"; and
- 20 after line 17 insert the following:
- 21 "(3) On and after the effective date of
- 1 Legislative Bill 811, Eighty-ninth Legislature, Second
- 2 Session, 1986, wherever the terms Nebraska Workmen's
- 3 Compensation Court, Workmen's Compensation Adjudication

4 and Administration, Nebraska Workmen's Compensation
5 Court Cash Fund, and Workmen's Compensation Claims Fund
6 appear in this legislative bill, they shall be construed
7 to mean the Nebraska Workers' Compensation Court,
8 Workers' Compensation Adjudication and Administration,
9 Nebraska Workers' Compensation Court Cash Fund, and
10 Workers' Compensation Claims Fund, respectively.”.

11 9. On page 70, line 1, before “Commission”
12 insert “Nebraska”.

13 10. On page 74, line 11, strike “Television”
14 and insert “Telecommunications”; and in line 16 strike
15 “State Social Security Bureau” and insert “social
16 security administration bureau”.

17 11. On page 88, line 9, after
18 “Transportation” insert a comma.

19 12. On page 94, line 17; and page 105 lines
20 11 to 12, strike “State Budget Administrator” and insert
21 “budget administrator”.

22 13. On page 99, lines 6, 7, 19, and 20,
23 strike the comma; and in line 8 strike the first comma.

24 14. On page 100, line 14, after the first
1 “the” insert “Department of” and strike “Operations” and
2 insert “Operation”.

3 15. On page 102, line 7, after “Processing”
4 insert “Division”.

5 16. On page 105, line 10, strike “State”.

6 17. On page 110, line 6, after “Center”
7 insert a comma; and in line 8 before the period insert
8 “from the General Fund”.

9 18. On page 120, line 11, after “Nebraska”
10 insert “Political”.

11 19. On page 121, lines 14 to 15, strike
12 “State Claims Administrator” and insert “Risk Manager”.

13 20. On page 122, line 20, after “the” insert
14 “Nebraska”.

15 21. On page 123, line 7, strike “Barbers” and
16 insert “Barber Examiners”.

17 22. On page 124, line 2, after “44-1620.01”
18 insert a comma.

19 23. On page 130, line 21, strike the second
20 “Board”; and in lines 22 and 24 strike “Cash”.

21 24. On page 133, line 4, after the colon
22 insert “Nebraska State Patrol”; in line 5 after the
23 first comma insert “Nebraska State Patrol”; and in line
24 11 strike “Bureau”.

- 1 25. On page 135, line 1, strike beginning
- 2 with "Original" through "Future".
- 3 26. On page 135, line 25; and page 146, line
- 4 11, strike "of".
- 5 27. On page 138, line 24, after "Banking"
- 6 insert "and Finance".
- 7 28. On page 141, line 15, strike "Judges"; in
- 8 line 16 after the first "Fund" insert "for Judges"; and
- 9 in line 19 strike "Future Judges Retirement Fund,".
- 10 29. On page 148, line 5, after "Commission"
- 11 insert ", Nebraska".
- 12 30. On page 149, line 13, strike "and
- 13 Parole"; and after line 13 insert:
- 14 "Parole, Board of 12".

LEGISLATIVE BILL 1252. Placed on Select File as amended.
 E & R amendments to LB 1252:
 AM5399

- 1 1. On page 1, line 4, after the semicolon
- 2 insert "to provide for the transfer of certain funds;".
- 3 2. On page 4, lines 6 and 10, strike
- 4 "Operations" and insert "Operation".
- 5 3. On page 5, line 6, strike "Cash".
- 6 4. On page 6, line 10, after "access" insert
- 7 "sites".
- 8 5. On page 12, line 19, strike "cover" and
- 9 insert "covers".
- 10 6. On page 15, line 3, after "for" insert
- 11 "the"; and in line 4 after "and" insert "the".
- 12 7. On page 16, line 5, after "exceed" insert
- 13 a comma; in line 16 after "\$65,000" insert a comma; in
- 14 line 21 after "Services" insert a comma; and in line 22
- 15 strike "Social Security".
- 16 8. On page 17, line 19, strike "Funds" and
- 17 insert "Fund".
- 18 9. On page 18, line 20, before "Department"
- 19 insert "State".
- 20 10. On page 19, line 8, strike ", is" and
- 21 insert "are"; and in line 15 strike "Television" and
- 1 insert "Telecommunications".
- 2 11. On page 20, line 9, after "University"
- 3 insert "of Nebraska"; and in line 18 strike the period
- 4 and insert a semicolon.

LEGISLATIVE BILL 1253. Placed on Select File as amended.

E & R amendment to LB 1253:

AM5398

- 1 1. On page 1, strike beginning with "to" in
- 2 line 3 through the semicolon in line 4 and insert "to
- 3 change provisions relating to the liability for payment
- 4 of medical services; to delete obsolete language;".

LEGISLATIVE BILL 1254. Placed on Select File.

LEGISLATIVE BILL 840. Placed on Select File.

LEGISLATIVE BILL 841. Placed on Select File.

(Signed) Timothy Hall, Chairperson

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Lynch asked unanimous consent to have his name added as co-introducer to the Chronister amendment, AM2478, found in the Journal on page 1435 to LB 190. No objections. So ordered.

Mr. Hoagland asked unanimous consent to have his name added as co-introducer to the Chronister amendment, AM2478, found in the Journal on page 1435 to LB 190. No objections. So ordered.

VISITORS

Visitors to the Chamber were 20 fourth grade students and teacher from St. Edward Public School; Senator Rogers' daughters, Mrs. Dean Meyer and daughter, Michelle, and Mrs. Steve Stratman and son, Carson; 50 fourth grade students and teacher from Holmes Elementary, Lincoln; fourth grade students, teacher, and sponsors from Shelby; 34 4-H participants and sponsors from the Omaha area; and 15 seniors from Orchard High School.

RECESS

Mr. Nichol moved to recess until 1:00 p.m. The motion prevailed with 13 ayes, 6 nays, and 30 not voting, and at 12:00 noon, on a motion by Mr. Nichol, the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Mr. Haberman and Mrs. Higgins who were excused; and Messrs. Abboud, Chambers, McFarland, Schmit, and Mrs. Labedz who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 807. Considered.

Mr. Vickers renewed his pending amendment, AM2723, found in the Journal on page 1697.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mr. Vickers moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Vickers requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Abboud	Conway	Labedz	Pappas	Vickers
Beyer	Eret	Landis	Rogers	Wesely
Chambers	Harris	McFarland	Schmit	Withem
Chizek	Hoagland	Nelson	Scofield	

Voting in the negative, 25:

Barrett	Goodrich	Johnson, R.	Marsh	Remmers
Carsten	Hall	Johnson, V.	Miller	Rupp
Chronister	Hannibal	Lamb	Nichol	Sieck
DeCamp	Hefner	Lundy	Peterson	Smith
Goll	Johnson, L.	Lynch	Pirsch	Warner

Present and not voting, 3:

Baack	Hartnett	Morehead
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Excused and not voting, 2:

Haberman	Higgins
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The Vickers amendment lost with 19 ayes, 25 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Ms. Scofield offered the following amendment:

AM2771

- 1 1. Insert the following new section:
- 2 “Section 1. Upon receipt of a written
- 3 complaint from a member of the public regarding unsafe
- 4 railroad operations or practices which unreasonably
- 5 hinder public convenience or any significant aspect of
- 6 Nebraska’s economy, the Public Service Commission may
- 7 investigate the complaint and, if in its judgment it is
- 8 warranted, hold a public hearing. If after such public
- 9 hearing the Public Service Commission finds that the
- 10 complaints justify regulatory action, the Public Service
- 11 Commission shall issue orders to require manned cabooses
- 12 as the Public Service Commission considers necessary.”.
- 13 2. Renumber the remaining section
- 14 accordingly.

Mr. DeCamp moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 27 ayes, 8 nays, and 14 not voting.

MR. CARSTEN PRESIDING

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Ms. Scofield moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Ms. Scofield requested a roll call vote on her amendment.

Voting in the affirmative, 23:

Abboud	Conway	Labeledz	Nelson	Scofield
Baack	Eret	Landis	Pappas	Vickers
Beyer	Harris	McFarland	Rogers	Wesely
Chambers	Hartnett	Miller	Schmit	Withem
Chizek	Hoagland	Morehead		

Voting in the negative, 23:

Barrett	Goodrich	Johnson, R.	Marsh	Rupp
Carsten	Hall	Johnson, V.	Peterson	Sieck
Chronister	Hannibal	Lamb	Pirsch	Smith
DeCamp	Hefner	Lundy	Remmers	Warner
Goll	Johnson, L.	Lynch		

Excused and not voting, 3:

Haberman Higgins Nichol

The Scofield amendment lost with 23 ayes, 23 nays, and 3 excused and not voting.

Mr. Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

Mr. Pappas requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 30:

Abboud	Goll	Johnson, L.	Marsh	Rupp
Baack	Goodrich	Johnson, R.	Miller	Schmit
Barrett	Hall	Johnson, V.	Nichol	Sieck
Carsten	Hannibal	Lamb	Peterson	Smith
Chronister	Hartnett	Lundy	Pirsch	Warner
DeCamp	Hefner	Lynch	Remmers	Withem

Voting in the negative, 17:

Beyer	Eret	Landis	Nelson	Scofield
Chambers	Harris	McFarland	Pappas	Vickers
Chizek	Hoagland	Morehead	Rogers	Wesely
Conway	Labeledz			

Excused and not voting, 2:

Haberman Higgins

Advanced to E & R for Review with 30 ayes, 17 nays, and 2 excused and not voting.

The Chair declared the call raised.

Messrs. Lamb and Baack asked unanimous consent to be excused.
No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 842. Placed on Select File as amended.
E & R amendments to LB 842:

AM5404

- 1 1. In the Standing Committee amendments,
2 AM2451, adopted March 25, 1986, on page 1, line 3,
3 strike beginning with "after" through the second "and";
4 in line 4 before "any" insert "or an equal priority to";
5 in line 13 strike "the payment"; and in line 14 strike
6 the first "of".
- 7 2. On page 1, line 8, strike "to change the
8 cigarette tax;"; and in line 13 strike "funds" and
9 insert "a fund;".
- 10 3. On page 5, lines 1 to 2, strike "the
11 provisions of" and show as stricken; in line 15
12 reinstate the stricken "and", and strike the underscored
13 comma and insert "and"; and in line 16 strike the
14 underscored comma.
- 15 4. On page 6, line 2, strike "through either"
16 and insert "either through".
- 17 5. On page 7, line 5, after the second "the"
18 insert "cigarette" and strike "herein"; and in line 6
19 strike "authorized".
- 20 6. On page 8, line 15, strike "the provisions
21 of" and show as stricken; and in line 19 strike "this"
1 and insert "the".
- 2 7. On page 9, line 7, strike "Nebraska-Omaha"
3 and insert "Nebraska at Omaha"; and in line 9 after the
4 second "costs" insert an underscored comma.
- 5 8. On page 12, lines 11 and 12, strike the
6 comma and insert "and"; and in line 22 strike the second
7 comma and show as stricken.

LEGISLATIVE BILL 851. Placed on Select File as amended.
E & R amendments to LB 851:

AM5400

- 1 1. In the Goll amendment, AM2596, adopted
2 March 25, 1986:
 - 3 a. On page 1, line 2, strike "6" and insert
4 "7"; and

- 5 b. On page 2, strike beginning with "20" in
6 line 20 through "line" in line 21.
- 7 2. In the Standing Committee amendments,
8 AM2513, adopted March 25, 1986:
- 9 a. On page 1, line 11, strike both commas and
10 show the old one as stricken; in line 12 strike the
11 first "in" and show as stricken; and in line 13 strike
12 the comma and show as stricken;
- 13 b. On page 3, line 2, strike the second comma
14 and show as stricken; and
- 15 c. On page 4, line 11, strike "department",
16 show as stricken, and insert "Department of Motor
17 Vehicles".
- 18 3. On page 1, line 2, after the first comma
19 insert "60-106," and after the second comma insert
20 "60-117, "; in line 3 strike "and" and after the second
21 comma insert "and 81-2007, "; in line 6 after the
1 semicolon insert "to require reports and records as
2 prescribed, "; in line 9 after the semicolon insert "to
3 change provisions relating to the disposition of certain
4 fees; to provide additional violations; to define terms;
5 to eliminate definitions; to provide for the use of
6 funds; to change provisions relating to uniforms, "; and
7 in line 14 strike "an".
- 8 4. On page 2, line 1, strike "date" and
9 insert "dates".
- 10 5. On page 3, line 8, after the period insert
11 "All money in the Title Security and Vehicle Theft
12 Prevention Fund on June 30, 1986, shall be transferred
13 to the Nebraska State Patrol Cash Fund."
- 14 6. On page 4, line 18, strike "thereof" and
15 insert "of the fund".
- 16 7. On page 5, line 8, strike "Office" and
17 insert "Analyst"; in line 13 after "duties" insert
18 "specified"; and in line 15 strike "agency" and after
19 "personnel" insert "of the patrol".
- 20 8. On page 6, line 7, strike beginning with
21 "created" through "act"; and in lines 20 and 25 strike
22 the comma and show as stricken.
- 23 9. On page 7, line 4, strike "state" and show
24 as stricken; and in line 18 strike beginning with
1 "created" through the period, show the old matter as
2 stricken, and insert an underscored period.
- 3 10. On page 8, line 4, strike "60-106 and"
4 and show as stricken; strike beginning with the first

- 5 "Department" in line 7 through "(3)" in line 11 and show
 6 as stricken; in line 13 strike "(4)" and insert "(2)";
 7 in line 15 strike "(5)" and insert "(3)"; and in line 23
 8 strike the comma.
- 9 11. On page 9, line 2, strike the second
 10 comma and show as stricken.
- 11 12. Strike original section 8 and renumber
 12 the remaining sections accordingly.
- 13 13. On page 11, lines 5 and 7, strike the
 14 comma, show as stricken, and insert an underscored
 15 semicolon.

LEGISLATIVE BILL 851A. Placed on Select File as amended.
 E & R amendment to LB 851A:

AM5401

- 1 1. On page 2, lines 3 and 5, strike "Board
 2 Cash".

LEGISLATIVE BILL 853. Placed on Select File.

LEGISLATIVE BILL 1001. Placed on Select File as amended.
 E & R amendments to LB 1001:

AM5402

- 1 1. In the Standing Committee amendments,
 2 AM2237, adopted March 25, 1986, on page 1, line 14,
 3 strike "This" and insert "The".
- 4 2. On page 1, line 2, after "81-2,165" insert
 5 ", 81-2,166"; in line 10 strike "and" and insert "to
 6 provide an operative date;"; and in line 13 after "1943"
 7 insert "; and to declare an emergency".
- 8 3. On page 6, line 20, strike the third comma
 9 and show as stricken.
- 10 4. On page 8, line 4, after "and" insert
 11 "to".
- 12 5. On page 9, line 3, after "pest" insert an
 13 underscored comma; and in line 23, strike ", queen
 14 nuclei," and show as stricken.
- 15 6. On page 10, line 20, strike "Where", show
 16 as stricken, and insert "When"; and in line 25 strike
 17 "where", show as stricken, and insert "when".
- 18 7. On page 11, line 25, after "and" insert
 19 "may".
- 20 8. On page 12, line 23, after the second
 21 "the" insert "colony"; in line 24, after "package"
 1 insert ", queen bee," and strike "nuclei", show as

2 stricken, and insert "nucleus".

3 9. On page 14, line 2, strike "shall
4 receive", show as stricken, and insert "receives"; and
5 in line 9 after "state" insert an underscored comma.

6 10. On page 15, lines 17 and 19; page 16,
7 line 20; and page 17, lines 2 and 9, strike "must", show
8 as stricken, and insert "shall".

9 11. On page 15, line 24, strike the third
10 comma and show as stricken.

11 12. On page 17, line 10, strike the new
12 matter and reinstate the stricken matter.

13 13. On page 19, line 17, strike the comma and
14 show as stricken.

15 14. On page 23, line 14, after "81-2,165"
16 insert ", 81-2,166".

LEGISLATIVE BILL 1001A. Placed on Select File.

LEGISLATIVE BILL 965. Placed on Select File as amended.

E & R amendments to LB 965:

AM5405

1 1. In the Standing Committee amendments,
2 AM2256, adopted March 17, 1986:

3 a. On page 1, line 8; page 5, line 22; and
4 page 15, line 6, strike "Federal";

5 b. On page 3, line 2, strike "Department of
6 Economic Development" and insert "department"; in line
7 13 after "out" insert "sections 1 to 20 of"; and in line
8 15 strike "Economic Development Commission" and insert
9 "commission";

10 c. On page 6, line 14, strike ", each of
11 whom" and insert "who";

12 d. On page 7, line 6, strike "of";

13 e. On page 8, line 18, after "programs"
14 insert "impact";

15 f. On page 9, line 8, strike the first comma
16 and insert "and";

17 g. On page 10, line 18, strike "to";

18 h. On page 11, line 7, after the second comma
19 insert "and"; and in line 12 before "and" insert an
20 underscored comma;

21 i. On page 12, line 10, strike "these" and
1 insert "such"; in line 12 after "Development" insert
2 "Authority"; and in line 23 after "Administration"
3 insert "of the federal government";

- 4 j. On page 13, line 14, strike "government"
5 insert "governmental"; and
6 k. On page 15, line 6, strike the comma.
7 2. On page 1, strike beginning with "81-1226"
8 in line 1 through line 12 and insert "81-102,
9 81-1120.01, 81-1120.02, 81-1120.18, and 81-1120.23,
10 Revised Statutes Supplement, 1984; to define terms; to
11 change provisions relating to the Department of Economic
12 Development and the office of the Director of Economic
13 Development; to create the Economic Development
14 Commission; to provide powers and duties; to create
15 divisions, advisory committees, and a program; to create
16 a fund; to change provisions relating to the division of
17 communications; to eliminate the Nebraska Economic
18 Development Committee and the Telecommunications and
19 Information Center; and to repeal the original sections,
20 and also sections 81-1226, 81-1227, and 81-1229 to
21 81-1243, Reissue Revised Statutes of Nebraska, 1943, and
22 sections 81-1120.29 to 81-1120.31 and 81-1228, Revised
23 Statutes Supplement, 1984."

LEGISLATIVE BILL 956. Placed on Select File as amended.
E & R amendments to LB 956:
AM5406

- 1 1. In the Standing Committee amendments,
2 AM2296, adopted March 17, 1986:
3 a. On page 4, line 17, strike "is not" and
4 insert "shall not be"; and in line 18 strike "has" and
5 insert "shall have";
6 b. On page 5, line 8 strike "renders" and
7 insert "shall render"; in line 13 strike "is" and insert
8 "shall be"; and in line 16 strike "are" and insert
9 "shall be"; and
10 c. On page 8, lines 8 to 9, strike "sections
11 42-901 to 42-927", show as stricken, and insert "the
12 Protection from Domestic Abuse Act".
13 2. On page 1, strike beginning with "by" in
14 line 1 through line 6 and insert "; to amend section
15 29-2262, Reissue Revised Statutes of Nebraska, 1943; to
16 authorize orders of restitution as prescribed; to
17 provide powers and duties; to harmonize provisions; and
18 to repeal the original section."

(Signed) Timothy Hall, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 31 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2710.)

Mr. Warner asked unanimous consent to print the following amendment to LB 1251 in the Journal. No objections. So ordered.

AM2754

- 1 1. Purpose: To increase the salary limit for
2 the Supreme Court.
3 Amendment: On page 6, line 5, strike "10,602,015" and
4 insert "11,602,015".
5 2. Purpose: To increase the salary limit for
6 the Uniform Commercial Code Division of the office of
7 the Secretary of State.
8 Amendment: On page 9, line 6, strike "108,238" and
9 insert "142,743".
10 3. Purpose: Reappropriate unexpended funds
11 provided in the deficiency bill for a data processing
12 system for teacher certification.
13 Amendment: On page 20, after line 16, insert the
14 following:
15 "The unexpended cash fund balance existing on
16 June 30, 1986, from funds appropriated in Legislative
17 Bill 839, Eighty-ninth Legislature, Second Session,
18 1986, to complete the development of a data processing
19 system for teacher certification, is hereby
20 reappropriated for such purpose."
21 4. Purpose: To increase the salary limit for
1 the Department of Insurance, Agency 22, Program 555, to
2 allow for reclassification of two positions.
3 Amendment: On page 36, line 14, strike "547,069" and
4 insert "556,469".
5 5. Purpose: To increase the salary limit of
6 the Veterans' Homes to reflect additional staff at
7 Scottsbluff.
8 Amendment: On page 49, line 15, strike "9,830,646" and
9 insert "10,172,038".
10 6. Purpose: To remove intent language
11 directing the Department of Social Services to transfer
12 federal funds to the Attorney General for child support

13 enforcement activities. The Attorney General may
14 contract with the Department of Social Services to carry
15 out these activities.

16 Amendment: On page 51, strike lines 17 through 25; and
17 on page 52, strike lines 1 and 2.

18 7. Purpose: To increase the federal fund
19 estimated appropriation for Agency 31-Military
20 Department.

21 Amendment: On page 61, line 11, strike "420,693" and
22 insert "908,501"; and in line 12, strike "742,109" and
23 insert "1,229,917".

24 8. Purpose: To increase the salary limit for
1 the Nebraska Coordinating Commission for Postsecondary
2 Education to provide a bonus for the interim director.

3 Amendment: On page 75, line 21, strike "45,219" and
4 insert "48,219".

5 9. Purpose: To provide an exception to the
6 personal service limitations for the state colleges for
7 fiscal year 1986-87.

8 Amendment: On page 77, line 18, after the period,
9 insert: "Expenditures for salary rate increases granted
10 pursuant to revenue generated by tuition rate increases
11 in excess of five per cent above the basic fiscal year
12 1985-86 tuition rate shall not be subject to this
13 limitation. Such expenditures shall not become part of
14 the fiscal year 1986-87 expenditure base used to
15 calculate the fiscal years 1988 and 1989 budgets."; On
16 page 79, line 3, after the period, insert: "Expenditures
17 for salary rate increases granted pursuant to revenue
18 generated by tuition rate increases in excess of five
19 per cent above the basic fiscal year 1985-86 tuition
20 rate shall not be subject to this limitation. Such
21 expenditures shall not become part of the fiscal year
22 1986-87 expenditure base used to calculate the fiscal
23 years 1988 and 1989 budgets."; On page 80, line 20,
24 after the period, insert: "Expenditures for salary rate

1 increases granted pursuant to revenue generated by
2 tuition rate increases in excess of five per cent above
3 the basic fiscal year 1985-86 tuition rate shall not be
4 subject to this limitation. Such expenditures shall not
5 become part of the fiscal year 1986-87 expenditure base
6 used to calculate the fiscal years 1988 and 1989
7 budgets."; and On page 81, line 25, after the period,
8 insert: "Expenditures for salary rate increases granted
9 pursuant to revenue generated by tuition rate increases

10 in excess of five per cent above the basic fiscal year
11 1985-86 tuition rate shall not be subject to this
12 limitation. Such expenditures shall not become part of
13 the fiscal year 1986-87 expenditure base used to
14 calculate the fiscal years 1988 and 1989 budgets.”;

15 10. Purpose: To provide for a salary limit
16 increase for the Equal Opportunity Commission to allow
17 for the retention of a Field Representative I position
18 if additional federal funding is obtained.

19 Amendment: On page 104, line 16, strike “669,877” and
20 insert “688,311”.

21 11. Purpose: Provide safety net language to
22 restore travel expenses for Arts Council Members.

23 Amendment: On page 105, after line 16, insert:

24 “The General Fund appropriation to this
1 program shall be increased by \$4,350 if Legislative Bill
2 1095, Eighty-ninth Legislature, Second Session, 1986, is
3 not enacted into law.”.

4 12. Purpose: Increase the salary limit for
5 the Administration, State Visitor’s Promotion, and SAC
6 Museum and Wild West Arena programs and add language to
7 make technically correct.

8 Amendment: On page 108, line 9, strike “192,013” and
9 insert “216,292”; on page 109, line 18, strike “270,266”
10 and insert “282,786”; and on page 110, line 3, strike
11 “128,647” and insert “132,860”; and in line 8 after
12 “\$222,590” and insert “General Funds”.

13 13. Purpose: Increase salary limit for
14 Program No. 513-Environmental Control.

15 Amendment: On page 118, line 2, strike “1,946,648” and
16 insert “2,176,648.”.

17 14. Purpose: To clarify that the rates in
18 the bill relate to the private indemnity carrier only;
19 and to clarify the extended contract for fiscal year
20 1986-87 continues one year, through July 31, 1987, and
21 administration costs incurred by carriers as per
22 contracts are payable from the health insurance fund.

23 Amendment: On page 124, line 8, after the second “the”
24 insert “private indemnity carrier”; and in line 10
1 strike “June 30” and insert “July 31”; and on page 125,
2 line 1, strike “minimum” and after “payments” insert “,
3 administration costs.”.

RESOLUTIONS

LEGISLATIVE RESOLUTION 394.

Introduced by Banking, Commerce and Insurance Committee:
DeCamp, 40th District, Chairperson.

WHEREAS, the availability and affordability of liability insurance, including professional liability insurance, are receiving extensive local, regional and national attention; and

WHEREAS, the proclaimed existence of a "liability insurance crisis" has spawned myriad legislative and regulatory proposals at the state and federal levels with the purpose of making liability insurance more available and affordable; and

WHEREAS, insurance availability is, as one observer said, just as essential to our society as the availability of energy supplies and reserves; and

WHEREAS, in order to better understand the extent of such a "liability insurance crisis," and what possible legislative options should be considered by the Nebraska Legislature, a detailed and extensive study should be conducted by the Legislature's Banking, Commerce and Insurance Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee conduct a study of liability insurance availability and affordability.

2. That the Committee consider: (a) the past, present, and projected financial condition of the liability insurance industry in Nebraska; (b) all financial information bearing on the issue of liability insurance availability and affordability; (c) the experience and approaches being taken on the issue in other states; and (d) any legislative remedies and innovations which the Committee determines that the Legislature should consider to address any statutory needs or deficiencies which are found to exist.

3. That the Chairman of the Banking, Commerce and Insurance Committee may appoint a joint industry task force, comprised of representatives of the various industries, associations or interest groups which may be affected by the study, to assist the Committee in the accomplishment of the Committee's responsibilities under this resolution.

4. That the Committee shall have the authority to examine, and to make findings and recommendations concerning, any matters or issues which it deems to be directly or peripherally related to its responsibilities under this resolution.

5. That the Committee receive staff support from the counsel to the Banking, Commerce and Insurance Committee, the Legislature

Research Division, other legislative staff as determined by the Executive Board, and, upon approval of the Executive Board, outside experts.

6. That the Committee report its findings and recommendations to the Legislature prior to 1987.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 395.

Introduced by Government, Military and Veterans Affairs Committee: Landis, 46th District, Chairperson; Abboud, 12th District; and Hartnett, 45th District.

PURPOSE:

The purpose of this resolution is to examine and make recommendations regarding reserve balances within the budgets of the political subdivisions of the State of Nebraska. The study should examine:

1. Appropriate limits on such reserves;
2. Time when reserve balances are determined;
3. Definitions concerning reserve elements, and;
4. Uses of such reserves.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 396.

Introduced by Public Works Committee: Schmit, 23rd District, Chairperson; Beyer, 3rd District; DeCamp, 40th District; Harris, 27th District; Lamb, 43rd District; Lynch, 13th District; Nelson, 35th District; Smith, 33rd District.

PURPOSE: The purpose of this resolution is to mandate several areas of study relating to the subject matter over which the Public Works Committee has jurisdiction. The study shall include:

(1) An examination of roads in this state. Particular attention shall be given to the allocation of resources to construct and maintain roads throughout the state and ways to ensure that resources continue to be allocated for road construction and maintenance;

(2) An examination of the telecommunications industry. The effect of deregulation on both the industry and the consumers and the opportunity of state government and political subdivisions to benefit from the diversity of supply of telecommunications services and products shall, in particular, be studied;

(3) An examination of issues relating to transportation, including railroads and common carriers;

(4) An examination of issues relating to motor vehicles;

(5) An examination of issues relating to natural resources, including the current structure of natural resources districts;

(6) An examination of the administration of the Department of Roads, the Department of Motor Vehicles, the Department of Water Resources, and the Natural Resources Commission; and

(7) An examination of the effect of the deregulation of common carriers on the current structure, powers, and duties of the Public Service Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Public Works Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Public Works Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 397.

Introduced by Hartnett, 45th District; Beyer, 3rd District; Withem, 14th District.

RESOLUTION: Saluting the Bellevue East High School Marching Band for the Honor of Being Chosen as one of only ten bands nationwide to play for the Ceremonies in Honor of the 100th Anniversary of the Statue of Liberty.

WHEREAS, July 4th of 1986 will mark the 100th Anniversary of the unveiling of the Statue of Liberty, and

WHEREAS, the City of New York has designated July 3 to 7 of this year as the official Celebration of the Centennial of the Statue of Liberty, and

WHEREAS, in conjunction with this history-making celebration, ten high school bands have been designated to represent the youth of the nation in musical salute to our country's great heritage of freedom, and

WHEREAS, the State of Nebraska has been honored with the distinction of having one of its own high school bands chosen to represent the great central region of the nation, the heartland, and

WHEREAS, in recognition of its distinguished accomplishments and high standards of musical excellence, the BELLEVUE EAST HIGH SCHOOL MARCHING BAND has been chosen to participate in the historic Centennial Celebration,

NOW, THEREFORE, BE IT RESOLVED BY THE NEBRASKA UNICAMERAL,

That the legislature, on behalf of all Nebraskans, salutes the members of the Bellevue East High School Marching Band in recognition of the honor bestowed on them of being chosen as one of the ten high school bands in the county to represent the youth of America, and

That the Legislature recognizes the honor paid to all Nebraskans by having these young people represent our state before a national audience, and

That the Legislature recognizes the value of having these Nebraska citizens serve as Goodwill Ambassadors from our state and urges the people and businesses of Nebraska to support the band as they prepare to represent us at this historic event.

Laid over.

LEGISLATIVE RESOLUTION 398.

Introduced by Wesely, 26th District; Landis, 46th District; Hannibal, 4th District; Hefner, 19th District; Scofield, 49th District; DeCamp, 40th District; Withem, 14th District; Schmit, 23rd District; Abboud, 12th District; Morehead, 30th District; R. Johnson, 34th District; Conway, 17th District; Chizek, 31st District.

WHEREAS, the economic crisis in rural Nebraska and the slow economic growth in urban areas of Nebraska represent one of the most important challenges facing Nebraska today; and

WHEREAS, the Legislature has created the Special Committee on Economic Development to assist in the strengthening of Nebraska's economic development policies; and

WHEREAS, the Special Committee on Economic Development will be continuing the interim work initiated last interim by the Legislature's Ad Hoc Committee on Economic Development; and

WHEREAS, the Special Committee on Economic Development is charged by the Legislature to (1) serve as a focus and coordinate legislative attention on economic development issues, (2) provide research assistance to existing standing committees, and (3) evaluate the performance and impact of existing state economic development activities and the general business climate for economic development in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Executive Board designate a comprehensive economic development study by the Special Committee on Economic Development as a priority select interim study.

2. That the Special Committee's comprehensive interim study pertaining to economic development include, but not be limited to: (a) An assessment of Nebraska's business climate for economic development; (b) an assessment of Nebraska's economic development policies relative to other states; (c) an assessment of the relative health of Nebraska's wealth-creating economic sectors; (d) an assessment of the economic health and needs of different areas of Nebraska; and (e) a continuation of the 1985 interim performance review of economic development programs of the state.

3. That the Special Committee on Economic Development receive staff support from the Legislative Research Division, Legislative Fiscal Office, and such other sources as determined by the Executive Board.

4. That the Special Committee on Economic Development report to the next session of the Legislature on its findings and recommendations.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 1230. Title read. Considered.

Standing Committee amendments, AM2585, printed separate from the Journal and referred to on page 1620 were considered.

Messrs. Miller and Nichol asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schmit offered the following Haberman amendment to the Standing Committee amendments:

AM2738

(Amendments to Standing Committee Amendments)

- 1 1. On page 2, line 4, after the underscored
2 period insert the following: "Local outlets may include
3 ethanol and fructose production and distribution plants
4 and facilities.".
- 5 2. On page 6, line 22, after the period insert
6 the following: "The board may recommend the construction
7 of fructose production and distribution facilities if it
8 finds that the economic benefits to the state of such
9 facilities are equal to or greater than the economic
10 benefits resulting from the construction of ethanol
11 production and distribution facilities.".
- 12 3. On page 7, line 11, after "ethanol" insert
13 "or fructose".

The Haberman amendment was adopted with 14 ayes, 0 nays, 29 present and not voting, and 6 excused and not voting.

Mr. Schmit offered the following amendment to the Standing Committee amendments:

AM2763

(Amendments to Standing Committee amendments)

- 1 1. On page 2, line 20, strike "one of"; and
2 in line 21 strike "whom shall be" and insert
3 "including".
- 4 2. On page 3, line 3, strike "and"; and in
5 line 4 after the second "and" insert "(8)".
- 6 3. On page 6, line 14, after the second
7 period insert "(1)"; in line 15 strike "1" and insert
8 "7"; and in line 22 after "Act" insert "and sections 32
9 to 57 of this act" and after the underscored period
10 insert the following new subsection:
11 "(2) When determining whether to recommend
12 construction of a project for the production and
13 distribution of ethanol or how funds should be
14 distributed pursuant to the Ethanol Authority and
15 Development Act and sections 32 to 57 of this act, the
16 board's considerations shall include, but not be limited
17 to, job creation, economic return to the state, size of
18 the plant, byproducts or coproducts, if any, date
19 construction would be commenced and completed, the
20 financial stability of the applicant, and the amount of

- 1 funds needed to commence construction of the plant or
2 facility.”.
3 4. On page 10, strike beginning with “It” in
4 line 18 through the underscored period in line 23 and
5 insert the following: “The board is encouraged to
6 solicit and authorized to expend any federally
7 distributed funds from the Energy Settlement Fund,
8 account number 6071, or any other federal funds which
9 may become available to the board for ethanol
10 development.”; and in line 24 strike “transferred” and
11 insert “available”.
12 5. On page 19, line 17, strike “school”.

The Schmit amendment was adopted with 19 ayes, 0 nays, 24 present and not voting, and 6 excused and not voting.

Messrs. Wesely and Rupp asked unanimous consent to be excused. No objections. So ordered.

Mr. Goodrich offered the following amendment to the Standing Committee amendments:

Replace 1 of the public members of Board with a marketing expert not affiliated with a check off board.

Mr. Harris moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Goodrich amendment was adopted with 17 ayes, 0 nays, 26 present and not voting, and 6 excused and not voting.

Mr. Hoagland asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 759. E & R amendments, AM5337, found in the Journal on page 1285 for the Thirty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 237. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 763. E & R amendment, AM5366, found in the Journal on page 1536 for the Forty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1172. E & R amendments, AM5388, found in the Journal on page 1627 for the Forty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1172A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 775. E & R amendments, AM5391, found in the Journal on page 1631 for the Forty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 950. E & R amendments, AM5365, found in the Journal on page 1534 for the Forty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1124. Placed on Select File as amended.
E & R amendments to LB 1124:
AM5407

- 1 1. In the Standing Committee amendments,
- 2 AM2372, adopted March 18, 1986:
- 3 a. On page 6, line 12 strike the semicolon;
- 4 and
- 5 b. On page 7, line 7, strike the period and
- 6 insert “; and”.
- 7 2. On page 1, line 4, after the semicolon
- 8 insert “and”; and strike beginning with the second
- 9 semicolon in line 4 through “severability” in line 5.

LEGISLATIVE BILL 1124A. Placed on Select File as amended.
E & R amendment to LB 1124A:

AM5408

- 1 1. On page 2, line 9, after "salaries" insert
- 2 "from funds appropriated in this section".

LEGISLATIVE BILL 1093. Placed on Select File as amended.
E & R amendments to LB 1093:

AM5409

- 1 1. On page 1, strike beginning with the
- 2 second comma in line 3 through "1985" in line 4; and in
- 3 line 6 strike "and residential care".
- 4 2. On page 2, line 19, after "research"
- 5 insert and underscored comma.

(Signed) Timothy Hall, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mrs. Smith asked unanimous consent to print the following amendment to LB 949 in the Journal. No objections. So ordered.

AM2648

- 1 1. On page 27, line 10, after the period
- 2 insert the following new paragraph:
- 3 "Within thirty days after a general election
- 4 at which a director has been elected to the board of
- 5 directors of a public power district, the district shall
- 6 apply to the Secretary of State for a certificate of
- 7 qualification for the director to serve the public power
- 8 district. The application for such certificate shall be
- 9 made in writing, signed by the president of the public
- 10 power district, and attested to by the secretary of the
- 11 public power district, and shall state that the director
- 12 has been duly elected at a general election and resides
- 13 in the chartered territory of the public power district.
- 14 Upon receipt of such application, the Secretary of State
- 15 shall investigate whether or not the newly elected
- 16 director does in fact reside in the chartered territory
- 17 of the public power district and if he or she is a bona
- 18 fide resident, the Secretary of State shall issue a
- 19 certificate of qualification to be served upon the
- 20 public power district confirming the qualification of
- 21 the newly elected director to serve as the director. If
- 1 the Secretary of State determines the newly elected
- 2 director does not reside in the chartered territory of
- 3 such district, the Secretary of State shall notify the

- 4 district of the lack of qualification of such director,
5 and he or she shall be ineligible to serve as a director
6 of the public power district. A vacancy on the board of
7 directors shall be declared to exist, and such vacancy
8 shall be filled as provided in section 70-615." and
9 insert paragraphing before "No".

RESOLUTIONS

LEGISLATIVE RESOLUTION 399.

Introduced by Health and Human Services Committee: Wesely, 26th District, Chairperson; Chronister, 18th District; Hall, 7th District; Lynch, 13th District; Peterson, 21st District; Smith, 33rd District; Withem, 14th District.

WHEREAS, the Health and Human Services Committee is responsible for matters relating to the Departments of Health, Aging, Social Services and Public Institutions; and

WHEREAS, the Health and Human Services Committee anticipates being assigned responsibility for children's issues when committees are reorganized for the 1987 session; and

WHEREAS, issues relating to mental retardation, mental health, aging, health care, poverty, hunger and children are important to Nebraska.

NOW THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee be designated to conduct an interim study regarding the issues for which it is responsible;

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 400.

Introduced by Wesely, 26th District.

WHEREAS, the State of Nebraska and its several governmental sub-divisions are jointly charged with the responsibility for the provision of Human Services, including mental retardation, mental

health, substance abuse, aging, public assistance, and general health services;

WHEREAS, the traditional roles and responsibilities of state and local government in the delivery and funding of Human Services have been affected by the state assumption of the cost of medicaid, the Gramm-Rudman Act, changes in the federal block grant system, and other governmental acts;

WHEREAS, the proper relationship and respective administrative and funding responsibilities of each level of government have been a subject of ongoing discussion and debate;

WHEREAS, the state of Nebraska needs to establish a workable public policy delineating the appropriate roles and responsibilities of each level of government and the provision of these important services;

WHEREAS, it would be beneficial to make the roles and responsibilities of state government more uniform among the various services.

NOW THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Executive Board establish a Select Committee to conduct a study of the federal, state, and local relationship for the funding of/and responsibility for the following Human Service Delivery Systems:

a. The relationship of the Department of Public Institutions with local government for community mental retardation, mental health, and substance abuse services.

b. The relationship of the Department of Health with local health departments.

c. The relationship of the Department of Aging with local area agencies on aging.

d. The relationship of the Department of Social Services with local human service and public assistance programs.

2. That the Chairman of the Select Committee be chosen from the Health and Human Services Committee, and that the other members of the Select Committee be Senators who have expressed an interest in the provision and funding of Human Services in the state of Nebraska;

3. That the Select Committee receive staff support from the Legislative Research Division and from such other sources as determined by the Executive Board;

4. That the Select Committee report to the next session of the Legislature on its findings and recommendations.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 401.

Introduced by Wesely, 26th District.

WHEREAS, there are an estimated 107,000 persons in the state of Nebraska without health insurance;

WHEREAS, the health care for persons not eligible for coverage by government programs is disproportionately provided by a select number of health care providers;

WHEREAS, the historical practice has been for these select providers to shift the cost of care for the medically indigent to private paying patients;

WHEREAS, the development of prospective payment systems by both the government and private sectors have made it increasingly difficult to shift the cost of care for the medically indigent;

WHEREAS, the current county programs for the poor have insufficient resources to provide adequate health care coverage for the poor;

WHEREAS, the medically indigent citizens of Nebraska may be refused medical care in the future;

WHEREAS, there is a need to study the current funding mechanism and system for providing medical care to the medically indigent and to examine potential changes in the current system in order to provide medical care to persons in need and on a competitive basis between health care providers.

NOW THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Executive Board establish a Select Committee to conduct a study of the care for the medically indigent in Nebraska, the need to alter the current system of providing medical services to the medically indigent in order to create a competitive health care system, the potential for expanding other assistance programs in order to make health care available to the medically indigent, the potential for requiring pooling of funds or mandated care in order to assure access to the health care system by medically indigent and any other aspect of the medically indigent issue it deems appropriate;

2. That at least three members of the Select Committee be chosen from the Health and Welfare Committee;

3. That the Select Committee receive staff support from the Legislative Research Division and from such other sources as determined by the Executive Board;

4. That the Select Committee report to the next session of the Legislature on its findings and recommendations.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 402.

Introduced by Education Committee: Vickers, 38th District, Chairperson; Baack, 47th District; Barrett, 39th District; Eret, 32nd District; R. Johnson, 34th District; Lamb, 43rd District; Morehead, 30th District; Nelson, 35th District; and Hartnett, 45th District; Beyer, 3rd District.

Purpose: To study certain aspects of school bus transportation and safety. Nebraska school districts last year expended over \$33 million in support of pupil transportation including provision of transportation to and from schools as required by law and provision of transportation for activities, which is authorized by law.

Nebraska regulations and statutes currently provide safety measures for school transportation including licensing of school bus drivers and inspection of school vehicles. Notwithstanding such measures statistics show an increase in accidents and injury in the recent years. There is a need to address the adequacy of current safety procedures and to examine possible changes in the law.

The study should also examine the costs school districts incur in providing transportation services, including as assessment of the impacts of federal Department of Transportation requirements and recent changes in Nebraska laws for special education transportation. Further, the study should examine the adequacy of current state aid to school districts for transportation.

Now, therefore be it resolved, that:

1. The Education Committee conduct a study to examine all issues relating to school transportation; and
2. That the Committee report recommendations or findings to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 403.

Introduced by Government, Military and Veterans Affairs Committee: Peterson, 21st District; Rogers, 41st District.

PURPOSE: The Legislature of Nebraska realizes that the National Guard of this state has a dual role. In its state role, the National Guard must be equipped and trained to meet the requirements of Nebraska in times of emergency or disaster. In its

federal role, the National Guard must be equipped and trained for employment in combat situations in the defense of the United States of America and its allies. The Legislature recognizes that the National Guard may be subject to periodic inspections by agencies of the federal government, however there is, from time to time, the need for the Legislature to evaluate the Military Department as a state agency. The units of the Nebraska National Guard, the officers and enlisted members have a long established reputation of duty, honor and service. In order to insure that such tradition continues, the Legislature shall review, study and evaluate the following areas, but not necessarily limit itself to the following:

1. The tuition benefit program provided to members of the Nebraska National Guard.
 - A. Cost of this program to the taxpayers
 - B. Number of personnel taking advantage of the program, by rank, residence and level of education.
 - C. Number of graduates that remain in Nebraska after graduation, hence, the long term value to the state and the taxpayers.
 - D. A comparison to similar programs offered in other states.
2. Contracting Procedures involving state funds.
3. Misuse of aircraft and government vehicles.
4. Full-time personnel engaged in a second job on government time or selling to subordinates.
5. Rigid adherence to Equal Opportunity requirements in employment, promotion and assignment of personnel.
6. Proper accounting for all state funds, and any indications of fraud, waste or abuse.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature be designated to conduct an interim study to carry out the purpose of this resolution.
2. That upon completion of the study the committee shall report on its findings including any recommendations for needed legislation, to the Legislature or Legislative Council.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 404.

Introduced by Agriculture and Environment Committee,
R. Johnson, 34th District, Chairperson.

PURPOSE: The purpose of this study is to examine recent trends and developments;

1. in state and federal responses to all aspects of current and future problems in agriculture;
2. in state, local and federal responses to all aspects of current and future problems in maintaining or improving the quality and/or quantity of Nebraska's air, water and soil.

After an initial review by the committee, the study will focus on a select number of potential changes in Nebraska policy or law which would enhance the future of the state's environmental quality and its agricultural well-being.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION.

1. That the Agriculture and Environment Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 405.

Introduced by R. Johnson, 34th District; Chizek, 31st District; Scofield, 49th District; Warner, 25th District; Sieck, 24th District; Vickers, 38th District; Pirsch, 10th District; Schmit, 23rd District.

PURPOSE: Recognizing Nebraska's commitment to maintaining its generally high quality of water and the Department of Environmental Control's declaration that an emergency and remedial response fund is the most apparent deficiency in the state's water quality legislation, the purpose of this interim study shall be to document the need and determine what provisions shall be included in a Nebraska "Superfund" or a comprehensive environmental response and liability act. In order to accomplish this purpose the study may include, but not be limited to, the following matters:

1. The nature and extent of pollutants and hazardous chemical contamination occurring in the state and the financing of state programs to protect ground water quality;
2. The provisions, administration and impact of the federal Comprehensive Environmental Response, Compensation and Liability Act and court cases pertaining to it;

3. The provisions, administration and impact of various state superfund laws and court cases pertaining to them. Such study would include issues such as liability standards, funding, victim compensation, liability of response action contractors, limitations on damages, cleanup standards, the effect on community right-to-know laws, retroactivity of such liability, etc.

4. The availability, cost and provisions of liability insurance for environmental impairment;

5. The status of federal superfund sites in Nebraska;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION.

1. That the Select Committee shall consist of those Senators who served on the 1985 Select Committee on LR 196 and any replacements thereto. That the prior Chairman will continue in that capacity and that a new Vice Chairmen will be appointed to fill a vacancy.

2. That the Select Committee receive staff support from other sources as determined by the Executive Board.

3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 406.

Introduced by Warner, 25th District.

WHEREAS, in 1985 the Nebraska Supreme Court held that that Commission of Industrial Relations has authority to determine wages and other economic terms and conditions of employment for state employees;

WHEREAS, consequently these items are negotiable between state employees and state agencies;

WHEREAS, before the state implements this decision and begins collective bargaining with state employees on these items, the existing collective bargaining structure and time frame and legislative involvement therein should be examined; and

WHEREAS, the Legislature has in LB 1251 appropriated funds for an independent consultant to be hired by the Department of Personnel to provide to the Governor and the chairpersons of the Appropriations and Business and Labor Committees recommendations on this subject.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a select committee comprised of the members of the Appropriations and Business and Labor Committees is hereby created and authorized to conduct a public hearing on the consultant's report in order to receive public testimony and comments to aid in formulating and drafting any legislation relating to collective bargaining by state employees for introduction in the 1987 Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 407.

Introduced by Hall, 7th District; Lynch, 13th District.

WHEREAS, the State of Nebraska has undertaken to provide a specialized service system to persons with mental retardation; and

WHEREAS, six regional governing boards operating independently are responsible for providing community-based mental retardation services; and

WHEREAS, the specialized system has moved from one based upon institutionalization twenty years ago to one predominantly based upon community services today; and

WHEREAS, there are currently a number of persons who are eligible for specialized adult services but who are not receiving them; and

WHEREAS, persons with developmental disabilities other than mental retardation who often have similar needs for services and who could similarly benefit from services are not eligible to receive such services; and

WHEREAS, there is no single agency with ultimate responsibility for the services provided to persons with mental retardation, although the Department of Public Institutions, the Department of Social Services, the Department of Health, and the State Department of Education have varying degrees of involvement with services to persons with mental retardation; and

WHEREAS, there are disparities of services, costs, and numbers within various systems across the state which result in annual budget difficulties.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Executive Board of the Legislative Council establish a Select Committee to conduct a study of the Nebraska mental retardation service system.

2. That the members of the Select Committee be chosen from legislative members who have prior experience and have expressed particular interest in the mental retardation system.

3. That the Select Committee consider the role of the state with regard to providing services for its developmentally disabled citizens, mechanisms for funding the system, the role and authority of the regional governing boards, the respective roles of institutional and community-based services and relationships between the two, the relationship of special education programs to available adult services, and any other aspect of service provision for people with developmental disabilities it deems appropriate.

4. That the Select Committee receive staff support from the Legislative Research Division and from other sources as determined by the Executive Board.

5. That the Select Committee report to the next session of the Legislature on its findings and recommendations.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 408.

Introduced by Business and Labor Committee: Barrett, 39th District, Chairperson; Chronister, 18th District; Eret, 32nd District; Hall, 7th District; Vickers, 38th District; Wesely, 26th District.

PURPOSE: The purpose of this study is to examine recent trends and general developments in the subject area of Workers' Compensation and further examine how major provisions of the current Nebraska Workers' Compensation Act compare to the laws of the other states. After an initial review by the committee, the study should focus in greater detail on a selected number of possible changes in the Nebraska law which would enhance the efficient and expeditious delivery of benefits and services to workers and restrain the costs to employers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the Business and Labor Committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 409.

Introduced by Judiciary Committee: Chizek, 31st District; Conway, 17th District; and Chronister, 8th District; Hall, 7th District.

Purpose: The purpose of this study proposed is to examine the Nebraska Jail Standards statutes and any related topics.

The Executive Board is hereby directed by the members of the 89th Legislature of Nebraska, Second Session to conduct this study. It shall be accomplished in the following manner:

1) The Executive Board shall establish a Select Committee to conduct the study.

2) At least one member of the Judiciary Committee and one member of the Government Committee shall be on the Select Committee.

3) The Select Committee shall examine the Jail Standards Board membership, whether the board should be autonomous, and the construction standards of the Jail Standards Board.

4) The Select Committee shall receive staff support from the Legislative Research Division and from such other sources as determined by the Executive Board.

5) The Select Committee report to the next session of the Legislature on its findings and recommendations.

Referred to the Executive Board.

UNANIMOUS CONSENT - Print in Journal

Mr. Hannibal asked unanimous consent to print the following amendment to LB 1251 in the Journal. No objections. So ordered.

AM2767

- 1 1. PURPOSE: Lapse \$1,000,000 from the
- 2 Department of Insurance Cash Fund to the General Fund.
- 3 AMENDMENT: Insert the following new section:
- 4 "Sec. 95. The State Treasurer is hereby
- 5 directed to transfer \$1,000,000 from the Department of
- 6 Insurance Cash Fund to the General Fund on or before
- 7 June 30, 1987."; and renumber the remaining sections

8 accordingly.

Mr. Hannibal asked unanimous consent to print the following amendment to LB 1252 in the Journal. No objections. So ordered.

AM2766

- 1 1. PURPOSE: Reduce the General Fund
- 2 appropriation to the LB 309 Task Force by \$1,000,000.
- 3 AMENDMENT: On page 14, line 22, strike "2,267,029" and
- 4 insert "1,267,029".

Mr. Hannibal asked unanimous consent to print the following amendment to LB 870 in the Journal. No objections. So ordered.

AM2769

- 1 1. PURPOSE: cancel repayment provision of \$5
- 2 million to the Cash Reserve Fund and transfer \$2.7
- 3 million from the Cash Reserve Fund to the General Fund.
- 4 AMENDMENT: On page 3, strike beginning with "Such" in
- 5 line 3 through the period in line 4, show as stricken,
- 6 and insert the following new subsection:
- 7 " (6) For the period July 1, 1986, to June 30,
- 8 1987, the State Treasurer shall transfer two million
- 9 seven hundred thousand dollars from the Cash Reserve
- 10 Fund to the General Fund. Such transfer shall be
- 11 reversed after July 1, 1987, but before July 15, 1986."

Mr. Hannibal asked unanimous consent to print the following amendment to LB 850A in the Journal. No objections. So ordered.

AM2768

- 1 1. On page 2, lines 2 and 3, strike
- 2 "2,000,000" and insert "1,000,000".

Mr. Sieck asked unanimous consent to print the following amendment to LB 1251 in the Journal. No objections. So ordered.

AM2667

- 1 1. On page 43, lines 14 and 15, strike
- 2 "20,525,321" and insert "21,795,454"; and in line 25
- 3 strike "1,334,754" and insert "1,518,627".
- 4 2. On page 44, line 4, strike "2,302,499" and
- 5 insert "2,486,372"; in line 6 strike "1,092,944" and
- 6 insert "1,236,456"; in line 10 strike "2,165,159" and
- 7 insert "2,308,671"; in line 12 strike "3,105,479" and

- 8 insert "3,522,136"; in line 16 strike "4,745,719" and
9 insert "5,162,376"; in line 18 strike "2,797,001" and
10 insert "2,841,959"; in line 22 strike "4,415,789" and
11 insert "4,460,747"; and in line 24 strike "5,913,169"
12 and insert "6,094,378".
13 3. On page 45, line 3, strike "9,333,187" and
14 insert "9,514,396"; in line 5 strike "6,281,974" and
15 insert "6,361,974"; in line 9 strike "10,799,963" and
16 insert "10,879,963"; in line 11 strike "20,525,321" and
17 insert "21,795,454"; and in line 15 strike "33,762,316"
18 and insert "35,032,449".

Mr. Pappas asked unanimous consent to print the following motion to LB 1129 in the Journal. No objections. So ordered.

I move to return LB 1129 to Select File for the following specific amendment:

Strike the enacting clause.

UNANIMOUS CONSENT - Add Co-Introducer

Mrs. Smith asked unanimous consent to have her name added as co-introducer to LB 1230. No objections. So ordered.

UNANIMOUS CONSENT - Expedite LB 1230

Mr. Schmit asked unanimous consent to expedite LB 1230. No objections. So ordered.

VISITORS

Visitors to the Chamber were 41 students and teachers from Palmer.

ADJOURNMENT

At 3:17 p.m., on a motion by Mrs. Marsh, the Legislature adjourned until 9:00 a.m., Tuesday, April 1, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIRST DAY - APRIL 1, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 1, 1986

Pursuant to adjournment, the Legislature met at 9:02 a.m., Mr. Carsten presiding.

PRAYER

The prayer was offered by Al J. Norden, D.D., Trinity Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Hall and Mrs. Higgins who were excused; and Messrs. DeCamp, R. Johnson, V. Johnson, Lamb, Lynch, Nichol, Schmit, Withem, Mesdames Labedz, Pirsch, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fiftieth Day was approved.

MESSAGES FROM THE GOVERNOR

March 28, 1986

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 772, 887, 1159 and 464 were received in my office on March 25, 1986.

These bills were signed by me on March 28, 1986 and delivered to the Secretary of State.

(Signed) Sincerely,
ROBERT KERREY
Governor

RK/jm

March 28, 1986

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1041 and 1041A were received in my office on March 27, 1986.

These bills were signed by me on March 28, 1986 and delivered to the Secretary of State.

(Signed) Sincerely,
ROBERT KERREY
Governor

RK/jm

March 28, 1986

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 277, 277A, 907, 1036, 1036A, 1047 and 1038 were received in my office on March 26, 1986.

These bills were signed by me on March 28, 1986 and delivered to the Secretary of State.

(Signed) Sincerely,
ROBERT KERREY

FIFTY-FIRST DAY - APRIL 1, 1986

1813

Governor

RK/jm

March 31, 1986

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 877 and 895 were received in my office on March 25, 1986.

These bills were signed by me on March 31, 1986 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

March 28, 1986

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Advisory Committee to the Departments of Social Services, Institutions and Corrections requiring legislative confirmation:

Appointees:

Sarah (Sally) Bates, 3230 South 40th Street, Lincoln, NE 68506,
489-4058, Term: 3/28/86 to 1/1/90, Succeeds: is reappointed.

Ray R. Young, 6917 North 52nd Street, Omaha, NE 68152,
571-5597, Term: 3/28/86 to 1/1/89, Succeeds: is reappointed.

These appointments are respectfully submitted for your consideration.

Sincerely,

(Signed) ROBERT KERREY
Governor

RK:mr

cc: Staff Assistant to the Governor
Accountability and Disclosure Commission
Department of Administrative Services
Department of Public Institutions

March 28, 1986

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Nebraska Commission on the Hearing Impaired requiring legislative confirmation:

Appointees:

Dr. George Propp, RFD 1, Box 4E, Davey, NE 68366,
472-5419(o), Term: 3/28/86 to 1/31/92, Succeeds: is
reappointed.

Dr. Patricia M. Sullivan, Boys Town Institute, 555 North 30th
Street, Omaha, NE 68131, 449-5511(o), Term: 3/28/86 to
1/31/92, Succeeds: is reappointed.

Beverly Steska, 1017 North 69th Street, Omaha, NE 68132, Term:
3/28/86 to 1/31/88, Succeeds: is reappointed, replacing Vernon
Miers, resigned.

These appointments are respectfully submitted for your
consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK:mr

cc: Staff Assistant to the Governor
Accountability and Disclosure Commission
Department of Administrative Services
Nebraska Commission for the Hearing Impaired

ATTORNEY GENERAL'S OPINION

Opinion No. 86040

March 27, 1986

To: Holly Jensen, Director, Department of Motor Vehicles

Subject: Recognition of Tribal License Plates

QUESTION: Does the Director of the Department of Motor Vehicles have the authority to enter into a reciprocal agreement with the Oglala Sioux Indian Tribal Council by which she would recognize transportation ordinances adopted by the Tribal Council which provide for registration of motor vehicles?

CONCLUSION: No.

The Oglala Sioux Indian Tribe (hereinafter "Tribe") has adopted Tribal Council Ordinance No. 85-04 which regulates registration of motor vehicles "operated or driven upon the public highways of the Pine Ridge Indian Reservation." Tribal Council Ordinance No. 85-04, §3-2. The Tribe apparently has prepared tribal license plates, pursuant to Tribal Council Ordinance No. 85-04, and has made arrangements to begin issuing said license plates. The Tribe requests that you, as the Director of the Department of Motor Vehicles, enter into a reciprocal agreement with said Tribe whereby you would recognize tribal license plates.

The physical location of the Pine Ridge Indian Reservation is crucial to a full examination of the extent of the authority to enter into such an agreement. The Pine Ridge Indian Reservation is predominantly located within the territorial bounds of the State of South Dakota. However, a very small portion of the reservation extends within the boundaries of the State of Nebraska.

The jurisdiction of the States of Nebraska and South Dakota over matters occurring on the reservation additionally must be closely examined. In 1953, Congress enacted Public Law 280, which delegated jurisdiction over criminal and civil matters arising within Indian country located within the specified states to the State of Nebraska and four other states (not including South Dakota). As stated in a prior Opinion of our office found at 48 Op.Att'y Gen. 2 (1985):

It has generally been held, however, that this Public Law 280 grant of jurisdiction extended only to matters over which the federal government had earlier had authority and that it was not meant to detract from tribal jurisdiction as it existed. Therefore, it is "probable that this jurisdiction of the tribes remains concurrent with the states in Indian country subject to Public Law 280 to the same extent it was concurrent with the federal government prior

to the Act." F. Cohen, Handbood of Federal Indian Law 367 (1982 ed.).

In this regard, we note that licensing and registration of motor vehicles has always been and continues to be a function of state government rather than the federal government. Thus, the State of Nebraska has control over and responsibility for civil matters, including motor vehicle registration, which arise on that portion of the Pine Ridge Reservation which extends into the State of Nebraska.

It is our understanding that the large portion of the Pine Ridge Reservation, which is located within the boundaries of the State of South Dakota, is "Indian Country." For most purposes, the reservation, therefore, operates under federal and tribal law. However, it is also our understanding that in 1960, the State of South Dakota assumed jurisdiction over the roads and highways of the Pine Ridge Indian Reservation.

With that background information in mind, we turn to the question of whether the Director of the Department of Motor Vehicles (hereinafter Director) has the authority to enter into an agreement whereby tribal license plates would be recognized by the State of Nebraska. Neb.Rev.Stat. §60-305.01 (Reissue 1984) provides as follows:

(1) A nonresident owner, owning any foreign vehicle which has been properly registered in the state, country, or other place of which the owner is a resident, and which at all times, when operated in this state, has displayed upon it the number plate or plates issued for such vehicle in the place of residence of such owner, may operate or permit the operation of such vehicle within the state without registering such vehicle or paying any fees to this state.

Section 60-305.01 does not authorize the Director to enter into a reciprocal agreement within the Tribe. First, §60-305.01 does not contain any language which empowers the Director to enter into written reciprocity agreements.

Second, §60-305.01 applies to nonresident owners. Anyone who may reside on that portion of the reservation which extends into the State of Nebraska is a resident of this State and would not fall within the purview of §60-305.01. Anyone who resides on that portion of the reservation which is located in the State of South Dakota would be a resident of the State of South Dakota and a nonresident of the State of Nebraska. However, §60-305.01 additionally requires that any vehicles recognized by the State of Nebraska are properly registered in the state in which the owner is a resident. It is our understanding that the State of South Dakota does not and will not recognize the tribal license plates. South Dakota residents who register their

vehicles with tribal license plates have not properly registered their vehicles in the State of South Dakota.

The authority of a South Dakota resident to operate a motor vehicle in the State of Nebraska is based upon proper registration within the State of South Dakota. Recognition by the Director of tribal license plates not only is beyond the authority granted by statute, but as a practical matter said recognition would do nothing but exacerbate the problems between the State of South Dakota and the Tribe with regard to registering motor vehicles.

The conclusion reached in this Opinion is similar to that found in Queets Band of Indians v. State of Washington, 102 W.2d 1, 682 P.2d 909 (1984) (en banc). In Queets Band, *supra*, the Supreme Court of Washington, en banc, held that Indian tribes are not entitled to reciprocal registration of vehicles. The statutes of the State of Washington provided as follows:

§46.85.080--On and after July 1, 1963, if no agreement, arrangement or declaration is in effect with respect to another jurisdiction as authorized by this chapter, any vehicle properly registered or licensed in such other jurisdiction and for which evidence of compliance is supplied shall receive, when operated in this state, the same exemptions, benefits and privileges granted by such other jurisdiction to vehicles properly registered in this state.

§46.85.020(2)--"Jurisdiction" means and includes a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a foreign country, and a state or province of a foreign country.

The court rejected the argument that the Indian tribe was a "territory or possession of the United States," and found that had the Legislature intended to include Indian tribes within the scope of the statute, it could have done so. Similarly, had the Legislature of the State of Nebraska intended that tribal license plates be recognized by the State, it could have so provided.

For each of the above reasons, the Director of the Department of Motor Vehicles does not have the authority to enter into an agreement with the Oglala Sioux Indian Tribal Council by which agreement tribal plates would be recognized by the State of Nebraska.

Sincerely,
ROBERT M. SPIRE

Attorney General

(Signed)

Jill Gradwohl

Assistant Attorney General

JG:bmh

cc: Patrick J. O'Donnell

Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1105. Placed on Select File as amended.
E & R amendments to LB 1105:

AM5413

- 1 1. On page 1, strike beginning with "77-417"
- 2 in line 2 through "and" in line 3; strike beginning with
- 3 "to" in line 4 through the semicolon in line 6; and in
- 4 line 10 strike "sections" and insert "section,".
- 5 2. On page 3, line 5, after "Commissioner"
- 6 insert "a"; in line 10 strike the comma; and in line 11
- 7 after "and" insert "shall".

LEGISLATIVE BILL 1105A. Placed on Select File as amended.
E & R amendment to LB 1105A:

AM5414

- 1 1. On page 2, lines 2 and 4, strike
- 2 "Commissioner's" and insert "Commissioner".

LEGISLATIVE BILL 1190. Placed on Select File.

LEGISLATIVE BILL 1080. Placed on Select File.

LEGISLATIVE BILL 931. Placed on Select File as amended.
E & R amendments to LB 931:

AM5415

- 1 1. In the Standing Committee amendments,
- 2 AM2339, adopted March 26, 1986, on page 6, strike
- 3 beginning with "section" in line 19 through "and" in
- 4 line 20; and in line 21 after the third comma insert
- 5 "and section 85-505, Revised Statutes Supplement,
- 6 1984,".
- 7 2. On page 1, line 2, strike "and" and insert
- 8 a comma and after "85-507," insert "and 85-508,".

LEGISLATIVE BILL 870. Placed on Select File as amended.
E & R amendment to LB 870:

AM5417

- 1 1. For purposes of correlation with sections
- 2 1 and 2, LB 739:
- 3 a. On page 1, line 4; and page 4, line 3,
- 4 after "1985" insert ", as amended by section 1, LB 739,
- 5 Eighty-ninth Legislature, Second Session, 1986";

6 b. On page 1, strike beginning with "to" in
7 line 7 through the semicolon in line 8; and strike
8 beginning with the comma in line 9 through "1984" in
9 line 11;

10 c. Strike original section 1 and insert the
11 following new section:

12 "Section 1. That section 84-612, Revised
13 Statutes Supplement, 1985 as amended by section 1, LB
14 739, Eighty-ninth Legislature, Second Session, 1986, be
15 amended to read as follows:

16 84-612. (1) There is hereby created within
17 the state treasury a fund known as the Cash Reserve Fund
18 which shall be under the direction of the State
19 Treasurer. ~~Any money in the Cash Reserve Fund available~~
20 ~~for investment shall be invested by the state investment~~
21 ~~officer pursuant to sections 72-1237 to 72-1269 and any~~
1 ~~interest earned shall accrue to the General Fund.~~ The
2 fund shall only be used pursuant to subsections (2),
3 (4), and (5) of this section.

4 (2) The State Treasurer shall transfer funds
5 from the Cash Reserve Fund to the General Fund upon
6 certification by the Director of Administrative Services
7 that the current cash balance in the General Fund is
8 inadequate to meet current obligations. Such
9 certification shall include the dollar amount to be
10 transferred.

11 (3) Any transfers made pursuant to subsection
12 (2) of this section shall be reversed upon notification
13 by the Director of Administrative Services that
14 sufficient funds are available.

15 (4) On September 15, 1985, the State Treasurer
16 shall transfer eight million five hundred thousand
17 dollars from the Cash Reserve Fund to the General Fund
18 to pay Tort Claim Number 4-302. ~~Such transfer shall be~~
19 ~~reversed after July 1, 1986, but before July 15, 1986.~~

20 (5) For the period July 1, 1985, to June 30,
21 1986, the State Treasurer shall transfer five million
22 dollars from the Cash Reserve Fund to the General Fund.
23 Such transfer shall be reversed after July 1, 1986, but
24 before July 15, 1986."; and

1 d. On page 4, strike beginning with "and" in
2 line 3 through the second comma in line 5.

(Signed) Timothy Hall, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 397. Read. Considered.

LR 397 was adopted with 31 ayes, 0 nays, and 18 not voting.

GENERAL FILE

LEGISLATIVE BILL 1255. Title read. Considered.

Standing Committee amendment, AM2729, found in the Journal on page 1727 for the Forty-Ninth Day was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

Mr. Eret asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1256. Title read. Considered.

Mr. Barrett moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Barrett requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Baack	Conway	Landis	Morehead	Rupp
Barrett	Haberman	Lynch	Nelson	Sieck
Carsten	Harris	Marsh	Pappas	Vickers
Chambers	Hartnett	McFarland	Remmers	Wesely
Chizek	Hoagland	Miller	Rogers	Withem

Voting in the negative, 7:

DeCamp	Hefner	Lamb	Lundy	Warner
Goll	Johnson, L.			

Present and not voting, 11:

Abboud	Goodrich	Johnson, R.	Pirsch	Scofield
Beyer	Hannibal	Peterson	Schmit	Smith
Chronister				

Excused and not voting, 6:

Eret Higgins Johnson, V. Labeledz Nichol
Hall

Advanced to E & R for Review with 25 ayes, 7 nays, 11 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

SELECT FILE

LEGISLATIVE BILL 1250. E & R amendments, AM5384, found in the Journal on page 1586 for the Forty-Sixth Day were adopted.

Mr. Landis renewed his pending amendment found in the Journal on page 1662.

The Landis amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Warner offered the following amendment:

1. On page 2, line 23, after "appropriation" insert ", except any which specifically so provides in LB 1250A,".

The Warner amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Schmit offered the following amendment:
AM2793

- 1 1. Strike original section 3.
- 2 2. On page 2, strike beginning with the
- 3 second comma in line 11 through "act" in line 15; strike
- 4 beginning with "For" in line 16 through the period in
- 5 line 18; and strike beginning with "such" in line 19
- 6 through "act" in line 20 and insert "fiscal year
- 7 1986-87".
- 8 3. Renumber the remaining sections
- 9 accordingly.

Mr. Abboud asked unanimous consent to be excused until he returns.
No objections. So ordered.

Mr. Schmit requested a record vote on his amendment.

Voting in the affirmative, 15:

Baack	DeCamp	Lamb	Pappas	Remmers
Beyer	Haberman	Lundy	Peterson	Rogers
Chronister	Johnson, R.	Nelson	Pirsch	Schmit

Voting in the negative, 19:

Barrett	Goodrich	Johnson, L.	Morehead	Smith
Carsten	Hannibal	Landis	Nichol	Warner
Chizek	Harris	Marsh	Rupp	Wesely
Goll	Hoagland	McFarland	Scofield	

Present and not voting, 10:

Chambers	Hartnett	Johnson, V.	Miller	Vickers
Conway	Hefner	Lynch	Sieck	Withem

Excused and not voting, 5:

Abboud	Eret	Hall	Higgins	Labeledz
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The Schmit amendment lost with 15 ayes, 19 nays, 10 present and not voting, and 5 excused and not voting.

Mr. DeCamp offered the following amendment:

In Section 3 by striking "July 1, 1986" and inserting "January 1, 1987".

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mr. DeCamp requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Abboud	DeCamp	Lamb	Peterson	Rogers
Baack	Haberman	Lundy	Pirsch	Rupp
Beyer	Hefner	Nelson	Remmers	Schmit
Chronister	Johnson, R.			

Voting in the negative, 25:

Carsten	Hannibal	Johnson, V.	Morehead	Smith
Chizek	Harris	Landis	Nichol	Vickers
Conway	Hartnett	Lynch	Pappas	Warner
Goll	Hoagland	Marsh	Scofield	Wesely
Goodrich	Johnson, L.	McFarland	Sieck	Withem

Present and not voting, 1:

Miller

Absent and not voting, 1:

Chambers

Excused and not voting, 5:

Barrett	Eret	Hall	Higgins	Labeledz
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The DeCamp amendment lost with 17 ayes, 25 nays, 1 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Hefner offered the following amendment:

to amend Section 3 by striking "three percent" and inserting "two percent".

Mr. Hefner requested a record vote on his amendment.

Voting in the affirmative, 12:

Abboud	Hefner	Peterson	Remmers	Schmit
Chronister	Lamb	Pirsch	Rogers	Sieck
DeCamp	Lundy			

Voting in the negative, 21:

Carsten	Hannibal	Landis	Nelson	Smith
Chizek	Harris	Marsh	Nichol	Warner
Conway	Hoagland	McFarland	Pappas	Wesely
Goll	Johnson, L.	Morehead	Scofield	Withem
Goodrich				

Present and not voting, 12:

Baack	Haberman	Johnson, V.	Lynch	Rupp
Beyer	Hartnett	Labeledz	Miller	Vickers
Chambers	Johnson, R.			

Excused and not voting, 4:

Barrett	Eret	Hall	Higgins
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The Hefner amendment lost with 12 ayes, 21 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1250A. E & R amendments, AM5385, found in the Journal on page 1586 for the Forty-Sixth Day were adopted.

Mr. Warner offered the following amendment:

On page 25, lines 11 and 12, strike "669,162" and insert "684,076"; in line 15, strike "599,835" and insert "\$613,157".

On page 25, strike lines 16 through 20, inclusive, and insert the following new matter:

"Included in the appropriation for this program is \$14,914 General Funds to be used for payment of the salary, salary rate, or salary base increase at the rate established by the order of the Commission of Industrial Relations for fiscal year 1986-87."

On page 25, lines 23 and 24, strike "421,932" and insert "441,276".

On page 26, strike "\$378,579" and insert "\$395,858".

On page 26, strike lines 2 through 6, inclusive, and insert the following new matter:

"Included in the appropriation for this program is \$19,344 General Funds to be used for payment of the salary, salary rate, or salary base increase at the rate established by the order of the Commission of Industrial Relations for fiscal year 1986-87."

On page 26, line 14, strike "1,491,606" and insert "1,525,864" in line 16, strike "1,526,676" and insert "1560,934".

On page 27, in lines 4 and 5, strike "82,680" and insert "110,437"; in line 7, strike "76,683" and insert "104,440".

On page 27, strike lines 8 through 12, inclusive, and insert the following new matter:

"Included in the appropriation for this program is \$27,757 General Funds to be used for payment of the salary, salary rate,

or salary base increase at the rate established by the order of the Commission of Industrial Relations for fiscal year 1986-87."

On page 27, in line 15, strike "470,760" and insert "498,517"; in line 17, strike "1,133,145" and insert "1,160,902".

On page 37, in lines 19 and 20, strike "718,935" and insert "827,137"; in line 23, strike "650,586" and insert \$758,788.

On page 38, strike lines 1 through 5, inclusive, and insert the following new matter:

"Included in the appropriation for this program is \$108,202 General Funds to be used for payment of the salary, salary rate, or salary base increase at the rate established by the order of the Commission of Industrial Relations for fiscal year 1986-87."

On page 38, in lines 8 and 9, strike "718,935" and insert "827,137".

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

The Warner amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Warner offered the following amendment:

On page 10, in line 25, strike "52,749" and insert "187,141".

On page 11, in line 3, strike "62,061" and insert "196,453"; in line 5, strike "55,293" and insert "\$173,561".

On page 11, in line 8, strike "22,110" and insert "85,513"; in line 11, strike "26,541" and insert "89,944"; in line 13, strike "23,730" and insert "\$79,526".

On page 12, in line 12, strike "185,499" and insert "383,294"; in line 15, strike "404,136" and insert "601,931".

The Warner amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Schmit moved to indefinitely postpone LB 1250A.

Messrs. Peterson and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schmit moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mr. Schmit requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 10:

Abboud	Hefner	Lynch	Pirsch	Rogers
Haberman	Lamb	Nelson	Remmers	Schmit

Voting in the negative, 28:

Barrett	Goll	Johnson, V.	Morehead	Sieck
Carsten	Goodrich	Labeledz	Nichol	Smith
Chambers	Hannibal	Landis	Pappas	Warner
Chizek	Harris	Marsh	Rupp	Wesely
Conway	Hoagland	McFarland	Scofield	Withem
Eret	Johnson, L.	Miller		

Present and not voting, 6:

Baack	Chronister	Hartnett	Lundy	Vickers
Beyer				

Excused and not voting, 5:

DeCamp	Hall	Higgins	Johnson, R.	Peterson
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The Schmit motion to indefinitely postpone lost with 10 ayes, 28 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for Engrossment with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

ANNOUNCEMENT

The Chair announced Senator Wesely's birthday was Sunday, March 30.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 237A. By Chambers, 11th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 237, Eighty-ninth Legislature, Second Session, 1986.

PROPOSED RULE CHANGE

Mrs. Morehead offered the following proposed rule change:

Strike the original section of Rule 1, Section 1(b)(i) and 1(b)(iii) and insert the following new section:

Rule 1, Section 1(b). In the event a vacancy occurs on the Executive Board, the following shall apply:

"Rule 1, Section 1(b)(i). Upon the resignation or death of the Chairperson of the Executive Board during the session, a Chairperson shall immediately be nominated from the floor and elected by secret ballot for the balance of the term.

During the interim, the Vice Chairperson shall serve as acting Chairperson upon the resignation or death of the Chairperson until the commencing of the next regular or special session of the Legislature shall nominate from the floor and elect by secret ballot a Chairperson of the Executive Board for the balance of the original term."

(ii) Upon the resignation or death of the Speaker, during the interim, said position shall remain vacant until the next regular session or special session the Legislature convenes, at which time a Speaker shall be nominated from the floor and elected by secret ballot for the balance of the original term.

Upon the resignation or death of the Speaker during the session, a Speaker shall immediately be nominated from the floor and elected by secret ballot for the balance of the term.

(iii) In the event there is a vacancy in the office of the Vice-Chairperson during the session, a Vice-Chairperson shall immediately be nominated from the floor and elected by secret ballot for the balance of the term.

In the event there is a vacancy in the office of the Vice-Chairperson of the Executive Board during the interim, said vacancy shall remain unfilled until the commencing of the next regular or special session of the Legislature. The Legislature shall nominate from the floor and elect by secret ballot a Vice-Chairperson of the Executive Board for the balance of the original term.

(iv) During session, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Legislature. The individual so selected shall serve for the balance of the original term.

During the interim, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Executive Board. The individual so selected shall serve for the balance of the original term.

Referred to the Rules Committee.

SELECT FILE

LEGISLATIVE BILL 1251. E & R amendments, AM5397, found in the Journal on page 1775 for the Fiftieth Day were adopted.

Mr. Nichol renewed his pending amendment, AM2598, found in the Journal on page 1549.

Mrs. Labeledz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Nichol moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Nichol requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Baack	Conway	Hartnett	Morehead	Rupp
Barrett	Eret	Hefner	Nelson	Schmit
Carsten	Goodrich	Johnson, R.	Nichol	Scotfield
Chizek	Haberman	Lamb	Pappas	Sieck
Chronister	Harris	Lynch	Remmers	Smith

Voting in the negative, 11:

Abboud	Hannibal	Johnson, V.	Miller	Warner
Beyer	Johnson, L.	Landis	Pirsch	Withem
Goll				

Present and not voting, 8:

Chambers	Lundy	McFarland	Vickers	Wesely
Hoagland	Marsh	Rogers		

Excused and not voting, 5:

DeCamp Hall Higgins Labedz Peterson

The Nichol amendment was adopted with 25 ayes, 11 nays, 8 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Remmers renewed his pending amendment found in the Journal on page 1622.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

The Remmers amendment lost with 10 ayes, 16 nays, 17 present and not voting, and 6 excused and not voting.

Mrs. Morehead offered the following amendment:

On page 109, line 7, strike "308,259" and insert "350,259" and in line 8, strike "308,259" and insert "350,259".

Intent: Restore funding support for the Nebraska Technical Assistance Center (NTAC).

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Morehead moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mrs. Morehead requested a roll call vote on her amendment.

Voting in the affirmative, 19:

Baack	Conway	Landis	Nelson	Sieck
Chambers	Goodrich	Marsh	Nichol	Wesely
Chizek	Hefner	McFarland	Pappas	Withem
Chronister	Johnson, R.	Morehead	Rupp	

Voting in the negative, 16:

Barrett	Goll	Johnson, V.	Lundy	Peterson
Beyer	Hannibal	Labedz	Lynch	Remmers
Carsten	Johnson, L.	Lamb	Miller	Scofield

Warner

Present and not voting, 5:

Harris Hartnett Rogers Smith Vickers

Absent and not voting, 3:

Eret Hoagland Pirsch

Excused and not voting, 6:

Abboud Haberman Hall Higgins Schmit
DeCamp

The Morehead amendment lost with 19 ayes, 16 nays, 5 present and not voting, 3 absent and not voting, and 6 excused and not voting.

Pending.

The Chair declared the call raised.

MESSAGE FROM THE GOVERNOR

April 1, 1986

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 425, 504, 779, 909 and 922 were received in my office on March 27, 1986.

These bills were signed by me on April 1, 1986 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

RESOLUTIONS

LEGISLATIVE RESOLUTION 410.

Introduced by Harris, 27th District; Schmit, 23rd District; Miller, 37th District; Rogers, 41st District; Rupp, 22nd District; Vickers, 38th District; R. Johnson, 34th District.

WHEREAS, current U.S. monetary policy, U.S. trade, import and export policy and domestic U.S. farm policy are an experiment with questionable and predictably damaging economic consequences for the Midwest and the State of Nebraska; and

WHEREAS, Nebraska's agricultural production and agribusiness economic sectors as well as the state's overall tax base are highly vulnerable to the failure of the new market-oriented farm program to succeed in its goals of increasing U.S. agricultural exports or net farm income.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION, that it is appropriate for Nebraska's Congressional representatives to conduct hearings in the State of Nebraska that will evaluate the progress of the new farm bill toward achieving a greater volume of U.S. agricultural exports and a greater market share for the U.S. in world export markets. Furthermore, the Nebraska Legislature requests that such hearings focus on commerce and the balance of trade between the U.S. and other countries and the trends that are emerging relative to imports, exports and their overall short, intermediate and long term impact on Nebraska's economy.

Laid over.

LEGISLATIVE RESOLUTION 411.

Introduced by McFarland, 28th District.

WHEREAS, the Daughters of Union Veterans of the Civil War 1861-65 is a national organization operated for educational, patriotic and charitable purposes; and

WHEREAS, the Daughters of Union Veterans of the Civil War 1861-65 is organized throughout the State of Nebraska and has local chapters in Lincoln, Omaha, Fremont, Bellwood, Potter, Beatrice, McCook and Hastings; and

WHEREAS, the Daughters of Union Veterans of the Civil War 1861-65 celebrated its 100th anniversary year in 1985; and

WHEREAS, the Daughters of Union Veterans of the Civil War 1861-65 received a federal charter on December 9, 1985 by the enactment of P.L. 99-172 by the United States Congress; and

WHEREAS, this accomplishment deserves the recognition of the Nebraska Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature acknowledges the efforts and achievements of the Daughters of Union Veterans of the Civil War 1861-65, both past and present members and their forebears.

2. That the Legislature congratulates the Nebraska chapters on the Congressional grant of a federal charter in 1985.

3. That the Legislature encourages the efforts of the Daughters of Union Veterans of the Civil War 1861-65 on this its 101st year of existence.

4. That a copy of this resolution be delivered to the Chairperson of the Nebraska Charter Committee for distribution to the local chapters throughout the State of Nebraska.

Laid over.

VISITORS

Visitors to the Chamber were 4 members of the Omaha Tribal Council from Macy; Mr. and Mrs. Don Zimmer from Pierce; 38 fourth grade students and teachers from Christ Lutheran School, Norfolk; Mrs. David McMasters from Auburn; 26 seniors and teacher from Deshler High School; and Robert and Toni Mays from Hastings.

RECESS

At 12:10 p.m., on a motion by Mr. Nichol, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:36 p.m., Mr. Carsten presiding.

ROLL CALL

The roll was called and all members were present except Mr. Hall and Mrs. Higgins who were excused; and Messrs. DeCamp, Hefner, and Schmit who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1230. Placed on Select File as amended.
E & R amendments to LB 1230:
AM5419

- 1 1. In lieu of the Goodrich amendment adopted
2 March 27, 1986, found on page 1796 of the Journal, in
3 AM2585, on page 3, line 4, strike the second "and" and
4 strike "two" and insert "a marketing expert who is not
5 affiliated with any of such boards, and (9) one"; and in
6 line 5 strike "persons" and insert "person".
7 2. In the Schmit amendment, AM2763, adopted
8 March 27, 1986, on page 1, line 3, strike the colon; in
9 lines 8 to 9 and 15 strike "sections 32 to 57 of this
10 act" and insert "Chapter 70, articles 3, 6, 8, and 14";
11 in line 18 strike "date" and insert "dates"; in line 19
12 strike "the"; and in line 20 strike the second "the".
13 3. In the Standing Committee amendments,
14 AM2582, adopted March 27, 1986:
 - 15 a. Renumber sections 1 and 2 as sections 2 and
16 1, respectively;
 - 17 b. On page 2, line 5, strike the first comma
18 and insert "and" and strike ", and 32"; in line 6 strike
19 "Nebraska"; and strike beginning with "sections" in line
20 8 through "act" in line 9 and insert "the Ethanol
21 Authority and Development Act";
22 c. On page 4, line 3, strike "that" and insert
23 "the"; and in line 22 strike "the" and insert "its",
24 strike "this act" and insert "the Ethanol Authority and
25 Development Act and any other provisions of law", and
26 strike "Any" and insert "The";
27 d. On page 5, line 6, strike "pursuant to this
28 act"; and in line 20, strike "industries" and insert
29 "industry's";
30 e. On page 6, line 2, strike "thereto"; and in
31 line 7 after "Legislature" insert an underscored comma;
32 f. On page 7, strike beginning with "sections"
33 in line 8 through "act" in line 9 and insert "Chapter
34 70";
35 g. On page 8, lines 6 and 12, strike the
36 comma; in line 7 strike "shall determine" and insert
37 "determines"; in line 8 strike "this" and insert "the
38 Ethanol Authority and Development Act"; in line 9 strike

- 18 “act”; in line 11 strike “is” and insert “shall be”; and
 19 in line 21 strike “the” and insert “such” and strike
 20 beginning with “imposed” through “section”;
 21 h. On page 9, line 3, after “The” insert
 22 “ethanol excise”; strike beginning with the comma in
 23 line 3 through the first comma in line 4; in line 4
 24 strike the second comma; in lines 5 and 12 strike the
 1 comma; strike beginning with the comma in line 8 through
 2 the comma in line 9; and in line 17 strike “therefor”;
 3 i. On page 10, line 10, strike the first
 4 comma; and in line 16 strike “16” and insert “15”;
 5 j. On page 12, line 18, reinstate the stricken
 6 “the” and strike “sections 2-2301 to 2-2320”, show as
 7 stricken, and insert “Nebraska Wheat Resources Act”;
 8 k. On page 13, line 6, strike “To employ”,
 9 show as stricken, and insert “Employ”;
 10 l. On page 19, line 14, strike “date” and
 11 insert “dates”; and in line 15 after “of” insert “the”;
 12 m. On page 22, line 16, after the stricken
 13 “and” insert “to”; and in line 21 after the comma insert
 14 “to”;
 15 n. On page 23, line 6, after the comma insert
 16 “to”;
 17 o. On page 25, line 21, strike “Development”
 18 and insert “Authority”; and in line 22 strike
 19 “Authority” and insert “Development”;
 20 p. On page 30, lines 16 and 17, strike the new
 21 matter; and in line 17 reinstate the stricken “or”; and
 22 q. On page 49, line 15, after “ethanol” insert
 23 an underscored comma.
 24 4. On page 1, strike beginning with “power” in
 1 line 1 through line 14 and insert “ethanol; to amend
 2 sections 2-2309, 2-4011, 58-201, 58-239, 70-301, 70-604,
 3 70-604.02, 70-626, 70-628.01 to 70-628.04, 70-632,
 4 70-636, 70-646, 70-655, 70-657, 70-667, and 70-802,
 5 Reissue Revised Statutes of Nebraska, 1943, sections
 6 70-631, 70-637, 70-1402 to 70-1404, 70-1409, 70-1413,
 7 70-1416, and 70-1417, Revised Statutes Supplement, 1984,
 8 and sections 2-3622 and 70-601, Revised Statutes
 9 Supplement, 1985; to adopt the Ethanol Authority and
 10 Development Act; to provide a penalty; to provide powers
 11 and duties relating to the construction of ethanol
 12 production and distribution facilities; to redefine
 13 terms.”.
 14 5. On page 2, strike beginning with line 1

15 through the first semicolon in line 3.

LEGISLATIVE BILL 1126. Placed on Select File as amended.
E & R amendments to LB 1126:

AM5410

1 1. In the Withem-Morehead amendment, AM2632,
2 adopted on March 20, 1986:

3 a. On page 2, line 21, strike the comma and
4 show as stricken, and in line 23 strike the second comma
5 and show as stricken;

6 b. On page 3, in lines 16 and 18, after "I"
7 insert "school"; and in line 19 after "VI" insert
8 "school";

9 c. On page 4, line 14, after "I" insert
10 "school district";

11 d. On page 6, line 8, strike "The" show as
12 stricken, and insert "On or before July 1 of each year,
13 the"; strike beginning with "on" in line 15 through
14 "year" in line 16; and in line 16 before "board" insert
15 "school board or";

16 e. On page 8, in lines 18 and 20, strike the
17 last comma and show as stricken; and in line 19 before
18 "district" insert "school";

19 f. On page 10, in lines 17 and 19, before
20 "districts" insert "school"; and in line 21 strike
21 "shall be" and insert "is".

1 2. On page 1, line 1, after "amend" insert
2 "sections 79-4,103 and 79-4,104, Reissue Revised
3 Statutes of Nebraska, 1943, and "; in line 2 after the
4 semicolon insert "to define terms;"; in line 4 after the
5 semicolon insert "to provide an operative date;"; and in
6 line 5 strike "section" and insert "sections".

LEGISLATIVE BILL 960. Placed on Select File as amended.
E & R amendments to LB 960:

AM5411

1 1. On page 1, line 1, strike "newspaper
2 publication" and insert "notice"; in line 13 strike
3 "and" and insert "to delete obsolete provisions;"; and
4 in line 14 after "sections" insert "; and to declare an
5 emergency".

6 2. On page 5, lines 8 and 11, strike "title",
7 show as stricken, and insert "Title"; and in line 11
8 after "(b)" insert an underscored comma.

9 3. On page 8, line 12, strike the comma.

- 10 4. On page 9, line 9, strike the first comma
11 and show as stricken and after "or" insert an
12 underscored comma; in line 12 strike the comma; and in
13 line 24 strike the comma and show as stricken.
- 14 5. On page 10, line 24, strike the comma and
15 show as stricken.
- 16 6. On page 11, line 1, strike "address" and
17 show as stricken, strike the period, and reinstate the
18 stricken "addresses."; in line 2 strike "address" and
19 show as stricken, reinstate "addresses", and strike the
20 comma, show as stricken, and insert "and"; in line 3
21 strike the comma and show as stricken; in line 16 after
1 "decayed" insert an underscored comma; and in lines 17
2 and 22 strike the comma and show as stricken.
- 3 7. On page 12, line 16, after "mail" insert
4 an underscored comma; and in line 25 strike the comma
5 and after "and" insert an underscored comma.
- 6 8. On page 13, lines 4, 5, and 11, strike the
7 old commas and show as stricken; in lines 4 and 5 after
8 "if" insert "it is"; in line 5 strike "the same be" and
9 show as stricken; and in line 17 strike the semicolon,
10 show as stricken, and insert an underscored comma.
- 11 9. On page 14, line 1, strike the comma and
12 show as stricken.
- 13 10. On page 18, lines 1, 3, and 11, strike
14 the comma and show as stricken.
- 15 11. On page 19, line 3, strike "be", show as
16 stricken, and insert "is"; in line 19 strike the new
17 matter and reinstate "the"; and in line 20 reinstate
18 "to" and strike "shall".
- 19 12. On page 20, line 4, after the comma
20 insert "and"; and in line 13 strike the comma and show
21 as stricken and after "or" insert an underscored comma.
- 22 13. On page 22, line 13, strike the comma and
23 show as stricken; in line 14 strike the comma; and in
24 line 15 after "and" insert an underscored comma.
- 1 14. On page 28, line 23, after "adopted"
2 insert an underscored comma.
- 3 15. On page 30, lines 1 and 20, strike the
4 comma and show as stricken.
- 5 16. On page 31, line 25, after "election"
6 insert an underscored comma.
- 7 17. On page 32, lines 1, 3, and 6, strike the
8 comma and show as stricken; and in line 10 strike "nor"
9 and insert "and".

- 10 18. On page 37, line 2, after "nature" insert
11 an underscored comma; in line 5 after "appear" insert an
12 underscored comma; in line 6 strike beginning with "at"
13 through the first comma and show as stricken; and in
14 line 8 after "such" insert "county".
- 15 19. On page 38, line 2, after "appointment"
16 insert an underscored comma; and in line 5 after "filed"
17 insert an underscored comma.
- 18 20. On page 39, line 10, after "priority"
19 insert "of such projects".
- 20 21. On page 41, line 1, after "supervisors"
21 insert "shall" and strike "is" and "required to" and
22 show as stricken; and in line 24 strike the comma and
23 show as stricken.
- 24 22. On page 43, line 7, strike the comma.
- 1 23. On page 44, line 18, strike the comma and
2 show as stricken.
- 3 24. On page 45, line 7, strike the new
4 matter; in line 8 strike "township, or county" and "in
5 such"; in line 9 strike beginning with "city" through
6 "county"; and in line 25 strike "be", show as stricken,
7 and insert "is".
- 8 25. On page 46, line 16, strike the first
9 comma and after "or" insert an underscored comma.
- 10 26. On page 48, lines 1, 14, 16, and 18; and
11 page 49, line 5, strike the first comma and show as
12 stricken; and in line 9 strike the comma.
- 13 27. On page 50, line 14, strike the comma,
14 show as stricken, and insert "and"; and in line 23
15 strike the comma.
- 16 28. On page 51, lines 6 and 25, strike the
17 comma and show as stricken; and in line 15 strike the
18 comma and after "or" insert an underscored comma.
- 19 29. On page 52, line 8, strike the first
20 comma and after "or" insert an underscored comma; in
21 line 10 strike the comma; and in line 11 strike "that".
- 22 30. On page 53, lines 13 and 16, strike the
23 comma.
- 24 31. On page 54, lines 8, 9, and 23, strike
1 the comma and show as stricken.
- 2 32. On page 55, line 4, reinstate "this".

- 1 1. In the Hoagland et al. amendment, Am2584,
- 2 adopted March 20, 1986:
- 3 a. On page 1, line 5, strike the comma; and
- 4 in line 6 strike the first comma;
- 5 b. On page 2, line 10, after "by" insert
- 6 "the";
- 7 c. On page 4, line 4, strike "shall be" and
- 8 insert "is"; in line 7 after "into" insert "the"; and in
- 9 line 14 after "trust" insert an underscored comma;
- 10 d. On page 5, line 4, strike the second
- 11 comma; and in line 8, after "redemption" and "disputed"
- 12 insert underscored commas;
- 13 e. On page 7, line 17, before the left
- 14 parenthesis insert an underscored comma; and in line 18
- 15 strike the comma and show as stricken;
- 16 f. On page 9, line 1, strike the comma;
- 17 g. On page 10, line 18, after "insurance"
- 18 insert an underscored comma;
- 19 h. On page 11, line 17, after "discontinued"
- 20 insert an underscored comma;
- 21 i. On page 12, line 17, after the second
- 1 comma and in line 23 after the first comma insert "(or
- 2 computer system reference.....)"; and
- 3 j. On page 13, line 1, after "40-101" insert
- 4 ", 40-110,".
- 5 2. On page 1, strike lines 2 through 13 and
- 6 insert "40-101, 40-110, and 76-1012, Reissue Revised
- 7 Statutes of Nebraska, 1943, and sections 76-1005 and
- 8 76-1008, Revised Statutes Supplement, 1984; to provide
- 9 the right to cure default in certain actions involving
- 10 agricultural land; to require written notice as
- 11 prescribed; to provide for partial redemption; to change
- 12 provisions relating to the homestead exemption and deeds
- 13 of trust; and to repeal the original sections."

LEGISLATIVE RESOLUTION 318CA. Placed on Select File.

LEGISLATIVE BILL 311A. Placed on Select File.

LEGISLATIVE BILL 775A. Placed on Select File.

LEGISLATIVE BILL 768A. Placed on Select File.

LEGISLATIVE BILL 835. Placed on Select File as amended.

(E & R amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM5418.)

LEGISLATIVE BILL 807. Placed on Select File as amended.

E & R amendment to LB 807:

AM5416

- 1 1. On page 1, line 2, after the semicolon
- 2 insert "to eliminate a penalty;"

(Signed) Timothy Hall, Chairperson

SELECT FILE

LEGISLATIVE BILL 1251. Considered.

Mr. Vickers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Vickers renewed his pending amendment, AM2712, (1), found in the Journal on page 1691.

SPEAKER NICHOL PRESIDING

The Vickers amendment was adopted with 26 ayes, 9 nays, 10 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Vickers renewed his pending amendment, AM2713, (2), found in the Journal on page 1692.

MR. HANNIBAL PRESIDING

Mr. Vickers moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Vickers requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Baack	Eret	Hoagland	McFarland	Pappas
Chambers	Haberman	Johnson, R.	Miller	Sieck
Chizek	Harris	Lamb	Morehead	Vickers
Chronister	Hefner	Lynch	Nichol	Wesely
Conway				

Voting in the negative, 20:

Abboud	Goll	Labeledz	Peterson	Scofield
Barrett	Hannibal	Landis	Pirsch	Smith
Beyer	Johnson, L.	Lundy	Remmers	Warner
Carsten	Johnson, V.	Nelson	Rupp	Withem

Present and not voting, 3:

Goodrich	Hartnett	Marsh
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Excused and not voting, 5:

DeCamp	Hall	Higgins	Rogers	Schmit
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The Vickers amendment lost with 21 ayes, 20 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Chambers renewed his pending amendment found in the Journal on page 1697.

Mr. Chambers withdrew his pending amendment found in the Journal on page 1697.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner renewed his pending amendment, AM2754, found in the Journal on page 1787.

SPEAKER NICHOL PRESIDING

The Warner amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Sieck withdrew his pending amendment, AM2667, found in the Journal on page 1809.

Mr. Hannibal withdrew his pending amendment, AM2767, found in the Journal on page 1808.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 1229.

Correctly Engrossed

The following bills were correctly engrossed: 105, 267, 438, 438A, and 701.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 105

The following changes, required to be reported for publication in the Journal, have been made:

ER0179

1. In the E & R amendments, AM5333, adopted March 14, 1986, on page 1, the matter beginning with "in" in line 4 through the first semicolon in line 5, beginning with the second "in" in line 5 through line 6, and beginning with the semicolon in line 9 through "comma" in line 10 has been struck.

Enrollment and Review Change to LB 438

The following changes, required to be reported for publication in the Journal, have been made:

ER0180

1. In the Wesely amendment, AM2461, adopted March 24, 1986:
 - a. On page 1, line 18, "sections" has been struck; and
 - b. On page 3, line 11, "3" has been struck and "25" inserted.
2. The E & R amendment, AM5324, adopted March 24, 1986, has been struck.
3. On page 7, line 10, the comma has been struck.

(Signed) Mary E. Sommermeyer
E & R Attorney

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1258A. By Nichol, 48th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1258, Eighty-ninth Legislature, Second Session, 1986.

UNANIMOUS CONSENT - Print in Journal

Mr. Miller asked unanimous consent to print the following amendment to LB 1016 in the Journal. No objections. So ordered.

AM2813

- 1 1. On page 25, line 23, after "influence"
- 2 insert "state" and after "legislation" insert ". The
- 3 board shall not expend more than twenty-five per cent of
- 4 its annual budget to influence federal legislation".

Mr. Landis asked unanimous consent to print the following amendment to LB 217 in the Journal. No objections. So ordered.

AM2778

- 1 1. On page 2, line 18, after "shall" insert
- 2 "also".
- 3 2. On page 3, line 25, strike the comma and
- 4 after "including" insert ", but not limited to,".
- 5 3. On page 5, line 11, strike "since" and
- 6 insert "on or after".
- 7 4. On page 6, line 22, after "the" insert
- 8 "construction, design,".
- 9 5. On page 7, line 10, after "includes"
- 10 insert ", but is not limited to,".
- 11 6. On page 9, line 12, strike the first comma
- 12 and insert "or" and strike ", or person"; and in line 13
- 13 strike "responsible for" and insert "of".
- 14 7. Insert the following new section:
- 15 "Sec. 10. The Department of Environmental
- 16 Control or the State Fire Marshal may apply to the
- 17 district court of the county where the violation is
- 18 occurring or about to occur for a restraining order, a
- 19 temporary or permanent injunction, or a mandatory
- 20 injunction against any person violating or threatening
- 21 to violate the Petroleum Products and Hazardous
- 1 Substances Storage and Handling Act or the rules,
- 2 regulations, or orders adopted and promulgated under the
- 3 act. The court shall have jurisdiction to grant relief

- 4 upon good cause shown. Relief may be granted
5 notwithstanding the existence of any other remedy at law
6 and shall be granted without bond.”.
7 8. In AM1745, beginning on page 295 of the
8 1986 Journal:
9 a. On page 1, line 9, after “been” insert
10 “permanently”;
11 b. On page 2, line 6, strike “10” and insert
12 “11”; in line 8 strike “an underground storage” and
13 insert “a”; in lines 15 and 17 strike “underground
14 storage”; in line 16 strike “an” and insert “a”; and
15 strike lines 18 through 24;
16 c. On page 3, line 1, strike “1987.”; and in
17 line 3 strike “10” and insert “11”; and
18 d. On page 4, line 16, strike “underground
19 storage”.
20 9. Renumber the remaining sections
21 accordingly.

SELECT FILE

LEGISLATIVE BILL 1251. Mrs. Marsh offered the following amendment:
AM2780

- 1 1. Purpose: To provide \$8,820 for the
2 Nebraska Academy of Sciences, Inc. for the publishing
3 of Transactions.
4 Amendment: On page 14, line 3, strike “753,682” and
5 insert “762,502”; and in line 7 strike “1,753,318” and
6 insert “1,762,138”; and on page 21, line 12, strike
7 “188,379,304” and insert “188,388,124”; and in line 16
8 strike “251,577,892” and insert “251,586,712”.

Mr. Wesely asked unanimous consent to be excused until he returns.
No objections. So ordered.

MR. HANNIBAL PRESIDING

Mr. Abboud asked unanimous consent to be excused until he returns.
No objections. So ordered.

Mrs. Marsh moved for a call of the house. The motion prevailed
with 9 ayes, 0 nays, and 40 not voting.

Mrs. Marsh requested a roll call vote on her amendment.

Voting in the affirmative, 14:

Chambers	Goodrich	Marsh	Pappas	Wesely
Chizek	Hoagland	McFarland	Sieck	Withem
Eret	Landis	Nichol	Smith	

Voting in the negative, 23:

Baack	DeCamp	Johnson, V.	Miller	Remmers
Barrett	Goll	Labedz	Nelson	Rupp
Beyer	Hannibal	Lamb	Peterson	Scofield
Carsten	Hefner	Lundy	Pirsch	Warner
Conway	Johnson, L.	Lynch		

Present and not voting, 5:

Chronister	Harris	Hartnett	Johnson, R.	Morehead
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Absent and not voting, 1:

Vickers

Excused and not voting, 6:

Abboud	Hall	Higgins	Rogers	Schmit
Haberman				

The Marsh amendment lost with 14 ayes, 23 nays, 5 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Sieck offered the following amendment:

AM2787

- 1 1. On page 43, lines 14 and 15, strike
- 2 "20,525,321" and insert "21,795,454"; and in line 25
- 3 strike "1,334,754" and insert "1,518,628".
- 4 2. On page 44, line 4, strike "2,302,499" and
- 5 insert "2,486,373"; in line 6 strike "1,092,944" and
- 6 insert "1,236,456"; in line 10 strike "2,165,159" and
- 7 insert "2,308,671"; in line 12 strike "3,105,479" and
- 8 insert "3,522,137"; in line 16 strike "4,745,719" and
- 9 insert "5,162,377"; in line 18 strike "2,797,001" and
- 10 insert "3,061,881"; in line 22 strike "4,415,789" and

- 11 insert "4,680,669"; and in line 24 strike "5,913,169"
12 and insert "6,094,378".
13 3. On page 45, line 3, strike "9,333,187" and
14 insert "9,514,396"; in line 5 strike "6,281,974" and
15 insert "6,361,974"; in line 9 strike "10,799,963" and
16 insert "10,879,963"; in line 11 strike "20,525,321" and
17 insert "21,795,454"; and in line 15 strike "33,762,316"
18 and insert "35,032,449".
19 4. On page 49, line 18, strike "65,662,105"
20 and insert "66,932,238"; and in line 21, strike
21 "100,605,843" and insert "101,875,976".

Mr. Beyer asked unanimous consent to be excused until he returns.
No objections. So ordered.

Mr. Sieck moved for a call of the house. The motion prevailed with
9 ayes, 0 nays, and 40 not voting.

The Sieck amendment was adopted with 25 ayes, 4 nays, 14 present
and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Goodrich offered the following amendment:

PURPOSE: To replace matching funds for Student Incentive Grants
previously provided by independent colleges and universities and
private vocational schools with an appropriation of state General
Funds.

AMENDMENT:

On page 75, after line 1, insert "GENERAL FUND 154,613"; on
line 5, after "program", insert "\$154,613 General Funds and"; on line
24, strike "90,518" and insert "245,131"; and on page 76, line 2, strike
"864,518" and insert "1,019,131".

Messrs. Wesely and Nichol asked unanimous consent to be excused
until they return. No objections. So ordered.

Mr. Goodrich moved for a call of the house. The motion prevailed
with 11 ayes, 0 nays, and 38 not voting.

Mr. Goodrich requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Abboud Chizek Chronister Eret Goodrich

Hartnett	Labeledz	Marsh	Nelson	Smith
Hoagland	Landis	McFarland	Remmers	Vickers
Johnson, R.	Lynch	Miller	Sieck	Withem

Voting in the negative, 18:

Baack	DeCamp	Hefner	Lundy	Rupp
Beyer	Goll	Johnson, L.	Morehead	Scofield
Carsten	Haberman	Johnson, V.	Pappas	Warner
Conway	Hannibal	Lamb		

Present and not voting, 5:

Barrett	Chambers	Harris	Peterson	Pirsch
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Excused and not voting, 6:

Hall	Nichol	Rogers	Schmit	Wesely
Higgins				

The Goodrich amendment lost with 20 ayes, 18 nays, 5 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Messrs. Chronister, Sieck, and Hoagland offered the following amendment:

On page 74, line 25, insert "Program 298 - Scholarship Award Program

GENERAL FUND	250,000
PROGRAM TOTAL	250,000

Mr. Rupp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chronister moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Chronister requested a roll call vote on the Chronister-Sieck-Hoagland amendment.

Voting in the affirmative, 21:

Chizek	Conway	Goodrich	Hefner	Johnson, R.
Chronister	Eret	Hartnett	Hoagland	Labeledz

Landis	McFarland	Pirsch	Sieck	Vickers
Lynch	Nelson	Remmers	Smith	Withem
Marsh				

Voting in the negative, 17:

Baack	Goll	Johnson, V.	Miller	Peterson
Beyer	Haberman	Lamb	Morehead	Scofield
Carsten	Hannibal	Lundy	Pappas	Warner
DeCamp	Johnson, L.			

Present and not voting, 3:

Barrett	Chambers	Harris
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Absent and not voting, 1:

Abboud

Excused and not voting, 7:

Hall	Nichol	Rupp	Schmit	Wesely
Higgins	Rogers			

The Chronister-Sieck-Hoagland amendment lost with 21 ayes, 17 nays, 3 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

MR. CARSTEN PRESIDING

Mr. R. Johnson offered the following amendment:

to amend LB 1251 on page 27, line 6 by striking "\$484,156" and inserting \$534,156

Mr. R. Johnson requested a record vote on his amendment.

Voting in the affirmative, 11:

Carsten	Goodrich	Harris	Lamb	Sieck
Chizek	Haberman	Johnson, R.	Lynch	Vickers
Eret				

Voting in the negative, 19:

Barrett	Goll	Landis	Nelson	Smith
Beyer	Hannibal	Lundy	Pirsch	Warner
Conway	Hoagland	Marsh	Remmers	Withem
DeCamp	Johnson, L.	Morehead	Scofield	

Present and not voting, 12:

Abboud	Chronister	Johnson, V.	McFarland	Pappas
Baack	Hartnett	Labeledz	Miller	Peterson
Chambers	Hefner			

Excused and not voting, 7:

Hall	Nichol	Rupp	Schmit	Wesely
Higgins	Rogers			

The R. Johnson amendment lost with 11 ayes, 19 nays, 12 present and not voting, and 7 excused and not voting.

Messrs. Wesely, Baack, Sieck, and Lynch offered the following amendment:

On page 117, lines 5 and 6, strike "22,446,915" and insert "22,951,332", and in line 8 strike "\$22,446,915" and insert "\$22,951,332".

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mrs. Labeledz asked unanimous consent to be excused until she returns. No objections. So ordered.

Pending.

MOTION - Adjournment

Mr. Chambers moved to adjourn until 9:00 a.m. The motion lost with 10 ayes, 15 nays, and 24 not voting.

ANNOUNCEMENT

Mr. Carsten announced there will be an Executive Board meeting Wednesday, April 2, 1986 at 1:00 p.m., in Room 2102.

UNANIMOUS CONSENT - Print in Journal

Mr. Warner and Mrs. Smith asked unanimous consent to print the following amendment to LB 539 in the Journal. No objections. So ordered.

AM2804

- 1 1. On page 2, line 10, strike "three and one
- 2 half", show as stricken, and insert "four".
- 3 2. Insert the following new sections:
- 4 "Sec. 3. This act shall become operative on
- 5 June 1, 1986, or on the first day of the first month
- 6 following the effective date of this act, whichever
- 7 occurs first.
- 8 Sec. 5. Since an emergency exists, this act
- 9 shall be in full force and take effect, from and after
- 10 its passage and approval, according to law."
- 11 3. Renumber remaining section accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 924 in the Journal. No objections. So ordered.

AM2777

(Amendments to Final Reading Copy)

- 1 1. On page 13, line 18, strike "two" and
- 2 insert "fifteen"; and in line 19 before "developmental"
- 3 insert "mental retardation or related conditions,
- 4 including epilepsy, cerebral palsy, or other".

Mr. Barrett asked unanimous consent to print the following amendment to LB 813 in the Journal. No objections. So ordered.

AM2822

- 1 1. On page 2, line 9, after "by" insert
- 2 "(1)"; and in line 11 after the comma insert "unless
- 3 consent or relinquishment has been made by the mother or
- 4 pursuant to section 43-105 for purposes of adoption,"
- 5 and strike "by", show as stricken, and insert "(2)".
- 6 2. Strike AM2279.

Mr. Pappas asked unanimous consent to print the following amendment to LB 983 in the Journal. No objections. So ordered.

AM2816

- 1 1. Insert the following new section:
- 2 "Sec. 2. That section 8-157, Revised Statutes

3 Supplement, 1985, be amended to read as follows:

4 8-157. (1) No bank shall maintain any branch
5 bank and, except as provided in subsections (2) to (11)
6 of this section and section 8-122.01, the general
7 business of every bank shall be transacted at the place
8 of business specified in its charter.

9 (2) With the approval of the director (a) any
10 bank may maintain an attached auxiliary office if such
11 office is physically connected by a pneumatic tube or
12 tubes or a walkway, tunnel, or any other electronic,
13 mechanical, or structural connection or attachment for
14 the public use of the bank and is within two hundred
15 feet of the building containing the premises specified
16 as its place of business in its charter or any adjacent
17 connected building housing a continuation of the
18 operations of the bank's main office and is not within
19 three hundred feet of another bank or another bank's
20 auxiliary or detached office and (b) any bank may
21 establish and maintain commencing (i) in 1983 not more
1 than three detached auxiliary offices, (ii) in 1984 not
2 more than four detached auxiliary offices, and (iii) in
3 1985 and thereafter not more than five detached
4 auxiliary offices at which all banking transactions
5 allowed by law may be made. Such auxiliary offices
6 shall be within the corporate limits of the city in
7 which such bank is located. Any bank that establishes
8 and maintains two or more auxiliary offices shall locate
9 one of such offices within three miles of the premises
10 specified as its place of business in its charter. No
11 auxiliary office shall be located within three hundred
12 feet of another bank or within fifty feet of another
13 auxiliary office. Any detached auxiliary office
14 established and maintained by a bank pursuant to the
15 acquisition or merger of an institution under sections
16 8-1506 to 8-1510 shall not count against the number or
17 location of detached auxiliary offices permitted under
18 this section.

19 (3) With the approval of the director, a bank
20 may acquire another bank in Nebraska as the result of a
21 purchase or merger so long as the acquired bank has been
22 chartered for more than ~~five~~ three years and the
23 acquired institution and its detached auxiliary offices
24 are converted to auxiliary offices of the acquiring
1 bank. Such auxiliary offices shall not count against
2 the number of locations of detached auxiliary offices

3 permitted under subsections (1) and (2) of this section.

4 (4) The name given to any detached bank or
5 branch bank established and maintained pursuant to this
6 section shall not be substantially similar to the name
7 of any existing bank or branch bank which is
8 unaffiliated with the newly created bank or branch bank
9 and is located in the same municipality. The name of
10 such newly created bank or branch bank shall be approved
11 by the director.

12 (5) With the approval of the director, any
13 bank or banks may establish and maintain any number of
14 electronic satellite facilities or manned electronic
15 satellite facilities at which all banking transactions,
16 defined as receiving deposits of every kind and nature
17 and crediting such to customer accounts, cashing checks
18 and cash withdrawals, transfer of funds from checking
19 accounts to savings accounts, transfer of funds from
20 savings accounts to checking accounts, transfer of funds
21 from either checking accounts and savings accounts to
22 accounts of other customers, payment transfers from
23 customer accounts into accounts maintained by other bank
24 customers or the bank, including preauthorized draft
1 authority, preauthorized loans, and credit transactions,
2 receiving payments payable at the bank or otherwise, and
3 such other transactions that the Director of Banking and
4 Finance upon application, notice, and hearing may
5 approve, may be conducted. Such electronic satellite
6 facilities or manned electronic satellite facilities may
7 be established only by a bank as defined in subdivision
8 (4) of section 8-101 or by a national banking
9 association whose main chartered office is located in
10 the State of Nebraska. Neither such electronic
11 satellite facilities, the manned electronic satellite
12 facilities, nor the transactions conducted thereat shall
13 be construed as the establishment of a branch bank or as
14 branch banking. Such facilities shall be available on a
15 nondiscriminating basis for use by customers of any
16 other bank becoming a user bank. It shall not be deemed
17 discrimination if a facility does not offer the same
18 transaction services as other facilities.

19 Any bank may become a user bank by agreeing to
20 pay the establishing bank its transaction fees. Such
21 agreement may be implied by the use of such facilities.
22 Nothing in this subsection shall prohibit a user bank
23 from agreeing to responsibilities and benefits which

24 might be contained in a standardized agreement. The
1 establishing bank shall file with the director the
2 information necessary to originate a transaction at any
3 facility. Such information shall contain a means of
4 designating the bank or processor to which such
5 transactions shall be switched and shall also contain
6 information adequate to perform authorization of cash
7 withdrawal and other transactions authorized by this
8 section. The director shall make such information
9 available to any other bank desiring to become a user
10 bank. The establishing bank shall be responsible for
11 transmitting transactions originating from its facility
12 to a switch, but nothing contained in this section may
13 be construed to provide that any inhouse or auxiliary
14 office premises transactions shall be required to go
15 through a switch. The director shall refuse to approve
16 the establishment of any electronic satellite facilities
17 or manned electronic satellite facilities unless such
18 facilities will be available on a nondiscriminating
19 basis through methods, fees, and processes that the
20 establishing bank has provided for switching
21 transactions. Once approval is given for the facility
22 of an establishing bank, the director, upon notice and
23 after a hearing, may revoke the approval for the
24 facility or may suspend the use of such facility if he
1 or she determines that it is not available on a
2 nondiscriminating basis, that the necessary information
3 is not on file with the director, or that transactions
4 originated by customers of user banks are not being
5 switched to processing centers. Nothing in this section
6 may be construed to prohibit nonbank employees from
7 assisting in transactions originated at the facilities,
8 and such assistance shall not be deemed to be engaging
9 in the business of banking. Such nonbank employees may
10 be trained in the use of the facilities by bank
11 employees.

12 (6) An establishing bank shall not be deemed
13 to make a facility available on a nondiscriminating
14 basis if, through personnel services offered,
15 advertising on or off the facility premises, or
16 otherwise, it discriminates in the use of the facility
17 against any user bank.

18 (7) Off-premises electronic satellite
19 facilities and manned electronic satellite facilities
20 may be established and maintained by a bank or by a

21 group of two or more banks or a combination of a bank or
22 banks and a third party. No one, through personnel
23 services offered, advertising on or off the facility
24 premises, or otherwise, may discriminate in the use of
1 the facility against any other user bank desiring to use
2 the services of the facility.

3 (8) It is an intent of this section that this
4 section shall apply to banks chartered by the State of
5 Nebraska and all national banking associations whose
6 main chartered offices are located in the State of
7 Nebraska and that there be an equal opportunity to all
8 Nebraska banks for the use of and access to a switch and
9 that no discrimination shall exist or preferential
10 treatment be given in either the operation of such
11 switch or the charges for use thereof. The operation of
12 such switch shall be with the approval of the Director
13 of Banking and Finance. Approval of such switch shall
14 be given by the Director of Banking and Finance when he
15 or she shall determine that its design and operation are
16 such as to provide access thereto and use thereof by any
17 Nebraska bank without discrimination as to access or
18 cost of its use.

19 (9) If the director, upon notice and hearing,
20 determines at any time that the design or operation of a
21 switch or provision for use thereof does discriminate
22 against any bank in providing access thereto and use
23 thereof either through access thereto or by virtue of
24 the cost of its use, he or she may revoke his or her
1 approval of such switch operation and ~~forthwith~~
2 immediately order the discontinuance of the operation of
3 such switch.

4 (10) If it shall be determined by the Director
5 of Banking and Finance, after notice and hearing, that
6 discrimination against any bank has taken place, or that
7 one bank has been preferred over another, or that any
8 bank or person has not complied with any of the
9 provisions of this section, he or she shall ~~forthwith~~
10 immediately issue a cease and desist order or an order
11 for compliance within ten days from the date of the
12 order and upon noncompliance with such order, the
13 offending bank shall become ineligible to receive and
14 hold any deposits of any nature of the State of Nebraska
15 or any of its political ~~subdivision~~ ~~thereof~~
16 subdivisions.

17 (11) ~~The provisions of section~~ Section 8-101

18 and this section shall apply to banks and their
19 activities only. Nothing in such sections may be
20 construed to provide any authority for any nonbank
21 institution to engage in any of the banking transactions
22 enumerated in this section. When reference is made in
23 this section to activities by third parties, such
24 activities shall be limited to the ownership, operation,
1 and maintenance of electronic satellite facilities.

2 (12) Nothing in this section shall prohibit
3 ordinary clearinghouse transactions between banks.”.

4 2. On page 5, line 13, strike “is” and insert
5 “and section 8-157, Revised Statutes Supplement, 1985,
6 are”.

7 3. Renumber the remaining section
8 accordingly.

SELECT FILE

LEGISLATIVE BILL 1251. The pending Wesely-Baack-Sieck-Lynch amendment was renewed.

Mr. Lundy moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Baack moved for a call of the house. The motion lost with 8 ayes, 13 nays, and 28 not voting.

The Wesely-Baack-Sieck-Lynch amendment lost with 9 ayes, 13 nays, 21 present and not voting, and 6 excused and not voting.

Mr. Nichol asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved to bracket LB 1251 until April 2, 1986.

Pending.

Mrs. Morehead, Messrs. Peterson, and Chronister asked unanimous consent to be excused. No objections. So ordered.

VISITORS

Visitors to the Chamber were Clayton Lukow from Holstein; and 36 seventh grade students, teachers, and sponsor from Emerson-Hubbard High School, Emerson.

ADJOURNMENT

Mr. Haberman moved to adjourn until 9:00 a.m. The motion prevailed, and at 4:47 p.m., on a motion by Mr. Haberman, the Legislature adjourned until 9:00 a.m., Wednesday, April 2, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SECOND DAY - APRIL 2, 1986

LEGISLATIVE JOURNAL

FIFTY-SECOND DAY - APRIL 2, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

FIFTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 2, 1986

Pursuant to adjournment, the Legislature met at 9:03 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Dr. Edward H. Kolbe, First Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Haberman, Hall, Hoagland, R. Johnson, Landis, Schmit, Wesely, Mesdames Higgins, and Labeledz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-First Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 86041
March 31, 1986

To: Senator Don Wesely

Subject: Proposed Amendments in LB 924 Sec. 3 to Neb.Rev.Stat. §71-2017.02 (Supp. 1984)

In regard to proposed amendments in LB 924 Sec. 3, you have asked what is the legal distinction between "approving" unlicensed persons to administer medications and "certifying" them to do so. We have concluded there is very little distinction, as discussed below, but some clarification and consistency with other statutes may result from using "approved."

One proposed amendment would change the authority of the Department of Health to make regulations. Instead of setting requirements for "certification" of certain unlicensed staff to administer medications in named health care facilities and providing for denial or revocation of such certification as now provided in Neb.Rev.Stat. §71-2017.02 (Supp. 1984), the department would be authorized to make rules and regulations requiring "approval" of them to do so and providing for denial of such approval. Another amendment would change the exemption allowing unlicensed persons in such facilities to administer medications from those "certified" by the Department of Health to those "approved by the facility" and by the Department of Health.

The present statute does not define "certification" and the proposed amendment does not define "approved". In such cases we look to the usual and ordinary meaning of those terms. See, Garcia v. City of Omaha, 215 Neb. 714, 340 N.W.2d 409 (1983).

The American Heritage Dictionary of the English Language defines "approved" as: "To confirm or consent to officially; to sanction; ratify." It defines "certify" as: "To confirm formally as true, accurate, or genuine; to testify to or vouch for in writing." In Ashby v. Peters, 128 Neb. 338, 349, 258 N.W. 639, 644 (1935), the court defines "approved" to mean: "{T}o sanction officially, to regard as good, to commend."

Thus there is very little to distinguish the two terms except the requirement that the certification be in writing. Where the approval is to be given by a state agency, administrative procedures already require that it be in writing. Thus, in fact, that distinction is also one without a difference. One possible distinction may arise in the health care industry because of the connotation that certification is made by the federal government for participation in the medicare and medicaid programs while licensure is made by the state.

The critical fact both under the present statute and the proposed amendments is that a line is being drawn between those who may administer medications and those who may not. The Legislature has already determined that the administration of medications is an occupation which the state may regulate to promote the health, safety, morals or general welfare of the public. See, Nelson v. Tilley, 137 Neb. 327, 337, 289 N.W. 388 (1939), for a discussion of its authority to do so. See, statutes authorizing the administration of

medications by certain licensed health care practitioners and by Care Staff Members as evidence that it has done so.

In conclusion, whether the Legislature requires unlicensed persons to be "certified" or "approved" by the Department of Health before they can administer medications is a distinction without a difference. However, because certification may connote federal involvement to health care providers, use of approved may clarify that this is consent from the state to administer medications. Approve is also the term used with respect to Care Staff Members, another class of unlicensed persons who may administer medications. Thus, use of a similar term here may promote clarity.

Of greater concern are potential constitutional problems from the proposed amendments to delete the right to revoke approval, if given, and to delegate approval functions to a private entity. A continuing problem is the omission of statutory guidelines for qualifications needed for certification or approval. However, a discussion of those problems is beyond the scope of this opinion.

Sincerely,

ROBERT M. SPIRE

Attorney General

(Signed) Marilyn B. Hutchinson

Assistant Attorney General

MBH:jem

cc: Patrick J. O'Donnell
Clerk of the Legislature

1/04

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 397.

RESOLUTIONS

LEGISLATIVE RESOLUTION 410. Read. Considered.

LR 410 was adopted with 26 ayes, 1 nay, and 22 not voting.

LEGISLATIVE RESOLUTION 411. Read. Considered.

LR 411 was adopted with 27 ayes, 0 nays, and 22 not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 960 in the Journal. No objections. So ordered.

AM2824

1. Insert the following new section:
 2. "Sec. 26. That section 32-708, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
 - 32-708. The Secretary of State, at the time he or she furnishes to the county clerks or election commissioners, as the case may be, of the several counties certified copies of the names of the candidates for state and other offices, shall furnish to each of the county clerks or election commissioners, as the case may be, his or her certified copy of the ballot titles and numbers of the several measures and initiative amendments to the constitution to be voted upon at the ensuing general election, ; and he or she shall use for each measure the ballot title designated in the manner provided by this section. Such ballot title shall in no case exceed one hundred words; and shall not resemble, so far as to be likely to create confusion, any such title previously filed for any measure to be submitted at that election. ~~He~~ The Secretary of State shall number such measures, and such ballot titles shall be printed on the separate official ballot from that on which the names of the candidates appear in the order in which the petitions by the people shall be filed in his or her office. Beginning with the 1986 general election, the ~~The~~ first measure shall be numbered ~~300~~ 400, and the succeeding measures shall be numbered consecutively ~~301, 302, 303, 304, 305~~ 401, 402, 403, 404, 405, and so on, ~~at each election.~~ It shall be the duty of the several county clerks or election commissioners to print such ballot title and numbers upon the separate official ballot in the order presented to them by the Secretary of State and the relative position required by this section. Measures referred by petition shall be designated Referendum ordered by Petition of the People. Measures proposed by initiative petition shall be designated and distinguished on the ballot by the heading Proposed by Initiative Petition."
 2. On page 56, line 23, before "39-1502" insert "32-708,".
 3. Renumber the remaining sections

21 accordingly.

SELECT FILE

LEGISLATIVE BILL 1251. Mr. Chambers withdrew his pending motion to bracket found in the Journal on page 1854.

Mr. V. Johnson offered the following amendment:
AM2821

- 1 1. On page 3, line 8, strike "Of the" and
2 insert "The"; in line 9 strike "\$75,000"; after line 10
3 insert "There is included in the appropriation to this
4 program, funds to conduct a comprehensive study of
5 taxation in Nebraska pursuant to LR 384."; and in line
6 19 after "reappropriated" insert "to Program 123 and the
7 remainder of the unexpended balance is hereby
8 reappropriated to Program 122".
- 9 2. On page 4, line 8, after "reappropriated"
10 insert "to Program 127 and the remainder of the
11 unexpended balance is hereby reappropriated to Program
12 122"; and in line 23 after "reappropriated" insert "to
13 Program 504 and the remainder of the unexpended balance
14 is hereby reappropriated to Program 122".
- 15 3. On page 5, line 7, after "reappropriated"
16 insert "to Program 638 and the remainder of the
17 unexpended balance is hereby reappropriated to Program
18 122".
- 19 4. On page 23, line 14, strike "8,720,781"
20 and insert "8,735,781"; in line 16 strike "9,159,131"
21 and insert "9,174,131"; and in line 18 strike
1 "5,583,198" and insert "5,596,198".
- 2 5. On page 25, line 13, strike "43,455,879"
3 and insert "43,470,879"; and in line 16 strike
4 "45,121,370" and insert "45,136,370".

The V. Johnson amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Wesely offered the following amendment:
AM2809

- 1 1. On page 33, line 17, strike "\$5,759,741"
- 2 and insert "\$5,789,741".

Mr. Wesely moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Wesely requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Carsten	Lamb	McFarland	Pappas	Sieck
Chizek	Landis	Morehead	Pirsch	Vickers
Eret	Lynch	Nelson	Remmers	Wesely
Harris	Marsh	Nichol	Rupp	Withem
Hartnett				

Voting in the negative, 22:

Abboud	DeCamp	Hefner	Johnson, V.	Rogers
Baack	Goll	Higgins	Lundy	Scofield
Barrett	Goodrich	Johnson, L.	Miller	Smith
Beyer	Haberman	Johnson, R.	Peterson	Warner
Conway	Hannibal			

Present and not voting, 2:

Chambers Chronister

Excused and not voting, 4:

Hall Hoagland Labeledz Schmit

The Wesely amendment lost with 21 ayes, 22 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Chambers renewed his pending amendment found in the Journal on page 1653.

Messrs. Carsten and R. Johnson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Baack	Eret	Johnson, R.	Marsh	Schmit
Chambers	Goodrich	Johnson, V.	McFarland	Sieck
Chizek	Harris	Labeledz	Nelson	Vickers
Conway	Hartnett	Landis	Nichol	Wesely
DeCamp	Higgins	Lynch	Pappas	Withem

Voting in the negative, 19:

Abboud	Goll	Johnson, L.	Peterson	Rupp
Barrett	Haberman	Lamb	Pirsch	Scofield
Beyer	Hannibal	Lundy	Remmers	Warner
Chronister	Hefner	Miller	Rogers	

Present and not voting, 2:

Morehead Smith

Excused and not voting, 3:

Carsten Hall Hoagland

The Chambers amendment was adopted with 25 ayes, 19 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. R. Johnson offered the following amendment:

Purpose: To provide \$150,000 General Funds for support of the Agriculture in Transition Program to the Division of Job Training, Department of Labor.

1. On page 37, line 11, strike "92,203" and insert "242,203"; and in line 13 strike "12,032,997" and insert "12,182,997".

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. R. Johnson moved for a call of the house. The motion prevailed with 7 ayes, 1 nay, and 41 not voting.

Mr. R. Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Baack	Eret	Higgins	McFarland	Rogers
Chambers	Haberman	Johnson, R.	Miller	Sieck
Chizek	Harris	Landis	Morehead	Smith
Chronister	Hartnett	Lynch	Nelson	Vickers
Conway	Hefner			

Voting in the negative, 20:

Abboud	Goll	Lamb	Peterson	Scofield
Barrett	Hannibal	Lundy	Pirsch	Warner
Beyer	Johnson, L.	Marsh	Remmers	Wesely
DeCamp	Johnson, V.	Pappas	Rupp	Withem

Present and not voting, 2:

Goodrich Labedz

Excused and not voting, 5:

Carsten Hall Hoagland Nichol Schmit

The R. Johnson amendment lost with 22 ayes, 20 nays, 2 present and not voting; and 5 excused and not voting.

The Chair declared the call raised.

Mr. Lamb offered the following amendment:

On page 52, after line 2, insert the following: "It is the intent of the Legislature that the Department of Social Services continue operation of all local offices at the staffing levels and office hours as existed on January 1, 1986."

Mr. Lamb withdrew his pending amendment.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Pappas asked unanimous consent to print the following amendment to LB 983 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2815.)

MESSAGE FROM THE GOVERNOR

April 2, 1986

Mr. President, Mr. Speaker and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning LB 778 without my signature and with my objections.

LB 778 would give the Natural Resources Commission the power to appoint the Executive Director of the Natural Resources Commission. Under current law, the Governor makes that appointment with the recommendation of the Commission. The bill would also give the Natural Resources Commission the power to override, with a majority of Commission members votes, the Director's recommendation regarding approval or rejection of funding for proposed Resources Development Fund programs or projects. Present statute requires a unanimous vote of Commission members to override his recommendation.

The reasons for my veto decision are as follows:

1. I have heard the argument that water policy requires long-term planning which is interrupted when new Governors are elected. This argument is only convincing if you trust the bureaucracy more than democracy. It is the same argument heard when professional staff says: "Life would be a lot easier if you didn't have all these elections to louse up our programs." The people have elected us to set policy. They do not want us to surrender control of that policy to non-elected individuals.

2. LB 778 undoes, without a fair test, one of the key elements of LB 1106 (1984). That bill went into effect on February 15, 1985, and Dayle Williamson was not appointed as Director of Natural Resources until early April of that year. What was true at the time of the passage of LB 1106 is still true - the people of the state are entitled to the accountability of the Governor's office on state water policy and on how state tax dollars are invested in water resources projects.

3. The bill destroys the necessary balance on the Water Management Board. By present law, there are three agency members of the Water Management Board and two other appointed members. Even now, only one of the agency members is appointed by the Governor. By virtue of LB 778, none of them will be accountable to

the Governor. The Chairman and the staff for the Board will be subject only to the direction of the Natural Resources Commission. This will almost certainly narrow and limit the ability of the Water Management Board to carry out its functions.

4. LB 778 eliminates the safeguards built into the Resources Development Fund to prevent pork barreling. When passed in 1974, the Resources Development Fund legislation established a state agency advisory board to determine the feasibility of Resource Development Fund project proposals. The Natural Resources Commission was able to overrule that eight agency board only by unanimous vote. That procedure was utilized until 1985 when, by virtue of LB 1106, the Director of Natural Resources (appointed by the Governor) was assigned the responsibility for determining project feasibility. Now the director decides whether a project is in fact technically, economically, and environmentally feasible. If it is, the NRC determines funding levels and sets priorities. If the project is not feasible, NRC cannot fund it without overriding the Director by unanimous vote. However, under LB 778, these safeguards are destroyed in two ways. First, the Director may, if the veto on LB 778 is overridden, be less willing to make objective but unpopular findings on proposed projects, particularly those sponsored by NRDs. Secondly, LB 778 allows NRC overrides on feasibility determinations by simple majority action. The temptation and opportunity for pork barreling will be great.

5. LB 778 will make even more difficult future consideration of the need for agency reorganization and/or consolidation. At present, the Directors of the Departments of Health, Water Resources, Environmental Control and Natural Resources are all appointees of the Governor. With the support of the Governor, they are free to work toward better interagency cooperation and, if necessary, agency reorganization. With LB 778, the Executive Director of the Natural Resources Commission will certainly have to actively oppose any future consolidation efforts.

Please consider these factors during your deliberations on LB 778. I urge you to sustain my veto.

Sincerely,
(Signed) ROBERT KERREY
Governor

SELECT FILE

LEGISLATIVE BILL 1251. Messrs. Hefner, Peterson, and DeCamp offered the following amendment:

to strike the Landis, et al. amendment, AM2574, and the Chambers amendment to LB 1251.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 5 nays, and 22 not voting.

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 7 nays, and 21 not voting.

Mr. Hefner moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Hefner requested a roll call vote on the Hefner-Peterson-DeCamp amendment.

Voting in the affirmative, 17:

Abboud	Goll	Johnson, L.	Peterson	Rogers
Beyer	Haberman	Lamb	Pirsch	Rupp
Chronister	Hannibal	Lundy	Remmers	Warner
DeCamp	Hefner			

Voting in the negative, 27:

Baack	Goodrich	Labeledz	Miller	Sieck
Barrett	Harris	Landis	Nelson	Smith
Chambers	Hartnett	Lynch	Pappas	Vickers
Chizek	Higgins	Marsh	Schmit	Wesely
Conway	Johnson, R.	McFarland	Scofield	Withem
Eret	Johnson, V.			

Excused and not voting, 5:

Carsten	Hall	Hoagland	Morehead	Nichol
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The Hefner-Peterson-DeCamp amendment lost with 17 ayes, 27 nays, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Goll asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1252. E & R amendments, AM5399, found in the Journal on page 1777 for the Fiftieth Day were adopted.

Mr. Hannibal withdrew his pending amendment, AM2766, found in the Journal on page 1809.

Mr. Warner offered the following amendment:

On page 18, line 21, strike "and 902" and insert "Any unexpended balance existing in Program 902 on June 30, 1986 is hereby reappropriated to Program 901 to remove asbestos at both the Nebraska School for the Deaf and the Nebraska School for the Visually Handicapped."

The Warner amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 1258. Title read. Considered.

Standing Committee amendment, AM2689, found in the Journal on page 1772 for the Fiftieth Day was adopted with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

Messrs. Hefner, Remmers, Sieck, Nichol, Baack, Eret, Lamb, and Mrs. Nelson offered the following amendment:

AM2814

- 1 1. On page 3, lines 6 and 7 strike the commas
- 2 and show as stricken and in line 7, after the comma
- 3 insert "; who does not own on January 1 of such year (1)
- 4 real property, other than the personal residence of the
- 5 applicant, and tangible personal property valued for tax
- 6 purposes at more than seventy-five thousand dollars, (2)
- 7 intangible personal property, including money, which has
- 8 a fair market value of more than seventy-five thousand
- 9 dollars, or (3) a combination of property described in

- 10 subdivisions (1) and (2) of this section which has a
 11 value of more than seventy-five thousand dollars;”.
 12 2. On page 7, line 18, after the period insert
 13 “The application shall be made under oath or
 14 affirmation.”.

Mrs. Marsh and Mr. Harris asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, “Shall the debate now close?” The motion lost with 20 ayes, 0 nays, and 29 not voting.

Mr. Vickers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hefner moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Hefner requested a roll call vote on the Hefner et al. amendment.

Voting in the affirmative, 20:

Baack	Chronister	Hefner	Nelson	Rogers
Barrett	Conway	Lamb	Peterson	Rupp
Beyer	Eret	Lundy	Pirsch	Schmit
Carsten	Hartnett	Lynch	Remmers	Sieck

Voting in the negative, 19:

Abboud	Haberman	Johnson, V.	Morehead	Warner
DeCamp	Hannibal	Labeledz	Pappas	Wesely
Goll	Higgins	Landis	Scofield	Withem
Goodrich	Johnson, L.	Miller	Smith	

Present and not voting, 4:

Chambers	Chizek	Johnson, R.	McFarland
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Excused and not voting, 6:

Hall	Hoagland	Marsh	Nichol	Vickers
Harris				

The Hefner et al. amendment lost with 20 ayes, 19 nays, 4 present and not voting, and 6 excused and not voting.

Pending.

The Chair declared the call raised.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Wesely asked unanimous consent to have his name added as co-introducer to LB 850. No objections. So ordered.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 325, 437, and 1129.

Correctly Engrossed

The following bills were correctly engrossed: 325A, 774A, 804A, 899A, and 992A.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Changes to LB 325 (Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:

ER0184

1. In the Hartnett amendment, AM2750, adopted March 26, 1986, on page 1, line 14, the comma has been struck and shown as stricken.
2. In the Vickers amendment, AM2432, adopted March 26, 1986:
 - a. On page 12, line 4, an underscored comma has been inserted after "year"; and
 - b. On page 15, line 5, "Public Employees Retirement Board" has been struck and "retirement board" inserted.

Enrollment and Review Change to LB 437 (Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:

ER0181

1. In the Chambers amendment, found on page 1593 of the 1986 Journal, adopted March 26, 1986, "16" has been struck and "17" inserted.

**Enrollment and Review Changes to LB 1129
(Final Reading Copy)**

The following changes, required to be reported for publication in the Journal, have been made:

ER0185

1. In the Chambers amendment, AM2652, adopted March 26, 1986:

a. On page 4, lines 9 and 11; page 6, line 2; page 7, line 10; page 9, line 17; and page 10, line 10, the comma has been struck;

b. On page 6, line 8, "executors" has been struck and "personal representatives" inserted; and in line 21 a comma has been inserted after "writing";

c. On page 7, line 20, a comma has been inserted after "board";

d. On page 8, line 1, "; however," has been struck and ", except that" inserted; and in line 12 a comma has been inserted after "dollars";

e. On page 9, line 13, "shall" has been struck and "is" inserted; and in line 14 "be" has been struck; and

f. On page 10, line 12, "shall" has been struck and "make" has been struck and "makes" inserted; in line 13 "shall falsify or permit" has been struck and "falsifies or permits" inserted; and in line 17 "(1)" has been struck.

2. On page 1, the matter beginning with "schools" in line 1 through line 7 has been struck and "retirement; to adopt the Legislators' Retirement Act; and to make an appropriation." inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Landis asked unanimous consent to print the following amendment to LB 757 in the Journal. No objections. So ordered.

AM2820

(Amendments to Final Reading Copy)

1 1. On page 1, line 3, strike "and"; in line 4

2 after "1984" insert ", section 79-4,119, Revised

3 Statutes Supplement, 1972, as amended by Laws 1973, LB
4 358, section 4, and section 79-4,118, Reissue Revised
5 Statutes of Nebraska, 1943, as amended by Laws 1973, LB
6 358, section 3, and Laws 1983, LB 203, section 1"; and
7 in line 8 after the semicolon insert "to change
8 provisions relating to textbooks as prescribed;".

9 2. Insert the following new sections:

10 "Section 1. That section 79-4,118, Reissue
11 Revised Statutes of Nebraska, 1943, as amended by Laws
12 1973, LB 358, section 3, and Laws 1983, LB 203, section
13 1, be amended to read as follows:

14 79-4,118. School boards and boards of
15 education of all classes shall purchase all textbooks,
16 equipment, and supplies necessary for the schools of
17 such district. The duty to make such purchases may be
18 delegated to employees of the school district.

19 Boards Commencing July 1, 1987, boards of
20 education shall have the power and duty to purchase and
1 to loan textbooks to all children who are enrolled in
2 kindergarten to grade twelve of a public school and,
3 upon individual request, to children who are enrolled in
4 kindergarten to grade twelve of a private school which
5 is approved for continued legal operation under rules
6 and regulations established by the State Board of
7 Education pursuant to subdivision (5)(c) of section
8 79-328. Textbooks loaned to children enrolled in
9 kindergarten to grade twelve of such private schools
10 shall be textbooks which are designated for use in the
11 public schools of the school district. Such textbooks
12 are to be loaned free to such children subject to such
13 rules and regulations as are or may be prescribed by
14 such boards of education.

15 Sec. 2. That section 79-4,119, Revised
16 Statutes Supplement, 1972, as amended by Laws 1973, LB
17 358, section 4, be amended to read as follows:

18 79-4,119. For the purpose of paying for
19 school books, equipment, and supplies, the school
20 district officers may draw an order on the district
21 treasurer for the amount of school books, equipment, and
22 supplies ordered.

23 Each Commencing July 1, 1987, each school
24 district, in addition to the financial support received
1 under the provisions of section 79-1334, shall receive
2 from the School Foundation and Equalization Fund an
3 amount equal to the cost of textbooks purchased and

4 loaned by the district, but in no case shall the
 5 district receive for this purpose in excess of an
 6 average of fifteen dollars per pupil enrolled in
 7 kindergarten to grade twelve in the public and private
 8 schools located in such district for each of the school
 9 years 1972-1973, 1973-1974 and 1974-1975, and in excess
 10 of an average of ten dollars per pupil enrolled in
 11 kindergarten to grade twelve, for each subsequent
 12 school year.

13 Sec. 3. Nothing in sections 79-4,118 and
 14 79-4,119 shall be construed to impose any financial
 15 liability on the state prior to July 1, 1987, for the
 16 purchase and loan of textbooks to children who are
 17 enrolled in public or private schools. Nothing in
 18 sections 79-4,118 and 79-4,119 shall be construed to
 19 impose any financial liability on a school district
 20 prior to July 1, 1987, for the purchase and loan of
 21 textbooks to children who are enrolled in private
 22 schools."

23 3. On page 8, line 19, strike "and"; and
 24 after the third comma insert "section 79-4,119, Revised
 1 Statutes Supplement, 1972, as amended by Laws 1973, LB
 2 358, section 4, and section 79-4,118, Reissue Revised
 3 Statutes of Nebraska, 1943, as amended by Laws 1973, LB
 4 358, section 3, and Laws 1983, LB 203, section 1,".

5 4. Renumber remaining sections accordingly.

STANDING COMMITTEE REPORT

Nebraska Retirement Systems

The Committee on Nebraska Retirement Systems desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Alan W. Friesen - Public Employees Retirement Board

Voting aye: Senators Abboud, Goodrich, Harris and Marsh.
 Absent: Senators Vickers and Warner.

(Signed) Bill Harris, Chairperson

VISITORS

Visitors to the Chamber were Clarence Miller; students and teacher from Shelton High School; Dayton Reichman from Venango; 40 fourth grade students and teachers from Washington Elementary, Norfolk; Senator Chronister's daughter, Chris, and granddaughter, Sally; Norm Hubertus and George Moats; 47 fourth grade students and teachers from Lincoln School, Beatrice; 30 members of the Thurston County Extension Club; 36 students and teacher from Tekamah-Herman High School; and Kathy and Don Wittler from Talmage.

RECESS

At 12:12 p.m., on a motion by Mr. Chambers, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:10 p.m., Mr. V. Johnson presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Barrett, Carsten, Chambers, DeCamp, Goll, Haberman, Hall, Lamb, Lynch, McFarland, Nichol, Wesely, Mesdames Labedz, Marsh, Morehead, and Pirsch who were excused until they arrive.

UNANIMOUS CONSENT - Members Excused

Messrs. Sieck and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

MR. LANDIS PRESIDING

REPORT OF EXECUTIVE BOARD

1986 Resolutions Calling for a Study

- 316 To study alternatives to special education for students with learning problems. (Vickers) Education
- 334 A study to be done by the Building Maintenance Committee on necessary parking facilities. (Pappas) Building Maintenance
- 385 A study on the role and mission of postsecondary education. (Warner) Executive Board

- 386 A study to direct Miscellaneous Subjects Committee to review the Nebraska Liquor Control Act. (Miscellaneous Subjects) Miscellaneous Subjects
- 387 To study the Nongame and Endangered Species Conservation Act. (Constitutional Revision and Recreation) Constitutional Revision and Recreation
- 388 A study relating to taxation of communication antenna television. (Revenue) Revenue
- 389 To study the funding of public education in the State of Nebraska. (Withem) Executive Board
- 390 To investigate problems unique to Nebraska municipalities and sanitary improvement districts. (Urban Affairs) Urban Affairs
- 391 To ascertain need for additional juvenile court resources. (Withem) Judiciary
- 392 Nebraska Retirement Systems Committee to review general principles of sound retirement and planning. (Nebraska Retirement Systems) Nebraska Retirement Systems
- 393 Executive Board establish a select interim committee on Children's Programs. (Scofield) Executive Board/Select Committee
- 394 To conduct a study of liability insurance availability and affordability. (Banking, Commerce and Insurance) Banking, Commerce and Insurance
- 395 To examine and make recommendations regarding reserve balances within the budgets of the political subdivisions of the State of Nebraska. (Government, Military and Veterans Affairs, Landis, Hartnett, Abboud) Government, Military and Veterans Affairs
- 396 To mandate several areas of study relating to the subject matter over which the Public Works Committee has jurisdiction. (Public Works) Public Works
- 398 The Legislature has created the Special Committee on Economic Development to assist in the strengthening of Nebraska's economic development policies. (Wesely) Special Committee on Economic Development
- 399 Mental retardation, mental health, aging, health care, poverty, hunger and children are important to Nebraska. (Health and Human Services, Wesely) Health and Human Services
- 400 Federal, State, and local relationship for the funding of/and responsibility for Human Service Delivery Systems. (Wesely) Health and Human Services

- 401 Medical care to the medically indigent. (Wesely) Health and Human Services
- 402 To study school bus transportation and safety. (Education) Education
- 403 Tuition benefit program to members of the Nebraska National Guard. (Government, Military and Veterans Affairs) Government, Military and Veterans Affairs
- 404 All aspects of current and future problems in agriculture. (Agriculture and Environment) Agriculture and Environment
- 405 "Superfund". (LR 196 Committee) Executive Board/Select Committee
- 406 Collective bargaining structure. (Appropriations and Business and Labor) Appropriations and Business and Labor
- 407 Mental Retardation. A study of the Nebraska mental retardation service system. (Hall) Executive Board or Health and Human Services
- 408 Worker's Compensation. (Business and Labor) Business and Labor
- 409 Nebraska Jail Standards statutes. (Judiciary) Judiciary
- The Executive Board designate a comprehensive study of funding of Nebraska higher education. (Conway) Executive Board
- To evaluate the impact of federal student financial aid reductions and examine possible state government responses. (Hartnett) Education
- To examine the adversities faced by those Nebraskans if illness or infirmity takes place. (Withem) Health and Human Services
- To study the responsibilities, duties, and powers of the Department of Economic Development and Agriculture. (R. Johnson) Special Committee on Economic Development
- To study the effectiveness of current internships used by students of higher education institutions in Nebraska. (Withem) Education
- That the Agriculture Committee conduct an interim study on the feasibility of making Natural Resource Districts the agency responsible for predator, noxious weed and pest control. (Scofield) Agriculture and Environment
- To examine the State of Nebraska's current system of regulations and licensure of modular homes and mobile homes. (Wesely) Health and Human Services
- To examine Nebraska's adoption law. (Hoagland) Executive Board/Select Committee
- To study judicial nominating systems. (Haberman) Executive Board

Public Hearings on Bills. (Rule) Rules
 Examine Civil and Criminal Law. (Hoagland) Judiciary
 Civil Damage Awards. (Hoagland) Judiciary
 Child Abuse. Select Committee on Children (LR 393)
 Monitoring Devices in Jails. Judiciary

(Signed) Calvin F. Carsten, Chairperson
 Legislative Council
 Executive Board

GENERAL FILE

LEGISLATIVE BILL 1258. Mr. V. Johnson offered the following amendment:

AM2839

- 1 1. On page 12, line 14, after "Commissioner"
- 2 insert ":(1) For tax year 1986,"; in line 18 after "35"
- 3 insert ":(2) for tax year 1987 and each tax year
- 4 thereafter, the total tax revenue that will be lost to
- 5 all taxing agencies within his or her county from taxes
- 6 levied and assessed in that year because of exemptions
- 7 allowed under Chapter 77, article 35"; and in line 25
- 8 strike "Each", show as stricken, and insert
- 9 "Reimbursement of the funds lost shall be made to each".
- 10 2. On page 13, line 1, strike
- 11 "certification," show as stricken, and insert "according
- 12 to the certification and"; in line 12 after "county"
- 13 insert ":(a) For tax year 1986,"; in line 13 after
- 14 "agency" insert "and (b) for tax year 1987 and each tax
- 15 year thereafter, the full amount so lost by such
- 16 agency"; in line 14 strike "(1)" and show as stricken;
- 17 in line 15 strike "(2)" and show as stricken; and in
- 18 line 24 strike "Ninety" and insert "For tax year 1986,
- 19 ninety".
- 20 3. On page 14, line 4, after the period
- 21 insert "For fiscal year 1987-88 and each fiscal year
- 1 thereafter, all revenue which shall be lost to taxing
- 2 agencies as a result of the provisions of Chapter 77,
- 3 article 35, shall be considered an express obligation of
- 4 the state for the purpose of setting the sales and
- 5 income tax rates under section 77-2715.01."

The V. Johnson amendment was adopted with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

Mrs. Smith offered the following amendment:
to strike sections 9 & 10 from LB 1258

Mrs. Smith moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mrs. Smith requested a roll call vote on her amendment.

Voting in the affirmative, 18:

Baack	Higgins	Pappas	Schmit	Smith
Chronister	Johnson, L.	Peterson	Scofield	Vickers
Eret	Lamb	Remmers	Sieck	Warner
Hefner	Nelson	Rogers		

Voting in the negative, 12:

Beyer	Hoagland	Labedz	Lundy	Wesely
Conway	Johnson, R.	Landis	Rupp	Withem
Hannibal	Johnson, V.			

Present and not voting, 6:

Chizek	Harris	Hartnett	McFarland	Miller
Goodrich				

Excused and not voting, 13:

Abboud	Chambers	Haberman	Marsh	Nichol
Barrett	DeCamp	Hall	Morehead	Pirsch
Carsten	Goll	Lynch		

The Smith amendment lost with 18 ayes, 12 nays, 6 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for Review with 26 ayes, 2 nays, 8 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 1258A. Title read. Considered.

Mr. Conway and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Advanced to E & R for Review with 25 ayes, 1 nay, 9 present and not voting, and 14 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1142. Title read. Considered.

Standing Committee amendments, AM2281, found in the Journal on page 1080 for the Thirty-Fourth Day were considered.

Mr. R. Johnson offered the following amendment to the Standing Committee amendments:

to amend LB 1142 by striking sections 1-5 and the Standing Committee Amendments pertaining to those sections.

Mr. Warner requested a ruling of the Chair on whether the R. Johnson amendment is germane to the Standing Committee amendments.

The Chair ruled the R. Johnson amendment is not germane to the Standing Committee amendments.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?"

Mr. Hoagland moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The motion to cease debate prevailed with 25 ayes, 4 nays, and 20 not voting.

The Chair declared the call raised.

The Standing Committee amendments were adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. R. Johnson offered the following amendment:

to amend LB 1142 by striking sections 1-5 and the Standing Committee Amendments pertaining to those sections.

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?"

Mr. Hoagland moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The motion to cease debate prevailed with 25 ayes, 7 nays, and 17 not voting.

Mr. R. Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Abboud	Chronister	Hannibal	Johnson, R.	Rupp
Baack	Eret	Hefner	Lamb	Schmit
Barrett	Goodrich	Higgins	Pappas	Smith
Beyer	Haberman	Johnson, L.	Rogers	Withem

Voting in the negative, 25:

Carsten	Harris	Landis	Morehead	Scofield
Chambers	Hartnett	Lundy	Nelson	Sieck
Chizek	Hoagland	Marsh	Nichol	Vickers
Conway	Johnson, V.	McFarland	Pirsch	Warner
Goll	Labeledz	Miller	Remmers	Wesely

Excused and not voting, 4:

DeCamp	Hall	Lynch	Peterson
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The R. Johnson amendment lost with 20 ayes, 25 nays, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Haberman offered the following amendment:
Strike Section 6

Mr. Haberman moved for a call of the house. The motion prevailed with 18 ayes, 2 nays, and 29 not voting.

Mr. Haberman requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Abboud	Chronister	Johnson, L.	Pappas	Rogers
Baack	Goodrich	Labeledz	Peterson	Rupp
Barrett	Haberman	Lamb	Pirsch	Schmit
Beyer	Hefner	Morehead	Remmers	Smith
Chizek	Higgins	Nichol		

Voting in the negative, 21:

Carsten	Hartnett	Landis	Miller	Vickers
Chambers	Hoagland	Lundy	Nelson	Warner
Conway	Johnson, R.	Marsh	Scofield	Wesely
Goll	Johnson, V.	McFarland	Sieck	Withem
Harris				

Present and not voting, 2:

Eret	Hannibal
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Excused and not voting, 3:

DeCamp	Hall	Lynch
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The Haberman amendment lost with 23 ayes, 21 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

Mr. V. Johnson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Carsten	Goll	Landis	Morehead	Sieck
Chambers	Harris	Lundy	Nelson	Vickers
Chizek	Hartnett	Marsh	Nichol	Warner
Conway	Hoagland	McFarland	Pirsch	Wesely
Eret	Johnson, V.	Miller	Scofield	Withem

Voting in the negative, 20:

Abboud	Chronister	Hefner	Labeledz	Rogers
Baack	DeCamp	Higgins	Lamb	Rupp
Barrett	Goodrich	Johnson, L.	Peterson	Schmit
Beyer	Haberman	Johnson, R.	Remmers	Smith

Present and not voting, 1:

Hannibal

Excused and not voting, 3:

Hall Lynch Pappas

Advanced to E & R for Review with 25 ayes, 20 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 289 in the Journal. No objections. So ordered.

AM2563

(Amendments to AM1704)

- 1 1. Insert the following new sections:
- 2 "Sec. 4. That section 23-2406, Reissue
- 3 Revised Statutes of Nebraska, 1943, be amended to read
- 4 as follows:
- 5 23-2406. Jurisdiction, venue, procedure, and
- 6 rights of appeal in all suits brought under ~~this act~~ the
- 7 Political Subdivisions Tort Claims Act shall be
- 8 determined in the same manner as if the suits involved
- 9 private individuals, except that such suits, other than
- 10 suits commenced pursuant to sections 1 to 3 of this act,
- 11 shall be heard and determined by the appropriate court
- 12 without a jury.
- 13 Sec. 6. That section 2, Legislative Bill 14,
- 14 Eighty-ninth Legislature, Second Special Session, 1985,
- 15 be amended to read as follows:
- 16 Sec. 2. That total amount recoverable under
- 17 the Political Subdivisions Tort Claims Act for claims
- 18 arising out of an occurrence after November 16, 1985,

19 except as provided in section 3 of this act, shall be
20 limited to:

1 (1) One million dollars for any person for any
2 number of claims arising out of a single occurrence; and
3 (2) Five million dollars for all claims
4 arising out of a single occurrence.”.

5 2. On page 3, line 19, after “original;”
6 insert “section 23-2406, Reissue Revised Statutes of
7 Nebraska, 1943,”; and in line 22 strike “is” and insert
8 “and section 2, Legislative Bill 14, Eighty-ninth
9 Legislature, Second Special Session, 1985, are”.

10 3. Renumber the remaining sections
11 accordingly.

Mr. Warner asked unanimous consent to print the following amendment to LB 1142 in the Journal. No objections. So ordered.

That LB 1142 be amended as follows:

1. Strike section 6.

Messrs. Wesely and Hefner asked unanimous consent to print the following amendment to LB 1124 in the Journal. No objections. So ordered.

AM2792

(Amendments to AM2372)

1 1. On page 3, lines 17, 18, 21, and 23, after
2 “of” insert “Nebraska”.

3 2. On page 4, line 3, after “part-time”
4 insert “Nebraska”; and in line 4 after “of” insert
5 “Nebraska”.

6 3. Insert the following new sections:

7 “Sec. 9. The Tax Commissioner shall prepare a
8 report identifying the amount of investment in this
9 state and the number of equivalent full-time jobs
10 created by each taxpayer claiming a credit pursuant to
11 the Employment Expansion and Investment Incentive Act.
12 The report shall include the amount of credits claimed
13 in the aggregate. The report shall be issued on or
14 before March 15 of each year beginning with March 15,
15 1988, for all credits allowed during the previous
16 calendar year.

17 Sec. 10. (1) Ten years after the effective
18 date of this act a special review panel funded by the
19 Legislature shall be convened to perform a program audit

20 of the Employment Expansion and Investment Incentive
1 Act. The panel shall consist of the Tax Commissioner
2 and two members appointed by the Governor.

3 (2) The panel shall have three months to
4 review the impact of the Employment Expansion and
5 Investment Incentive Act, including:

6 (a) An assessment of the types of taxpayers
7 and economic sectors receiving the credit;

8 (b) An assessment of the nature and level of
9 investment being made;

10 (c) An assessment of the nature and types of
11 employment being created; and

12 (d) An economic and fiscal assessment of the
13 overall impact of the Employment Expansion and
14 Investment Incentive Act on the state's economy.

15 (3) Based on its findings, the panel shall
16 recommend to the Governor and the Legislature one of the
17 following actions:

18 (a) Continue the Employment Expansion and
19 Investment Incentive Act in its current statutory form;

20 (b) Continue the Employment Expansion and
21 Investment Incentive Act with modifications recommended
22 by the panel; or

23 (c) Repeal the Act.”.

24 4. Renumber the remaining section
1 accordingly.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 153.

Correctly Engrossed

The following bills were correctly engrossed: 1250 and 1250A.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Changes to LB 153 (Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:

ER0188

1. In lieu of the V. Johnson amendment 3 adopted March 26, 1986, found on page 1721 of the Journal, original section 3 and all amendments thereto have been struck and the remaining sections renumbered accordingly.

2. In the V. Johnson et al. amendment, AM2730, adopted March 26, 1986:

a. On page 3, line 1, "Mandatory" has been underscored and "~~mandatory~~" has been inserted after "Mandatory";

b. On page 12, line 5, the comma has been struck and shown as stricken; and in line 18 the second "or" has been struck and shown as stricken;

c. On page 13, line 11, "39-669.19" has been struck, shown as stricken, and "39-669.18" inserted;

d. On page 14, line 16; and page 15, line 15, the underscored comma has been struck;

e. On page 17, line 12, the first comma has been struck and shown as stricken;

f. On page 20, line 14, "or her" has been inserted after "his";

g. On page 21, the matter beginning with "superintendent" in line 14 through "safety" in line 15 has been struck, shown as stricken, and "Superintendent of Law Enforcement and Public Safety" inserted;

h. Because of the amendment of section 60-430.01 by Laws 1985, LB 356, section 1, section 12 has been struck and the following new section inserted:

"Sec. 12. That section 60-430.01, Revised Statutes Supplement, 1985, be amended to read as follows:

60-430.01. It shall be unlawful for any person to operate a motor vehicle during any period that his or her motor vehicle operator's license has been suspended, revoked, or impounded pursuant to conviction or convictions for violation of any law or laws of this state or by an order of any court or by an administrative order of the Director of Motor Vehicles; or after such suspension, revocation, or impoundment but before reinstatement of his or her license or issuance of a new license. ~~Any~~ Except as otherwise provided by law, ~~any~~ person so offending shall: (1) For a first such offense, be guilty of a Class III misdemeanor, and the court shall, as a part of the judgment of conviction, order such person not to operate any motor vehicle for any purpose for a period of one year from (a) the date of final discharge from the county jail or other correctional facility, ~~or~~ (b) the date of payment or satisfaction of any fine imposed, or (c) the date of judgment, whichever is ~~later~~ the latest; and (2) for each subsequent such offense, be guilty of a Class III misdemeanor, and the court shall, as a part of the judgment of conviction, order such person not to operate any motor vehicle for

any purpose for a period of two years from (a) the date of final discharge from the county jail or other correctional facility, or (b) the date of payment or satisfaction of any fine imposed, or (c) the date of judgment, whichever is later the latest.”;

i. On page 23, lines 3, and 19, “and” has been inserted after “60-426,” and “60-430.01” has been struck; in lines 4 and 20 the first “and” has been struck; in lines 5 and 21 “, and section 60-430.01, Revised Statutes Supplement, 1985” has been inserted after “1984”; in line 10 “provision” has been struck and “prohibition and penalty” inserted; and in line 12 “provision” has been struck and “penalty” inserted.

3. On page 1, lines 1 to 2, “vehicle operator’s licenses” has been struck and “vehicles” inserted; in line 3 “and 60-505.02,” has been struck; in line 4 “to authorize the reduction of certain sentences; to prohibit the issuance of operator’s licenses to certain persons;” has been inserted before “to”; in line 5 “operator’s” has been inserted after “of”; and in line 6 “change and” has been struck.

4. On page 5, line 24, “and 60-505.02,” has been struck.

Enrollment and Review Change to LB 1250A

The following changes, required to be reported for publication in the Journal, have been made:

ER0190

1. On page 46, line 16, “Department of” has been inserted after the first “the” and “Operations” has been struck and “Operation” inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

RESOLUTION

LEGISLATIVE RESOLUTION 412.

Introduced by Smith, 33rd District.

WHEREAS migrant farm workers entering Nebraska for seasonal employment are having an ever increasing impact on local communities, governments, and agencies throughout the state.

WHEREAS migrant farm workers are sometime lured to the state by contractors or crew leaders, who often charge the workers a fee, and then may or may not provide work for the migrants.

WHEREAS migrant farm worker contractors usually have no concern for the health and welfare of the migrants and do not provide adequate housing and living conditions.

WHEREAS migrant farm workers, unemployed, along with their families, hungry and homeless, become a burden draining the resources of local communities, governments, and agencies.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

THAT THE LEGISLATURE go on record as being aware of the problems relating to migrant farm workers in the state, and

THAT THE LEGISLATURE is sympathetic to the burden these problems are placing on local communities, governments and agencies.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1259. Title read. Considered.

MR. REMMERS PRESIDING

Advanced to E & R for Review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

MR. LANDIS PRESIDING

SELECT FILE

LEGISLATIVE BILL 1253. E & R amendment, AM5398, found in the Journal on page 1777 for the Fiftieth Day was adopted.

Advanced to E & R for Engrossment.

Mrs. Labeledz asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1254. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 840. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 841. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 842. E & R amendments, AM5404, found in the Journal on page 1782 for the Fiftieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 851. E & R amendments, AM5400, found in the Journal on page 1782 for the Fiftieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 851A. E & R amendment, AM5401, found in the Journal on page 1784 for the Fiftieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 853. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 474. E & R amendments, AM5338, found in the Journal on page 1270 for the Thirty-Ninth Day were adopted.

Mr. Schmit renewed his pending amendment, AM2443, found in the Journal on page 1322.

The Schmit amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Sieck renewed his pending amendment, AM2533, found in the Journal on page 1448.

The Sieck amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. R. Johnson withdrew his pending amendment, AM2370, found in the Journal on page 1247.

Mr. R. Johnson offered the following amendment:

to amend the amended Standing Committee amendments to LB 474 on page 15, line 1 by striking "ninety" and inserting seventy-five.

Mr. Eret asked unanimous consent to be excused until he returns. No objections. So ordered.

The R. Johnson amendment lost with 9 ayes, 17 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 474A. Advanced to E & R for Engrossment.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 318. E & R amendments, AM5343, found in the Journal on page 1282 for the Thirty-Ninth Day were adopted.

Mr. Wesely withdrew his pending amendment, AM2578, found in the Journal on page 1481.

Mr. Wesely offered the following amendment:
to amend LB 318 (Amendments to AM1813) by striking "1988" in line 20, page 29 and inserting "1986".

The Wesely amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 318A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 813. E & R amendments, AM5334, found in the Journal on page 1284 for the Thirty-Ninth Day were adopted.

Mr. Barrett withdrew his pending amendment, AM2541, found in the Journal on page 1475.

Mr. Beyer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Barrett renewed his pending amendment, AM2822, found in the Journal on page 1849.

The Barrett amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 942. E & R amendments, AM5336, found in the Journal on page 1284 for the Thirty-Ninth Day were adopted.

Mr. Remmers withdrew his pending amendment, AM2226, found in the Journal on page 953.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 788. E & R amendment, AM5339, found in the Journal on page 1285 for the Thirty-Ninth Day was adopted.

Mrs. Higgins renewed her pending amendment, AM2347, found in the Journal on page 1207.

Mrs. Nelson asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mrs. Higgins moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mrs. Higgins requested a roll call vote on her amendment.

Voting in the affirmative, 18:

Beyer	Goll	Hefner	Pirsch	Schmit
Carsten	Goodrich	Higgins	Rogers	Sieck
Chizek	Haberman	Morehead	Rupp	Smith
Chronister	Hartnett	Pappas		

Voting in the negative, 20:

Abboud	DeCamp	Johnson, R.	Marsh	Remmers
Baack	Hannibal	Johnson, V.	McFarland	Vickers
Chambers	Hoagland	Lamb	Miller	Warner
Conway	Johnson, L.	Landis	Nichol	Wesely

Present and not voting, 6:

Barrett	Lundy	Peterson	Scofield	Withem
Harris				

Excused and not voting, 5:

Eret	Hall	Labeledz	Lynch	Nelson
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The Higgins amendment lost with 18 ayes, 20 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment:

Page 3, line 23, after "person", add "for money or anything of value"

MR. PAPPAS PRESIDING

MR. LANDIS PRESIDING

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Chambers amendment lost with 6 ayes, 18 nays, 19 present and not voting, and 6 excused and not voting.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hoagland moved to suspend the rules, Rule 6, Section 5, and Rule 7, Section 3 and vote on the advancement of LB 788 without further amendment or debate.

Mr. Vickers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Hoagland moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Haberman requested a roll call vote on the Hoagland motion.

Voting in the affirmative, 30:

Abboud	Chronister	Hefner	Marsh	Pirsch
Baack	Conway	Hoagland	McFarland	Remmers
Barrett	Goll	Johnson, L.	Morehead	Rogers
Beyer	Goodrich	Johnson, V.	Nelson	Rupp
Carsten	Harris	Lamb	Nichol	Sieck
Chizek	Hartnett	Landis	Peterson	Wesely

Voting in the negative, 12:

Chambers	Higgins	Pappas	Scofield	Vickers
Haberman	Johnson, R.	Schmit	Smith	Warner
Hannibal	Miller			

Present and not voting, 1:

Lundy

Excused and not voting, 6:

DeCamp	Hall	Labeledz	Lynch	Withem
Eret				

The Hoagland motion prevailed with 30 ayes, 12 nays, 1 present and not voting, and 6 excused and not voting.

Mr. Haberman requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 38 ayes, 1 nay, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Hartnett asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 925. E & R amendments, AM5344, found in the Journal on page 1286 for the Thirty-Ninth Day were adopted.

Mr. Wesely renewed his pending amendment, AM2378, found in the Journal on page 1183.

The Wesely amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 925A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 829. E & R amendments, AM5342, found in the Journal on page 1286 for the Thirty-Ninth Day were adopted.

Mrs. Smith renewed her pending amendment, AM2561, found in the Journal on page 1447.

The Smith amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Mrs. Smith offered the following amendment:

In the Smith Amendment 2561 on page 2, line 7, strike "currently"; and in line 8 strike "current."

The Smith amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 829A. Mrs. Smith renewed her pending amendment, AM2566, found in the Journal on page 1448.

The Smith amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 949. E & R amendments, AM5369, found in the Journal on page 1535 for the Forty-Fifth Day were adopted.

Mr. Schmit renewed his pending amendment, AM2560, found in the Journal on page 1558.

The Schmit amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mrs. Smith renewed her pending amendment, AM2648, found in the Journal on page 1798.

Mr. Vickers offered the following amendment to the pending Smith amendment:

Amendment to Sen. Smith amendment (page 1798)

Move to amend by adding the following after the word "district" on Line 13: "or is eligible to serve according to provisions of section 70-604.03 and section 70-610, by adding the following words after the word "district" on Line 17: or is eligible to serve according to provisions in section 70-604.03 and section 70-610, and by adding the following language after the word "district" on Line 3 on Page 2: or

is eligible to serve according to provisions of section 70-604.03 and section 70-610.

The Vickers amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

The Smith amendment, as amended, was adopted with 26 ayes, 1 nay, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 850. E & R amendments, AM5389, found in the Journal on page 1623 for the Forty-Seventh Day were adopted.

Mr. Pappas and Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

Mrs. Morehead offered the following amendment:
(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2565.)

The Morehead amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mrs. Morehead and Mr. Wesely offered the following amendment:
AM2838

- 1 1. Insert the following new section:
- 2 "Sec. 35. Since an emergency exists, this act
- 3 shall be in full force and take effect, from and after
- 4 its passage and approval, according to law."

The Morehead-Wesely amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Haberman requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 26 ayes, 4 nays, 10 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 850A. Mr. Hannibal withdrew his pending amendment, AM2768, found in the Journal on page 1809.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 90. E & R amendments, AM5271, found in the Journal on page 1032 for the Thirty-Second Day were adopted.

Ms. Scofield, Messrs. Lundy, and Hoagland renewed their pending amendment, AM2657, found in the Journal on page 1601.

Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

The Scofield-Lundy-Hoagland amendment was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Mr. Barrett asked unanimous consent to be excused. No objections. So ordered.

Mr. V. Johnson offered the following amendment:

1. On page 1, strike line 7 and insert "child who is an alleged victim to a felony offense".

2. On page 3, strike line 4 and insert "child who is an alleged victim to a felony offense";

Messrs. Carsten, R. Johnson, and McFarland asked unanimous consent to be excused. No objections. So ordered.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. V. Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Abboud	Haberman	Landis	Rogers	Vickers
Baack	Hannibal	Morehead	Schmit	Warner
Conway	Hefner	Nichol	Sieck	Wesely
Goodrich	Johnson, V.			

Voting in the negative, 11:

Beyer	Higgins	Lundy	Remmers	Scofield
Chizek	Hoagland	Miller	Rupp	Smith
Hall				

Present and not voting, 4:

Harris	Johnson, L.	Nelson	Peterson
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Absent and not voting, 3:

Chambers Goll Lamb

Excused and not voting, 14:

Barrett	DeCamp	Johnson, R.	Marsh	Pirsch
Carsten	Eret	Labeledz	McFarland	Withem
Chronister	Hartnett	Lynch	Pappas	

The V. Johnson amendment lost with 17 ayes, 11 nays, 4 present and not voting, 3 absent and not voting, and 14 excused and not voting.

Advanced to E & R for Engrossment.

The Chair declared the call raised.

Messrs. Vickers and Peterson asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 768. E & R amendments, AM5347, found in the Journal on page 1339 for the Fortieth Day were adopted.

Mr. Haberman renewed the pending Warner amendment, AM2699, found in the Journal on page 1694.

The Warner amendment was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Mr. Haberman renewed the pending R. Johnson amendment, AM2726, found in the Journal on page 1720.

The R. Johnson amendment was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Mr. Haberman offered the following amendment:
AM2758

(Amendments to AM2098)

- 1 1. On page 3, line 10, strike the first
- 2 "the", show as stricken, and insert "an"; in line 11
- 3 after "submitted" insert "to"; in line 12 strike "time
- 4 when the test at", show the old matter as stricken, and
- 5 insert "Organization for Economic Cooperation and
- 6 Development test station or to"; and in line 13 strike

- 7 "cannot be started at once" and show as stricken.
 8 2. On page 4, line 9, strike "State of
 9 Nebraska, show as stricken, and insert "University of
 10 Nebraska Tractor Test Cash Fund".
 11 3. On page 7, line 3, strike "The Standard
 12 Codes" and insert "procedures".

The Haberman amendment was adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 768A. Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 1251 and 1252.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 1251

The following changes, required to be reported for publication in the Journal, have been made:

ER0191

1. Enrollment and Review changes have been made to incorporate the Chambers, V. Johnson, and Warner amendments as necessary.

(Signed) Mary E. Sommermeyer
 E & R Attorney

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of the following Governor appointments.

Health and Human Services

Dr. George Propp - Nebraska Commission on the Hearing Impaired

Dr. Patricia M. Sullivan - Nebraska Commission on the Hearing
 Impaired

Beverly Steska - Nebraska Commission on the Hearing Impaired

Sarah (Sally) Bates - Advisory Committee to the Departments of
Social Services, Institutions and Corrections
Ray. R. Young - Advisory Committee to the Departments of Social
Services, Institutions and Corrections

(Signed) Calvin F. Carsten, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Print in Journal

Mesdames Pirsch, Marsh, Messrs. DeCamp, Chizek, and Goodrich
asked unanimous consent to print the following amendment to
LB 1027 in the Journal. No objections. So ordered.

AM2819

- 1 1. On page 46, line 23, strike "and" and show
- 2 as stricken.
- 3 2. On page 47, line 8, after "machines"
- 4 insert "; and
- 5 (r) Tangible personal property, except meals
- 6 for human consumption, sold by parent-booster clubs,
- 7 parent-teacher associations, parent-teacher student
- 8 associations, or school-operated stores approved by an
- 9 elementary or secondary school, public or private, if
- 10 the proceeds from such sale are used to support school
- 11 activities or the school itself".

Messrs. Landis, Hefner, and Lundy asked unanimous consent to print
the following amendment to LB 911 in the Journal. No objections.
So ordered.

(Amendment printed separate from the Journal and on file in the
Clerk's Office - Room 1102 - AM2851.)

Mr. Harris asked unanimous consent to print the following
amendment to LB 983 in the Journal. No objections. So ordered.

AM2853

- 1 1. Insert the following new sections:
- 2 "Sec. 2. That section 8-902, Reissue Revised
- 3 Statutes of Nebraska, 1943, be amended to read as
- 4 follows:
- 5 8-902. As used in sections 8-901 to 8-904,

6 unless the context otherwise requires:

7 (1) Bank shall mean any national bank doing
8 business in this state or any bank which is chartered to
9 conduct a bank in this state as provided by sections
10 8-115 and 8-116;

11 (2) Company shall mean any corporation,
12 business trust, association, or similar organization,
13 but shall not include:

14 (a) An individual;

15 (b) Any partnership; or

16 (c) Any corporation, the majority of shares of
17 which are owned by the United States or any state; ~~and~~

18 (3) Bank holding company shall mean any
19 company:

20 (a) Which directly or indirectly owns or
21 controls twenty-five per cent or more of the voting
1 shares of each of two or more banks;

2 (b) Which controls in any manner the election
3 of the majority of the directors of each of two or more
4 banks; or

5 (c) For the benefit of whose shareholders or
6 members twenty-five per cent or more of the voting
7 shares of each of two or more banks or a bank holding
8 company is held by trustees;

9 (4) Nebraska bank shall mean a bank which, on
10 and after the effective date of this act, (a) has its
11 principal office located in Nebraska, (b) has held, for
12 the previous three hundred sixty-five days, more than
13 fifty per cent of its total deposits in Nebraska, and
14 (c) is not directly or indirectly controlled by another
15 company which has not held, for the previous three
16 hundred sixty-five days, more than fifty per cent of the
17 total deposits of its bank subsidiaries in Nebraska;

18 (5) Nebraska bank holding company shall mean a
19 holding company which, on and after the effective date
20 of this act, (a) has its principal office located in
21 Nebraska, (b) has held, for the previous three hundred
22 sixty-five days, more than fifty per cent of the total
23 deposits of all of its subsidiaries in Nebraska, and (c)
24 is not directly or indirectly controlled by another
1 company which has not held, for the previous three
2 hundred sixty-five days, more than fifty per cent of the
3 total deposits of its bank subsidiaries in Nebraska;

4 (6) Regional out-of-state bank shall mean a
5 bank which, on and after the effective date of this act,

6 (a) has its principal office located in one of the
7 north-central states, (b) has held, for the previous
8 three hundred sixty-five days, more than fifty per cent
9 of its total deposits in one or more of the
10 north-central states, and (c) is not directly or
11 indirectly controlled by another company which has not
12 held, for the previous three hundred sixty-five days,
13 more than fifty per cent of the total deposits of its
14 bank subsidiaries in Nebraska or one of the
15 north-central states;

16 (7) Regional out-of-state bank holding company
17 shall mean a holding company which, on and after the
18 effective date of this act, (a) has its principal office
19 located in one of the north-central states, (b) has
20 held, for the previous three hundred sixty-five days,
21 more than fifty per cent of the total deposits of all of
22 its subsidiaries in one or more of the north-central
23 states, and (c) is not directly or indirectly controlled
24 by another company which has not held, for the previous
1 three hundred sixty-five days, more than fifty per cent
2 of the total deposits of its bank subsidiaries in
3 Nebraska or one of the north-central states; and

4 (8) North-central states shall mean the states
5 of Wisconsin, Minnesota, North Dakota, Montana, South
6 Dakota, Wyoming, Colorado, Kansas, Iowa, and Missouri.

7 Notwithstanding the foregoing:

8 (i) (1) No estate, trust, guardianship, or
9 conservatorship or fiduciary thereof shall be a bank
10 holding company by virtue of its ownership or control of
11 shares of stock of banks as herein defined, except ;
12 PROVIDED, such trust is not a business trust or voting
13 trust. It ; AND PROVIDED FURTHER, that it shall be
14 unlawful for any such estate, trust, guardianship, or
15 conservatorship to acquire, by purchase, ownership, or
16 control of twenty-five per cent or more of the shares of
17 any additional bank;

18 (ii) (2) No company shall be a bank holding
19 company by virtue of its ownership or control of shares
20 acquired by it in connection with its underwriting of
21 bank shares and which are held only for such period of
22 time as will permit the sale thereof on a reasonable
23 basis; and

24 (iii) (3) No company shall be a bank holding
1 company by virtue of its ownership or control of shares
2 acquired and held in the ordinary course of securing or

3 collecting a debt previously contracted in good faith.
4 Sec. 3. That section 8-903, Revised Statutes
5 Supplement, 1985, be amended to read as follows:
6 8-903. It shall be unlawful for any action to
7 be taken after March 12, 1963, which results in a
8 company becoming a bank holding company as defined in
9 section 8-902. Nothing in sections 8-901 to 8-904 shall
10 prohibit (1) a bank holding company or a company which
11 owns only one bank which is not a bank holding company
12 as defined in section 8-902, (2) a bank holding company
13 as defined in section 8-1202, ~~or~~ (3) an out-of-state
14 bank holding company as defined in 12 U.S.C. 1842(d) as
15 it exists on August 26, 1983, and which on March 12,
16 1963, owned at least two banks in this state, or (4) on
17 or after July 1, 1987, a bank holding company as defined
18 or referred to in 12 U.S.C. 1842(d) and which is a
19 regional out-of-state bank holding company incorporated
20 and domiciled in a north-central state which authorizes
21 the acquisition or control of banks in that state by a
22 Nebraska bank or Nebraska bank holding company under
23 conditions no more restrictive than those imposed by the
1 laws of Nebraska as determined by the Director of
2 Banking and Finance, from directly or indirectly owning
3 or controlling more than twenty-five per cent of the
4 voting shares of any bank or the power to control in any
5 manner the election of a majority of the directors of
6 any bank unless upon such acquisition the banks so owned
7 or controlled in Nebraska would have deposits greater
8 than an amount equal to eleven per cent of the total
9 deposits, savings accounts, passbook accounts, and
10 shares in savings and loan associations and building and
11 loan associations in this state as determined by the
12 Director of Banking and Finance on the basis of the most
13 recent calendar year end reports. If any person,
14 association, partnership, or corporation owns
15 twenty-five per cent or more of the voting stock of any
16 bank holding company acquiring a bank and any such
17 person, association, partnership, or corporation owns
18 twenty-five per cent or more of the voting stock of any
19 other bank or bank holding company in Nebraska, then the
20 total deposits of such other bank or banks and of all
21 banks owned or controlled by such bank holding company
22 in Nebraska shall be included in the computation of the
23 total deposits of a bank holding company acquiring a

24 bank. Except as provided in subsection (3) of section
1 8-157, no bank holding company shall be allowed to own
2 or control more than nine banks located in the State of
3 Nebraska at any time after August 26, 1983. A bank
4 holding company, including an out-of-state or regional
5 out-of-state bank holding company, may not acquire any
6 bank which has been chartered by this state or the
7 Comptroller of the Currency of the United States of
8 America for less than five years. A bank which acquires
9 and holds all or substantially all of the voting stock
10 of one newly established bank under sections 8-1512 and
11 8-1513 shall not have such acquisition count against the
12 total deposit limitation or bank acquisition limitation
13 imposed by this section, nor shall such acquisition be
14 limited, restricted, or disallowed by any other
15 prohibition imposed by this section. A bank holding
16 company or out-of-state bank holding company which
17 acquires an institution or which forms a bank which
18 acquires an institution under sections 8-1506 to 8-1510
19 shall not have such acquisition or formation count
20 against the total deposits limitation or bank
21 acquisition limitation imposed by this section, nor
22 shall such acquisition or formation be limited,
23 restricted, or disallowed by any other prohibition
24 imposed by this section, except that any such
1 acquisition which occurs under sections 8-1506 to 8-1510
2 after July 1, 1987, shall count against the total
3 deposits limitation and the total bank acquisition
4 limitation imposed by this section.”.

5 2. On page 5, line 12, strike “section 8-141”
6 and insert “sections 8-141 and 8-902”; and in line 13
7 strike “is” and insert “and section 8-903, Revised
8 Statutes Supplement, 1985, are”.

9 3. Renumber the remaining section
10 accordingly.

Mrs. Smith asked unanimous consent to print the following
amendment to LB 1230 in the Journal. No objections. So ordered.

AM2681

1 1. Insert the following new sections:
2 “Sec. 15. That section 66-410, Revised
3 Statutes Supplement, 1985, be amended to read as
4 follows:
5 66-410. At the time of filing the statement

6 required by section 66-409 such dealer shall, in
7 addition to the tax imposed pursuant to sections 66-473,
8 66-477, and 66-478 and in addition to the other taxes
9 provided for by law, pay a tax of ten and one half cents
10 per gallon upon all motor vehicle fuels as shown by such
11 statement. Effective ~~January 1, 1978~~ July 1, 1985,
12 gasoline sold in Nebraska which contains a minimum of
13 ten per cent blend of an agricultural ethyl alcohol
14 whose purity shall be at least ninety-nine per cent
15 alcohol, excluding denaturant, produced from cereal
16 grains or domestic agricultural commodities shall be
17 subject to a state motor fuel tax which is ~~five~~ three
18 cents per gallon less than gasoline which does not
19 contain such a blend. Effective ~~July 1, 1985~~ October 1,
20 1986, gasoline which contains such a blend and is
21 produced from a facility having a design production
1 capacity of twenty million gallons or less of alcohol
2 per year shall be subject to a state motor fuel tax rate
3 which is three cents per gallon less than gasoline which
4 does not contain such a blend. Effective January 1,
5 1993, gasoline which contains such a blend shall be
6 subject to the same state motor fuel tax rate as
7 gasoline which does not contain such a blend. Such
8 dealers shall remit such tax to the Tax Commissioner.

9 Sec. 16. That section 66-428, Revised
10 Statutes Supplement, 1985, be amended to read as
11 follows:

12 66-428. In addition to the tax imposed
13 pursuant to sections 66-473, 66-477, and 66-478, there
14 is hereby levied and imposed an excise tax of ten and
15 one half cents per gallon upon the use of all motor
16 vehicle fuels, as defined by section 66-401, used in
17 this state, and due the State of Nebraska under the
18 provisions of section 66-410 or Chapter 66, article 6,
19 except that such excise tax after ~~June 1, 1979~~ July 1,
20 1985, shall be ~~five~~ three cents per gallon less on motor
21 vehicle fuel containing a minimum of ten per cent blend
22 of agricultural ethyl alcohol produced from cereal
23 grains or domestic agricultural commodities whose purity
24 shall be at least ninety-nine per cent alcohol,
1 excluding denaturant, than on motor vehicle fuel which
2 does not contain such a blend. Effective ~~July 1, 1985~~
3 October 1, 1986, such excise tax shall be three cents
4 per gallon less on such motor vehicle fuel containing
5 such a blend and produced from a facility having a

6 design production capacity of twenty million gallons or
7 less of alcohol per year than on such motor vehicle fuel
8 which does not contain such a blend. Effective January
9 1, 1993, the excise tax on such motor vehicle fuel
10 containing such a blend shall be the same as that on
11 such motor vehicle fuel which does not contain such a
12 blend. Users of motor vehicle fuels subject to taxation
13 under this section shall be allowed the same exemptions,
14 deductions, and rights of reimbursement as are
15 authorized and permitted by sections 66-413 and 66-414.
16 For purposes of this section and section 66-429, use
17 shall mean the purchase or consumption of motor vehicle
18 fuels in this state.”.

19 2. On page 61, line 5, strike “section” and
20 insert “sections 66-410, 66-428, and”.

21 3. Renumber the remaining sections
22 accordingly.

Mr. Schmit asked unanimous consent to print the following amendment to LB 310 in the Journal. No objections. So ordered.

To amend LB 310 (AM1798) on page 22, Line 3 strike “either certified or”

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Abboud asked unanimous consent to have his name added as co-introducer to LB 850. No objections. So ordered.

Mr. Pappas asked unanimous consent to have his name added as co-introducer to LR 318CA. No objections. So ordered.

ADJOURNMENT

At 7:44 p.m., on a motion by Mr. Hall, the Legislature adjourned until 9:00 a.m., Thursday, April 3, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-THIRD DAY - APRIL 3, 1986

LEGISLATIVE JOURNAL

1904

FIFTY-THIRD DAY - APRIL 3, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

FIFTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 3, 1986

Pursuant to adjournment, the Legislature met at 9:03 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Rev. Charles Tyler, St. John's American Methodist Episcopal Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Haberman, Hannibal, Hartnett, Hoagland, V. Johnson, Lamb, Schmit, Mesdames Higgins, Labedz, Smith, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Second Day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Vickers asked unanimous consent to be excused until he returns. No objections. So ordered.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 997.

Correctly Engrossed

The following bills were correctly engrossed: 237, 759, and 763.

(Signed) Timothy Hall, Chairperson

**Enrollment and Review Change to LB 997
(Final Reading Copy)**

The following changes, required to be reported for publication in the Journal, have been made:

ER0183

1. In the Hartnett amendment, AM2645, adopted March 27, 1986, on page 1, line 18, "education" has been struck and "educational" inserted and the comma has been struck and a semicolon inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 31 in the Journal. No objections. So ordered.

AM2861

(Amendments to AM2710)

- 1 1. On page 22, line 14, strike "and"; and in
- 2 line 19 after "government" insert ";and
- 3 (c) Provide for the security of confidential
- 4 information and to take the reasonable precautions
- 5 necessary to prevent any unauthorized access to such
- 6 information by any agency or any other person".
- 7 2. On page 25, line 17, after "them" insert
- 8 ", except that such agencies shall not be required to
- 9 furnish any confidential information".

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 410 and LR 411.

UNANIMOUS CONSENT - Member Excused

Mr. Chizek asked unanimous consent to be excused until he returns.
No objections. So ordered.

MOTION - Approve Appointment

Mr. Harris moved the adoption of the report of the Nebraska Retirement Systems Committee for the following Governor appointment found in the Journal on page 1872: Alan W. Friesen - Public Employees Retirement Board.

Voting in the affirmative, 29:

Abboud	DeCamp	Johnson, L.	Morehead	Rupp
Baack	Eret	Johnson, R.	Nelson	Sieck
Beyer	Goll	Lamb	Nichol	Warner
Carsten	Goodrich	Landis	Pirsch	Wesely
Chronister	Harris	Lundy	Remmers	Withem
Conway	Hefner	Marsh	Rogers	

Voting in the negative, 0.

Present and not voting, 9:

Barrett	Hall	McFarland	Pappas	Vickers
Chizek	Lynch	Miller	Peterson	

Excused and not voting, 11:

Chambers	Hartnett	Hoagland	Labeledz	Scofield
Haberman	Higgins	Johnson, V.	Schmit	Smith
Hannibal				

The appointment was confirmed with 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 368. Read. Considered.

Mr. Rupp asked unanimous consent to be excused until he returns.
No objections. So ordered.

LR 368 was adopted with 27 ayes, 0 nays, and 22 not voting.

GENERAL FILE

LEGISLATIVE BILL 237A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 997A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 890. E & R amendments, AM5340, found in the Journal on page 1285 for the Thirty-Ninth Day were adopted.

Mr. Wesely withdrew his pending amendment, AM2315, found in the Journal on page 1180.

Mr. Sieck renewed his pending amendment, AM2557, found in the Journal on page 1445.

The Sieck amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Sieck renewed his pending amendment, AM2558, found in the Journal on page 1445.

The Sieck amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Lamb moved to indefinitely postpone LB 890.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 368.

MOTHERS OF THE YEAR

Messrs. Baack, Barrett, and Harris escorted the following women to the rostrum: Mrs. Mary Egging, 1986 Mother of the Year; Mrs.

Deborah Cabela, 1986 Young Mother Representative, and Mrs. Virginia Sitorius, President of Nebraska Mothers Association.

SELECT FILE

LEGISLATIVE BILL 890. The pending Lamb motion found in this day's Journal to indefinitely postpone was renewed.

Mr. Lundy moved the previous question. The question is, "Shall the debate now close?" The motion lost with 11 ayes, 11 nays, and 27 not voting.

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Lamb moved for a call of the house. The motion prevailed with 11 ayes, 2 nays, and 36 not voting.

Mr. Lamb requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 13:

Abboud	Eret	Johnson, V.	Miller	Remmers
Beyer	Hefner	Lamb	Peterson	Wesely
Chambers	Johnson, R.	Landis		

Voting in the negative, 30:

Baack	DeCamp	Harris	Lynch	Schmit
Barrett	Goll	Hartnett	Marsh	Scofield
Carsten	Goodrich	Hoagland	Nelson	Sieck
Chizek	Haberman	Johnson, L.	Nichol	Smith
Chronister	Hall	Labeledz	Pappas	Warner
Conway	Hannibal	Lundy	Pirsch	Withem

Present and not voting, 2:

McFarland Rogers

Excused and not voting, 4:

Higgins Morehead Rupp Vickers

The Lamb motion to indefinitely postpone lost with 13 ayes, 30 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Lamb offered the following amendment:

To amend the Lundy amendment, as follows:

- 1) On pg 1, lines 5 and 9, after "municipality" add "or county"
- 2) On pg 3, lines 17 and 22 after "village" insert "or county" and strike the word "city," on line 17, & "existing on January 1, 1986" on line 18.
- 3) On pg 4, line 2 after "village" insert "or county"

Mr. V. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 2 nays, and 27 not voting.

Mr. Hall asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lamb withdrew his pending amendment.

Mr. R. Johnson requested a machine vote on the advancement of the bill.

Mr. Sieck moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Sieck requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 28:

Baack	Goodrich	Labeledz	Nelson	Scofield
Carsten	Haberman	Lundy	Nichol	Sieck
Chizek	Hannibal	Lynch	Pappas	Smith
Chronister	Harris	Marsh	Pirsch	Warner
Conway	Hartnett	McFarland	Schmit	Withem
Goll	Johnson, L.	Morehead		

Voting in the negative, 15:

Abbound	Chambers	Hoagland	Lamb	Peterson
Barrett	Eret	Johnson, R.	Landis	Remmers
Beyer	Hefner	Johnson, V.	Miller	Wesely

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Present and not voting, 1:

Rogers

Absent and not voting, 1:

DeCamp

Excused and not voting, 4:

Hall Higgins Rupp Vickers

Advanced to E & R for Engrossment with 28 ayes, 15 nays, 1 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mrs. Higgins asked unanimous consent to be excused until her returns. No objections. So ordered.

LEGISLATIVE BILL 894. E & R amendments, AM5341, found in the Journal on page 1287 for the Thirty-Ninth Day were adopted.

Mr. R. Johnson renewed his pending amendment, AM2369, found in the Journal on page 1477.

Mr. Baack asked unanimous consent to be excused until he returns. No objections. So ordered.

The R. Johnson amendment lost with 2 ayes, 14 nays, 28 present and not voting, and 5 excused and not voting.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Ms. Scofield withdrew her pending amendments, AM2697, found in the Journal on page 1698, AM2619, found in the Journal on page 1700, AM2620, found in the Journal on page 1700, and AM2621, found in the Journal on page 1700.

Ms. Scofield offered the following amendment:
AM2849

- 1 1. Insert the following new section:
- 2 "Sec. 18. Each district may develop and

3 implement by rules and regulations ground water quality
 4 standards as long as such standards provide the same or
 5 a greater level of protection as the standards adopted
 6 for such use by any state or federal agencies.”.

7 2. On page 12, lines 14, 20, and 22; page 13,
 8 lines 4, 18, and 23; and page 36, line 4, strike “19”
 9 and insert “20”.

10 3. Renumber the remaining sections
 11 accordingly.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Ms. Scofield moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Ms. Scofield requested a roll call vote on her amendment.

Voting in the affirmative, 13:

Eret	Johnson, R.	Nichol	Scofield	Wesely
Hartnett	Landis	Peterson	Sieck	Withem
Hoagland	Lynch	Pirsch		

Voting in the negative, 24:

Abboud	Conway	Hefner	Morehead	Schmit
Barrett	Goll	Johnson, L.	Nelson	Smith
Carsten	Haberman	Johnson, V.	Pappas	Vickers
Chambers	Hall	Lamb	Remmers	Warner
Chronister	Hannibal	Marsh	Rogers	

Present and not voting, 6:

Beyer	Harris	Lundy	McFarland	Miller
Chizek				

Absent and not voting, 1:

Goodrich

Excused and not voting, 5:

Baack	DeCamp	Higgins	Labedz	Rupp
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The Scofield amendment lost with 13 ayes, 24 nays, 6 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Chizek asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 894A. Ms. Scofield renewed her pending amendment, AM2622, found in the Journal on page 1701.

The Scofield amendment was adopted with 27 ayes, 1 nay, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 461. E & R amendments, AM5386, found in the Journal on page 1624 for the Forty-Seventh Day were adopted.

Messrs. Peterson, Hefner, Beyer, and Lamb offered the following amendment:

AM2757

- 1 1. On page 5, lines 22 and 23, strike "or
- 2 state".
- 3 2. In AM1763, beginning on page 621 of the
- 4 1986 Journal, on page 1, line 7, strike "state".

Messrs. Conway, Schmit, and Hall asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Harris moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Peterson moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Peterson requested a roll call vote on the Peterson et al. amendment.

Voting in the affirmative, 15:

Abboud

Barrett

Beyer

Carsten

Haberman

Hefner	Johnson, L.	Lamb	Peterson	Remmers
Higgins	Labeledz	Lynch	Pirsch	Rogers

Voting in the negative, 26:

Baack	Hall	Johnson, V.	Miller	Sieck
Chambers	Hannibal	Landis	Morehead	Smith
Conway	Harris	Lundy	Nelson	Vickers
Eret	Hoagland	Marsh	Pappas	Warner
Goll	Johnson, R.	McFarland	Scofield	Withem
Goodrich				

Present and not voting, 2:

Hartnett Nichol

Absent and not voting, 3:

Chronister DeCamp Wesely

Excused and not voting, 3:

Chizek Rupp Schmit

The Peterson et al. amendment lost with 15 ayes, 26 nays, 2 present and not voting, 3 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Messrs. V. Johnson, Haberman, Rogers, Barrett, and Lamb asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hefner requested a machine vote on the advancement of the bill.

Mr. Peterson requested a record vote on the advancement of the bill.

Voting in the affirmative, 25:

Baack	Hall	Johnson, R.	Miller	Sieck
Chambers	Hannibal	Landis	Nelson	Smith
Conway	Harris	Lundy	Nichol	Vickers
Eret	Hartnett	Lynch	Pappas	Wesely
Goll	Hoagland	Marsh	Scofield	Withem

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Voting in the negative, 13:

Abboud	Chronister	Johnson, L.	Peterson	Remmers
Beyer	Hefner	Labedz	Pirsch	Warner
Carsten	Higgins	Morehead		

Present and not voting, 3:

DeCamp Goodrich McFarland

Excused and not voting, 8:

Barrett	Haberman	Lamb	Rupp	Schmit
Chizek	Johnson, V.	Rogers		

Advanced to E & R for Engrossment with 25 ayes, 13 nays, 3 present and not voting, and 8 excused and not voting.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 286, 286A, 579, 579A, 775, and 950.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Changes to LB 286

The following changes, required to be reported for publication in the Journal, have been made:

ER0182

1. In the Wesely amendment, AM2556, adopted March 24, 1986:
 - a. On page 1, line 1, "page 4, line 24;" has been struck; and in line 20 "after the first "a"" has been struck and "before 'social'" inserted;
 - b. On page 2, the matter beginning with "in" in line 17 through the semicolon in line 18 has been struck;
 - c. On page 4, the matter beginning with "and" in line 2 through the quotation marks in line 3 has been struck; and in lines 18 and 23 "social workers" has been inserted after the first "certified"; and

d. On page 5, line 10, "certificated under" has been struck and "certified pursuant to" inserted; and in line 11 the comma has been struck.

2. In the E & R amendment, AM5331, adopted March 24, 1986:

a. Amendments 1.c., 1.h., and 1.l. have been struck and the remaining amendments relettered accordingly;

b. On page 1, the matter beginning with the first "and" in line 4 through line 5 has been struck; the matter beginning with "strike" in line 7 through the second "and" in line 8 has been struck; the matter beginning with "and" in line 9 through line 11 has been struck; and the matter beginning with "lines" in line 16 through "in" in line 17 has been struck;

c. On page 2, the matter beginning with "line" in line 1 through "in" in line 2 has been struck; the matter beginning with "lines" in line 4 through "in" in line 5 has been struck; and the matter beginning with the second "and" in line 9 through line 11 has been struck; and

d. On page 4, the matter beginning with "in" in line 4 through line 5 has been struck; in line 6 "83" has been struck and "82" inserted; in line 12 "71-152," has been inserted after "to"; and in line 20 "registration and" has been struck.

3. In the Standing Committee amendments, AM1926, adopted February 25, 1986:

a. On page 2, line 19; and page 6, line 7, the comma has been struck;

b. On page 3, line 8, "welfare" has been struck and "work" inserted;

c. On page 4, line 23, "or certified master social worker" has been inserted after "worker";

d. On page 5, line 6; page 10, line 6; and page 11, line 2, "a" has been struck and "the" inserted;

e. On page 5, line 12, "this act" has been struck and "such sections" inserted;

f. On page 8, line 15, "certified" has been inserted after "practice";

g. On page 9, line 3, "practice" has been struck;

h. On page 11, line 18, the second comma and "that he or" have been struck; and in line 19 "she" has been struck;

i. On page 13, line 12, "any" has been inserted after the comma;

j. On page 17, lines 3 to 4, "Department of Health" has been struck and "department" inserted;

k. On page 41, line 18, "of" has been struck; and in line 19 "certification" has been struck and before the period "to persons who are required to be certified pursuant to the Uniform Licensing Law" has been inserted; and

l. On page 78, line 14, "be" has been struck.

Enrollment and Review Change to LB 286A

The following changes, required to be reported for publication in the Journal, have been made:

ER0178

1. On page 1, line 4, “; to provide for a transfer of funds” has been inserted after “1986”.

Enrollment and Review Changes to LB 579

The following changes, required to be reported for publication in the Journal, have been made:

ER0186

1. In the Scofield amendment, AM2465, adopted March 24, 1986:
 - a. On page 2, line 1, “(3)” has been struck; in line 14 “Director of Health” has been struck and “director” inserted; and in line 20 “certificate” has been struck and “letter of confirmation” inserted;
 - b. On page 5, line 12, the third comma has been struck; and in lines 14 and 21 “sections” has been struck; and
 - c. On page 6, the matter beginning with “in” in line 13 through the second semicolon in line 14 has been struck; in line 14 “after ‘licensee’ insert ‘or certificate holder’ and” has been inserted after “24” and “a” has been struck; in line 15 “certificate holder is” has been struck; in line 16 “lines 1 and 2” has been struck and “line 1” inserted; and in line 18 “certification” has been struck and “certificate” inserted.
2. In the E & R amendments, AM5332, adopted March 24, 1986:
 - a. On page 1, the matter beginning with “and” in line 5 through line 8 has been struck;
 - b. Amendment 1.k. has been struck and remaining amendments relettered accordingly;
 - c. On page 3, the matter beginning with “line” in line 19 through “in” in line 20 has been struck; and
 - d. On page 4, line 15, “professional” has been struck; in line 18 “for initial annual” has been struck and “a penalty” inserted; and in line 19 “certificates” has been struck.
3. In the Standing Committee amendments, AM2187, adopted February 26, 1986:
 - a. On page 8, line 10, “Chapter 71, article 1,” has been struck and “the Uniform Licensing Law” inserted;
 - b. On page 10, line 17, “that he or” has been struck; and in line 18 “she” has been struck;
 - c. On page 12, line 16, “on” has been struck and “regarding” inserted;

d. On page 13, line 1, "Chapter 71, article 1" has been struck and "the Uniform Licensing Law" inserted; and in lines 6 and 7 the first "certificate" has been struck and "certification" inserted;

e. On page 16, line 22, "Department of Health" has been struck and "department" inserted;

f. On page 19, line 12, "the" has been inserted before "license"; and

g. On page 79, line 10, "or" has been inserted after "renewal" and ", or" has been struck; and in line 11 the new matter has been struck.

(Signed) Mary E. Sommermeyer
E & R Attorney

NOTICE OF COMMITTEE HEARING Rules

Tuesday, April 8, 1986

12:00 noon

Morehead proposed rule change, page 1827 of the Journal

(Signed) Patricia Morehead, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 413.

Introduced by Withem, 14th District; Beyer, 3rd District; Hartnett, 45th District.

WHEREAS, community identity is critical to commerce, industry, and social progress for all areas of Nebraska; and

WHEREAS, postal designation is equally important to the positive perpetuation of community identity; and

WHEREAS, the current postal designation for unincorporated areas of Nebraska creates confusion in minds of residents, nonresidents, and persons and agencies doing business in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature call upon the United States Postal Service to become more flexible in zip code designation in recognition that proper postal designation contributes significantly to community identity, social progress, and enhancement of commerce and industry.

2. That the Legislature ask the United States Postal Service to allow all mail to be addressed to the municipality or village in which the site is geographically located and those sites within their jurisdiction.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 965 in the Journal. No objections. So ordered.

AM2870

1 1. In AM2256:

2 a. On page 1, line 14, strike “and”; in line
3 15 after “(5)” insert “Educational institutions shall
4 mean nonprofit public and private colleges, technical
5 community colleges, state colleges, and universities in
6 the state;

7 (6)”; and in line 17 after “state” insert “;
8 and

9 (7) Value-adding industry shall mean an
10 economic enterprise that adds value through processing,
11 fabrication, or other means to goods or services”;

12 b. On page 3, strike beginning with
13 “Department” in line 2 through “provide” in line 14 and
14 insert “department shall be the Director of Economic
15 Development who shall be appointed by the Governor with
16 the consent of a majority of the Legislature. The
17 director shall administer the affairs of the department
18 and shall serve at the pleasure of the Governor. The
19 director shall have equal rank with the heads of other
20 state departments, and his or her salary shall be fixed
21 by the Governor with the advice of the commission. The
1 director shall employ a deputy director with significant
2 and extensive professional experience in the field of
3 economic development. The director shall employ
4 division directors and such other assistants,
5 professional staff, and other employees as he or she
6 deems necessary to effectively carry out this act within
7 the appropriations the Legislature provides”; and strike
8 beginning with “fifteen” in line 16 through
9 “development” in line 24 and insert “nine voting members
10 appointed by the Governor. The chairperson of the
11 commission shall be one of the nine appointed members
12 and shall be chosen by the commission. Each
13 congressional district in Nebraska shall be represented
14 by three members, and the Governor shall solicit
15 nominations for appointments to the commission from

16 recognized economic development groups in Nebraska. The
17 members of the commission shall be representative, to
18 the extent possible, of the various geographic areas of
19 the state and, of both the urban and rural population.
20 The director shall serve as an ad hoc non-voting member
21 of the commission. In appointing the members, the
22 Governor shall seek to create a broad-based commission
23 representative of Nebraska economy. To achieve this
24 objective the Governor shall consider persons with
1 backgrounds in the following areas:

2 (1) Production agriculture;

3 (2) Manufacturing;

4 (3) Transportation and communications;

5 (4) Travel and tourism; and

6 (5) Insurance.

7 The commission and department are encouraged to involve
8 other essential groups in the work of the commission
9 including, but not limited to, the (a) University of
10 Nebraska, (b) Department of Agriculture, (c) State
11 Energy Office, (d) educational institutions, (e)
12 Department of Labor, and (f) Nebraska Investment Finance
13 Authority. No more than five voting members of the
14 commission shall belong to the same political party.”;

15 c. On page 4, strike line 1; and in line 3
16 strike “five” and insert “six”; strike beginning with
17 “from” in line 4 through “years” in line 8 and insert
18 “one member from each congressional district shall be
19 appointed for a term of two years, one member for a term
20 of four years, and one member for a term of six years”;

21 d. On page 5, line 3, after “have” insert “the
22 following but not limited to,”; in line 4 strike “and
23 advisory committees”; strike beginning with “or” in line
24 10 through “experiences” in line 15 and insert “and
1 program, when deemed appropriate by the director, are
2 encouraged to establish advisory committees and programs
3 to insure public participation and input”; and in line
4 16 after “(1)” insert “The department shall have an
5 advisory committee to provide regular consultation to the
6 Community Development Block Grant Program.

7 (2)”;

8 e. On page 6, line 23, strike “(2)” and insert
9 “(3)”;

10 f. On page 7, line 5, after “implement” insert
11 “economic development”; and strike beginning with
12 “wealth-generating” in line 8 through “state” in line 18

13 and insert “value-adding economic enterprises, including
14 those involved in selling to non-Nebraska markets;

15 (2) Promote economic articulation within the
16 economy of the state;

17 (3) Promote productivity among value-adding
18 economic enterprises;

19 (4) Promote economic diversification within
20 the economy of the state; and

21 (5) Maintain and revitalize economically
22 distressed areas.

23 In developing these strategies the department
24 shall consider the special economic needs of women and
1 minorities and pursue policies which are consistent with
2 Nebraska policies to protect and enhance the
3 environmental quality of the state”;

4 g. On page 10, line 24, after the period
5 insert “The department shall have an advisory committee
6 to provide regular consultation to the Travel and
7 Tourism Division.”;

8 h. On page 13, line 7, strike
9 “wealth-creating” and insert “value-adding”; and

10 i. Strike section 21.

11 2. In AM2422, on page 4, line 23, strike
12 “81-102.”.

13 3. Strike the DeCamp amendment appearing on
14 page 1474 of the 1986 Journal.

15 4. Renumber the remaining sections
16 accordingly.

Mr. Landis asked unanimous consent to print the following amendment to LB 1158 in the Journal. No objections. So ordered.

AM2709

1 1. Strike the original sections and all
2 amendments thereto and insert the following new
3 sections:

4 “Section 1. That section 32-828, Reissue
5 Revised Statutes of Nebraska, 1943, be amended to read
6 as follows:

7 32-828. (1) Any election called pursuant to
8 the laws of this state shall provide for absentee
9 voting. Any qualified elector who meets the criteria
10 established by this section, including persons confined
11 by public order under the laws of this state or of the
12 United States, shall be permitted to vote absentee at

13 such election, except that a qualified elector meeting
14 the criteria of subdivision (2)(g) of this section may
15 not vote in elections involving public power districts,
16 reclamation districts, educational service units,
17 technical community colleges, school districts, natural
18 resource districts, and the Nebraska Beef Industry
19 Development Board. Persons excluded from voting under
20 section 32-1048 may not vote under the provisions of the
21 Absentee Voters Act.

1 (2) A person shall be permitted to vote
2 absentee for any one of the following reasons:

3 (a) The elector expects to be absent from his
4 or her county at the time the election is to be held;

5 (b) The elector is physically unable to go to
6 the polls;

7 (c) The elector will be unable to go to the
8 polling place on the day of the election due to his or
9 her hospitalization for medical or surgical treatment;

10 (d) The elector cannot attend the polls on the
11 day of the election because of the tenets of his or her
12 religion;

13 (e) The elector is legally blind; ~~or~~

14 (f) The elector is a law enforcement official,
15 an election official or employee, a firefighting
16 official, or an emergency vehicle operator or attendant
17 staff member who by reason of carrying out his or her
18 official duties is on duty for a period in excess of
19 twelve hours on the day the election is to be held ; or

20 (g) The elector is (i) a member of the armed
21 forces of the United States and is serving outside of
22 the territorial limits of the United States or (ii) a
23 Nebraska citizen temporarily residing outside of the
24 territorial limits of the United States.

1 Sec. 2. That section 32-829, Reissue Revised
2 Statutes of Nebraska, 1943, be amended to read as
3 follows:

4 32-829. Any voter meeting the criteria of
5 subdivision (2)(b), ~~or (2)(e), or (2)(g)~~ of section
6 32-828 who is not registered may register at any time
7 during the regular registration period by sending a
8 letter of request for registration forms to the county
9 clerk or election commissioner of the county of his or
10 her residence. Such request shall indicate the
11 political party of the person requesting the
12 registration forms. The letter of request may be sent

13 by United States mail or by any person acting on behalf
14 of the voter. Such voter may also register by
15 completing the duplicate set of registration forms
16 accompanying the absentee ballot. The registration
17 forms received by such voter through the United States
18 mail or through the voter's agent shall be completed and
19 signed by the elector. Registration forms shall be
20 returned under separate cover to the county clerk or
21 election commissioner by the person's agent or by United
22 States mail.

23 Sec. 3. That section 32-831, Reissue Revised
24 Statutes of Nebraska, 1943, be amended to read as
1 follows:

2 32-831. Persons appearing at the office of
3 the county clerk or election commissioner after the
4 deadline for registering and prior to the election to
5 vote absentee shall not be permitted to register with
6 the absentee ballot.

7 Only those persons meeting the criteria of
8 subdivision (2)(b), ~~or (2)(e)~~, or (2)(g) of section
9 32-828 or of section 32-830 or 32-832 shall be permitted
10 to register by using the registration forms enclosed
11 with the absentee ballot.

12 Sec. 4. That section 32-834, Reissue Revised
13 Statutes of Nebraska, 1943, be amended to read as
14 follows:

15 32-834. (1) Any voter meeting one or more of
16 the criteria of subsection (2) of section 32-828 may,
17 not more than ninety days before any election and not
18 later than 4:00 p.m. on the Friday preceding such
19 election except as provided in subsection (2) of this
20 section, request an absentee ballot to be mailed to a
21 specific address. Any such voter may, not more than
22 ninety days before any election and not later than 12:00
23 noon on the day of such election, request an absentee
24 ballot by appointing an agent to personally pick up the
1 ballot at the office of the county clerk or election
2 commissioner. A request for an absentee ballot shall be
3 in writing to the county clerk or election commissioner
4 in the county where the voter has established his or her
5 home and show his or her voter's registration address,
6 political party, telephone number if available, and
7 voting precinct if known. The application ~~must~~ shall be
8 signed by the voter, his or her spouse, parent, son, or
9 daughter, or any other person acting as an agent for him

10 or her. No candidate or any person serving on a
11 committee for a candidate shall act as agent for any
12 voter requesting a ballot pursuant to this section. The
13 county clerk or election commissioner shall include
14 duplicate registration forms with each set of ballots if
15 the voter has not previously registered. The county
16 clerk or election commissioner shall also include a
17 notice that only those persons meeting the criteria of
18 subdivision (2)(b), ~~or (2)(e)~~, or (2)(g) of section
19 32-828 or of section 32-830 or 32-832 may use the
20 enclosed forms to register. All other persons ~~must~~
21 shall register in the manner provided for other voters
22 in Chapter 32.

23 (2) Any voter meeting the criteria of
24 subdivision (2)(g) of section 32-828 may, at any time in
1 the same calendar year as an election but prior to such
2 election, request that absentee ballots for any
3 elections still to be held in such year be mailed to a
4 specific address. Only the ballot for the next election
5 following receipt of the request shall be sent unless
6 the voter specifies that both the primary and general
7 election ballots are requested.

8 Sec. 5. That section 32-848, Reissue Revised
9 Statutes of Nebraska, 1943, be amended to read as
10 follows:

11 32-848. (1) Absentee voters' ballots,
12 applications, and all other supplies shall be provided
13 in like manner as other election supplies and furnished
14 without cost to the voter and shall be ready for
15 delivery to absent voters not less than thirty-five days
16 prior to each statewide primary or general election and
17 not less than fifteen days prior to all other elections
18 except as otherwise provided by law.

19 (2) Notwithstanding subsection (1) of this
20 section, upon request for a ballot, an absentee voters'
21 ballot shall be forwarded to each voter meeting the
22 criteria of subdivision (2)(g) of section 32-828 at
23 least forty-five days prior to any election or within
24 three days after receipt of the request, whichever is
1 earlier. The election commissioner or county clerk
2 shall not forward any absentee voters' ballot if the
3 election to which such ballot pertains has already been
4 held. If such ballot has not been printed in sufficient
5 time to meet the requirements of this subsection, the
6 county clerk or election commissioner shall, as soon as

7 a complete list of candidates and issues to be voted
8 upon by a voter meeting the criteria of subdivision
9 (2)(g) of section 32-828 at such election becomes
10 available, issue the ballot, which shall be prescribed
11 by the Secretary of State. Such ballot shall contain
12 the titles of all offices being contested at such
13 election for which a voter meeting the criteria of
14 subdivision (2)(g) of section 32-828 may vote and shall
15 permit the elector to vote by writing in the names of
16 the specific candidates or decision on any issue for
17 which a voter meeting the criteria of subdivision (2)(g)
18 of section 32-828 may vote. A complete list of the
19 nominated candidates and issues to be voted upon by a
20 voter meeting the criteria of subdivision (2)(g) of
21 section 32-828 shall be included with the ballot by the
22 election commissioner or county clerk. A notice shall
23 be sent with the primary election ballot stating that
24 the absentee voter must request a general election
1 ballot unless such voter has requested both the primary
2 and general election ballots. If the voter has
3 requested both ballots, a notice shall be sent with the
4 primary election ballot stating that the general
5 election ballot will be sent to the same address unless
6 otherwise notified.

7 Sec. 6. That original sections 32-828,
8 32-829, 32-831, 32-834, and 32-848, Reissue Revised
9 Statutes of Nebraska, 1943, are repealed.”.

Messrs. Landis, Pappas, Lynch, Hoagland, Withem, Chizek,
Goodrich, Chronister, Mesdames Nelson, and Labedz asked
unanimous consent to print the following amendment to LB 43 in the
Journal. No objections. So ordered.

AM2785

1 1. Strike the original sections and all
2 amendments thereto and insert the following new
3 sections:
4 “Section 1. That section 24-201.01, Revised
5 Statutes Supplement, 1984, be amended to read as
6 follows:
7 24-201.01. On January 8, 1981, the salary of
8 the Chief Justice and Judges of the Supreme Court shall
9 be forty-eight thousand three hundred fourteen dollars
10 and eighty cents. As soon as the same may be legally
11 paid under the Constitution of Nebraska, the salary

12 shall be increased to an amount equal to five per cent
13 over the base salary. For the purposes of this section,
14 base salary shall mean the amount derived by increasing
15 forty-eight thousand three hundred fourteen dollars and
16 eighty cents by five per cent. On January 5, 1984, the
17 salary shall be increased by five per cent of the salary
18 received immediately prior to such date. On January 3,
19 1985, the salary shall be increased by five per cent of
20 the salary received immediately prior to such date. On
21 January 1, 1986, the salary shall be increased by five
1 per cent of the salary received immediately prior to
2 such date. ~~The Governor shall receive an annual salary~~
3 ~~of forty thousand dollars.~~ The Chief Justice and the
4 Judges of the Supreme Court shall hold no other public
5 office of profit or trust during their terms of office
6 nor accept any public appointment or employment under
7 the authority of the government of the United States for
8 which they receive compensation for their services.
9 Such salaries shall be payable in equal monthly
10 installments.

11 Sec. 2. The Governor shall receive an annual
12 salary of forty thousand dollars. Commencing January 8,
13 1987, the salary of the Governor shall be fifty-eight
14 thousand dollars. Such salary shall be payable in equal
15 monthly installments.

16 Sec. 3. That section 75-104, Revised Statutes
17 Supplement, 1984, be amended to read as follows:
18 75-104. As soon after July 1, 1985, as the
19 same may be payable under the Constitution of Nebraska,
20 each of the commissioners shall receive an annual salary
21 of twenty-seven thousand dollars, payable in the same
22 manner that the salaries of other state officers are
23 paid. Commencing January 8, 1987, the salary of each
24 commissioner shall be thirty-five thousand dollars. In
1 addition thereto, the commissioners, secretary, clerks,
2 and other employees of the commission shall be entitled
3 to receive from the state their actual necessary
4 traveling expenses, which shall include the cost of
5 transportation while traveling on the business of the
6 commission, to be paid in the same manner as other
7 claims against the state. In computing the cost of
8 transportation for commissioners, secretary, clerks, and
9 other employees, no mileage or other traveling expense
10 shall be claimed or allowed ~~unless the provisions of~~
11 sections 84-306 to 84-306.05 are strictly complied with.

12 Sec. 4. That section 84-201.01, Reissue
13 Revised Statutes of Nebraska, 1943, be amended to read
14 as follows:

15 84-201.01. ~~Until the first Thursday after the~~
16 ~~first Tuesday in January 1979, there shall be paid as~~
17 ~~salary to the Attorney General, the sum of thirty-two~~
18 ~~thousand five hundred dollars.~~ Commencing the first
19 Thursday after the first Tuesday in January 1979, there
20 shall be paid as salary to the Attorney General; the sum
21 of thirty-nine thousand five hundred dollars. The
22 salary of the Attorney General shall be payable in equal
23 monthly installments. Commencing January 8, 1987, the
24 salary of the Attorney General shall be fifty-seven
1 thousand five hundred dollars.

2 Sec. 5. That section 84-721, Reissue Revised
3 Statutes of Nebraska, 1943, be amended to read as
4 follows:

5 84-721. ~~Until the first Thursday after the~~
6 ~~first Tuesday in January 1979, there shall be paid as~~
7 ~~salaries to certain constitutional officers, as follows:~~
8 ~~Secretary of State, the sum of twenty-five thousand~~
9 ~~dollars per annum; Auditor of Public Accounts, the sum~~
10 ~~of twenty-five thousand dollars per annum; State~~
11 ~~Treasurer, the sum of twenty-five thousand dollars per~~
12 ~~annum; and the Lieutenant Governor, the sum of~~
13 ~~twenty-five thousand dollars per annum. From and after~~
14 Commencing the first Thursday after the first Tuesday in
15 January 1979, there shall be paid as salaries to certain
16 constitutional officers; as follows: Secretary of
17 State, the sum of thirty-two thousand dollars per annum;
18 Auditor of Public Accounts, the sum of thirty-two
19 thousand dollars per annum; State Treasurer, the sum of
20 thirty-two thousand dollars per annum; and the
21 Lieutenant Governor, the sum of thirty-two thousand
22 dollars per annum. Beginning January 8, 1987, there
23 shall be paid as salaries to certain constitutional
24 officers as follows: Secretary of State, the sum of
1 forty thousand dollars per annum; Auditor of Public
2 Accounts, the sum of thirty-five thousand dollars per
3 annum; and the Lieutenant Governor, the sum of forty
4 thousand dollars per annum. Such salaries shall be
5 payable in equal monthly installments.

6 Sec. 6. That original sections 84-201.01 and
7 84-721, Reissue Revised Statutes of Nebraska, 1943, and
8 sections 24-201.01 and 75-104, Revised Statutes

9 Supplement, 1984, are repealed.”.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Miller asked unanimous consent to have his name added as co-introducer to LR 385. No objections. So ordered.

VISITORS

Visitors to the Chamber were 40 members of the Senior Companion Program from Omaha; 60 seventh and eighth grade students and sponsors from Immaculate Conception, Omaha; 9 students and teacher from District 75 in Saunders County; Larry and Pamela Karel, and sons, Benjamin and Peter, from Schuyler; 46 fourth grade students and teacher from North Park Elementary, Columbus; 29 fourth grade students and teachers from Paddock Lane School, Beatrice; Mrs. Egging and children; and members of the Cabela family.

RECESS

At 12:13 p.m., on a motion by Speaker Nichol, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:34 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Chizek, R. Johnson, McFarland, Miller, Sieck, Vickers, Warner, and Wesely who were excused until they arrive.

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Chambers asked unanimous consent to have his name added as co-introducer to LB 1048. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1007. Title read. Considered.

Standing Committee amendments, AM2314, found in the Journal on page 1085 for the Thirty-Fourth Day were considered.

Mr. DeCamp offered the following amendment to the Standing Committee amendments:

AM2874

(Amendments to AM2314)

- 1 1. On page 3, lines 1, 4, 6, and 10, after
- 2 “administration” insert “or similar such degree.”; in
- 3 line 2 after “courses” insert “from an accredited
- 4 college or university”; in lines 4 and 6 after
- 5 “accounting” insert “from an accredited college or
- 6 university”; in line 7 after “degree” insert “or similar
- 7 such degree.”; and in lines 8 and 11 strike “or similar
- 8 such degree” and insert “from an accredited community or
- 9 junior college”.
- 10 2. On page 4, line 6, before the quotation
- 11 marks insert:
- 12 “Sec. 4. Since an emergency exists, this act
- 13 shall be in full force and take effect, from and after
- 14 its passage and approval, according to law.”.

Mrs. Smith asked unanimous consent to be excused until she returns.
No objections. So ordered.

Mr. Haberman moved for a call of the house. The motion prevailed
with 10 ayes, 1 nay, and 38 not voting.

Mr. Haberman requested a roll call vote on the DeCamp amendment.

Voting in the affirmative, 19:

Beyer	Eret	Johnson, R.	Landis	Remmers
Carsten	Hannibal	Johnson, V.	McFarland	Schmit
Conway	Hefner	Labeledz	Nelson	Sieck
DeCamp	Higgins	Lamb	Pirsch	

Voting in the negative, 19:

Abboud	Goll	Hoagland	Marsh	Rogers
Baack	Haberman	Johnson, L.	Morehead	Rupp
Barrett	Hall	Lundy	Nichol	Wesely
Chronister	Hartnett	Lynch	Pappas	

Present and not voting, 5:

Goodrich	Miller	Peterson	Scofield	Withem
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Absent and not voting, 1:

Harris

Excused and not voting, 5:

Chambers Chizek Smith Vickers Warner

The DeCamp amendment lost with 19 ayes, 19 nays, 5 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. R. Johnson moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. R. Johnson requested a roll call vote on the Standing Committee amendments.

Voting in the affirmative, 23:

Barrett	Hall	Johnson, R.	Miller	Remmers
Beyer	Hannibal	Johnson, V.	Nelson	Schmit
Carsten	Hefner	Labeledz	Peterson	Sieck
DeCamp	Higgins	Landis	Pirsch	Warner
Eret	Hoagland	McFarland		

Voting in the negative, 17:

Abboud	Goll	Johnson, L.	Marsh	Rupp
Baack	Goodrich	Lundy	Pappas	Scofield
Chronister	Haberman	Lynch	Rogers	Wesely
Conway	Hartnett			

Present and not voting, 4:

Chambers Harris Nichol Withem

Absent and not voting, 1:

Lamb

Excused and not voting, 4:

Chizek Morehead Smith Vickers

The Standing Committee amendments lost with 23 ayes, 17 nays, 4 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Schmit offered the following amendment:

AM2879

- 1 1. Insert the following new sections:
- 2 "Section 1. For purposes of sections 1 and 2
- 3 of this act, unless the context otherwise requires:
- 4 (1) Grain shall mean wheat, corn, soybeans,
- 5 and sorghum grains;
- 6 (2) Quality factors shall mean:
- 7 (a) Heat-damaged kernels which include kernels
- 8 that have been discolored or damaged by high heat from
- 9 respiring grain;
- 10 (b) Total-damaged kernels which represent the
- 11 percentage, by weight, of kernels damaged by weather,
- 12 disease, insects, molds, and moisture and includes heat
- 13 damage;
- 14 (c) Foreign material which is all matter other
- 15 than the grain being examined which remains in a sample
- 16 after removal of dockage and shrunken and broken
- 17 kernels;
- 18 (d) Shrunken and broken kernels which are
- 19 kernels, kernel pieces, and other matter that pass
- 20 through a sixty-four thousandths by three-eighths inch
- 21 oblong-hole sieve;
- 1 (e) Total defects which are the sum of
- 2 heat-damaged kernels, shrunken and broken kernels, and
- 3 foreign material;
- 4 (f) Wheat of other classes which is any class
- 5 that is mixed with the predominant class;
- 6 (g) Dockage, though not a grading factor,
- 7 which appears on the certificate if it exceeds

8 forty-nine hundredths of one per cent. Dockage is
9 rounded down to the nearest half per cent. It includes
10 chaff, dust, and items removed from a sample by an
11 initial screening with a dockage tester; and

12 (h) Grade which is determined by analyzing the
13 physical and biological factors present in the sample.
14 Limits for the grading factors are established for each
15 numerical grade. Numerical grades range from number 1,
16 highest, to sample grade, lowest. Factors that exceed
17 the established limits lower the numerical grade.
18 Higher test weights are acceptable; and

19 (3) Department shall mean the Department of
20 Agriculture.

21 Sec. 2. (1) In order to assist Nebraska grain
22 producers and the state's grain industry in competing
23 for a larger share of the international grain trade
24 against the more stringent grain standards of other
1 exporting nations, the department shall, upon request,
2 provide inspection of grain shipments assembled by
3 farmers and grain dealers that are arranging or
4 attempting to arrange grain sales with foreign buyers.
5 As a means of expediting such sales and to insure the
6 quality of grain shipments for export originating in
7 Nebraska, the department shall provide grain
8 inspections. Such inspections shall include a
9 certificate stating the quality factors present in the
10 grain shipments destined for export points. A special
11 certificate shall be designed by the department for
12 shipments that substantially exceed grade and quality
13 factors required under current United States grain
14 standards. Such special certificate shall be designated
15 as Nebraska Origin and Premium Quality Grain and shall
16 be issued only on grain shipments containing levels of
17 grade and quality factors totaling not more than fifty
18 per cent of the maximum allowable limits of total
19 defects and other quality factors as required by current
20 United States Grade Number One.

21 (2) The department shall assess and collect
22 charges for the inspections made. The fee shall be in
23 an amount equal to the costs of the inspections.”.

24 2. Renumber remaining sections accordingly.

Mr. Abboud and Ms. Scofield asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Pappas moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Schmit amendment was adopted with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 911. Title read. Considered.

Mr. Hefner renewed his pending amendment, AM2190, found in the Journal on page 910.

Mr. Hefner renewed his pending amendment, AM2238, found in the Journal on page 1001 to his pending amendment.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

The Hefner amendment was adopted with 8 ayes, 0 nays, 35 present and not voting, and 6 excused and not voting.

Mr. Hefner offered the following amendment to his pending amendment:
(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2871.)

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Hefner amendment was adopted with 16 ayes, 8 nays, 20 present and not voting, and 5 excused and not voting.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 3 nays, and 26 not voting.

Mrs. Labeledz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. DeCamp requested a roll call vote on the Hefner amendment, as amended.

Voting in the affirmative, 32:

Abboud	Goll	Johnson, L.	Miller	Rogers
Baack	Goodrich	Johnson, R.	Morehead	Rupp
Barrett	Haberman	Lamb	Nelson	Sieck
Beyer	Hannibal	Landis	Nichol	Smith
Carsten	Harris	Lundy	Peterson	Warner
Chronister	Hartnett	Marsh	Remmers	Wesely
Eret	Hefner			

Voting in the negative, 9:

Conway	Hall	Hoagland	Labeledz	Withem
DeCamp	Higgins	Johnson, V.	Pappas	

Present and not voting, 4:

Chambers	McFarland	Pirsch	Schmit
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Excused and not voting, 4:

Chizek	Lynch	Scofield	Vickers
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The Hefner amendment, as amended, was adopted with 32 ayes, 9 nays, 4 present and not voting, and 4 excused and not voting.

Mr. Pappas withdrew his pending amendments, AM2678, found in the Journal on page 1717, and AM2468, found in the Journal on page 1645.

Messrs. Landis, Hefner, and Lundy withdrew their pending amendment, AM2851, printed separate from the Journal and referred to on page 1897.

Mr. Conway moved to indefinitely postpone LB 911.

Mr. Conway withdrew his pending motion to indefinitely postpone.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Hefner moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Advanced to E & R for Review with 28 ayes, 9 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 1255. Placed on Select File as amended.
E & R amendments to LB 1255:

AM5420

- 1 1. On page 2, line 3, strike "state"; in line
2 13 after "of" insert "State"; strike line 14; in line 17
3 strike "corrections" and insert "Correctional Services";
4 and in line 18 after "Burns" insert a comma.
- 5 2. On page 3, line 11, after the comma insert
6 "68508,"; in line 13 after "the" insert "State"; in line
7 19 strike "corrections" and insert "Correctional
8 Services"; and in line 21 after "Charter" insert
9 "Center".
- 10 3. On page 4, line 8, strike "71-994.71" and
11 insert "72-078.31"; in line 10 strike "97,062.39" and
12 insert "97,145.99"; and in line 22 after "employees"
13 insert a comma.

LEGISLATIVE BILL 1256. Placed on Select File as amended.
E & R amendments to LB 1256:

AM5421

- 1 1. On page 2, line 9, strike "on" and insert
2 "of"; and in line 11 strike "COURT" and insert
3 "COMMISSION".
- 4 2. On page 12, line 2, strike the comma.
- 5 3. On page 19, line 18; and page 23, line 4,
6 after "the" insert "State".
- 7 4. On page 23, line 7, strike "diem" and
8 insert "diems".
- 9 5. On page 24, line 2, after "damages" insert
10 a comma; in line 4 after "agents" insert a comma; and in
11 lines 5 and 10 after "employees" insert a comma.

Correctly Engrossed

The following bills were correctly engrossed: 603, 1172, and 1172A.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 1172

The following changes, required to be reported for publication in the Journal, have been made:

ER0195

1. On page 10, line 16, the second "council" has been struck and "committee" inserted.

Enrollment and Review Change to LB 1172A

The following changes, required to be reported for publication in the Journal, have been made:

ER0194

1. On page 1, line 4, before the period "; and to repeal an appropriation" has been inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 451 in the Journal. No objections. So ordered.

AM2862

(Amendments to Second Final Reading Copy)

- 1 1. On page 1, in lines 1 and 2, strike
- 2 "sections 8-140 and" and insert "section"; in line 3
- 3 after "1943" insert ", and section 8-140, Revised
- 4 Statutes Supplement, 1985"; in line 4 after the
- 5 semicolon insert "to change provisions governing certain
- 6 loans;"; in line 5 strike "and" and insert "to define a
- 7 term; to provide powers and duties;"; and in line 6
- 8 after "sections" insert "; and to declare an emergency".
- 9 2. Strike original section 1 and insert the
- 10 following new sections:
- 11 "Section 1. That section 8-140, Revised
- 12 Statutes Supplement, 1985, be amended to read as
- 13 follows:
- 14 8-140. (1) No director, officer, or employee
- 15 of any bank, (2) no spouse of any director or officer.

16 (3) no corporation in which an officer of the bank is
17 the owner of a controlling interest, and (4) no
18 partnership in which an officer of the bank is a member
19 shall be permitted to borrow any of the funds of the
20 bank, directly or indirectly, without first having
1 secured the approval of the board of directors at a
2 meeting thereof, the record of which shall be made and
3 kept as part of the records of such bank. An ~~active~~
4 ~~officer or employee~~ executive officer, licensed as an
5 executive officer pursuant to section 8-139, may, with
6 such approval, borrow from the funds of the bank an
7 amount not to exceed ten thousand dollars, except that
8 subject to sections 8-141 and 8-152 and with the
9 specific prior approval of the board of directors, a
10 bank may ~~(1)~~ (a) make an additional loan not exceeding
11 sixty thousand dollars to any executive officer or
12 ~~employee~~ of the bank, if at the time the loan is made it
13 is secured by a first lien on a dwelling which is, after
14 making of the loan, to be owned by the executive officer
15 ~~or employee~~ and used by him or her as a residence and
16 ~~(2) may~~ (b) make an additional loan not exceeding twenty
17 thousand dollars to any executive officer or employee of
18 the bank to finance the education of such executive
19 ~~officer's or employee's~~ children. ~~Such loans shall be~~
20 ~~subject to the lending limit set forth in section 8-141.~~
21 A director who is not an executive officer, and any
22 ~~honorary or inactive officer, or any employee of the~~
23 ~~bank~~ may borrow from the funds of the bank such amount
24 as the board of directors shall approve. If any
1 executive officer of any bank borrows from or if he or
2 she be or becomes indebted to any other bank, such
3 executive officer shall make a written report to the
4 board of directors of the bank of which he or she is an
5 executive officer stating the date and amount of such
6 loan or indebtedness, the security therefor, and the
7 purpose for which the proceeds have been or are to be
8 used. Any such loans shall be subject to the lending
9 limit set forth in section 8-141. Any officer,
10 director, or employee of a bank or any other person who
11 shall intentionally violate this section, or who shall
12 aid, abet, or assist in a violation thereof, shall be
13 guilty of a Class IV felony.

14 As used in this section, executive officer
15 shall mean a person, licensed as an executive officer
16 pursuant to section 8-139, who participates or has

17 authority to participate, other than in the capacity of
18 a director, in major policymaking functions of the bank
19 whether or not the officer has an official title, the
20 title designates the officer as an assistant, or the
21 officer is serving without salary or other compensation.

22 Executive officer shall include the
23 chairperson of the board, the president, every vice
24 president, the cashier, the secretary, and the
1 treasurer, unless the officer is excluded by resolution
2 of the board of directors or by the bylaws of the bank
3 from participating, other than in the capacity of a
4 director, in major policymaking functions of the bank
5 and the officer does not actually participate in such
6 functions. A manager or assistant manager of a branch
7 of a bank shall not be considered to be an executive
8 officer unless such individual participates or is
9 authorized to participate in major policymaking
10 functions of the bank.

11 Sec. 4. Since an emergency exists, this act
12 shall be in full force and take effect, from and after
13 its passage and approval, according to law.”.

14 3. On page 4, line 8, strike “sections 8-140
15 and” and insert “section”; and in line 9 before “are”
16 insert “and section 8-140, Revised Statutes Supplement,
17 1985,”.

Mr. Hoagland asked unanimous consent to print the following amendment to LB 289 in the Journal. No objections. So ordered.

AM2876

(Amendments to AM1704)

1 1. On page 2, strike beginning with “The” in
2 line 23 through line 24 and insert “In any case filed
3 pursuant to sections 1 to 3 of this act in which there
4 is a jury verdict which is excessive, unreasonable, or
5 motivated by passion, partiality, prejudice, or
6 corruption, the court may enter an order requiring a
7 remittitur of all damages in excess of an amount
8 supported by the evidence.”.

9 2. On page 3, strike lines 1 through 6.

Mr. Hoagland asked unanimous consent to print the following amendment to LB 289 in the Journal. No objections. So ordered.

AM2875

- 1 (Amendment to AM1704)
2 1. On page 3, line 6, after the period insert
3 "The limitation on the amount recoverable pursuant to
4 this section shall not apply in any case involving
5 intentional torts or gross or willful negligence.".

Mr. Hoagland asked unanimous consent to print the following amendment to LB 1242 in the Journal. No objections. So ordered.

AM2791

- 1 1. On page 2, line 5, strike beginning with
2 "have" through "the", show the old matter as stricken,
3 and insert "be interviewed and have his or her record
4 reviewed by two or more"; in line 6 after "Parole"
5 insert "or a person designated by the board"; strike
6 beginning with "A" in line 10 through "opinion" in line
7 14 and insert "If in the opinion of the reviewers, the
8 review indicates the offender is reasonably likely to be
9 granted parole, the Board of Parole shall schedule a
10 public hearing before a majority of its members. At
11 such hearing the offender may present evidence, call
12 witnesses, and be represented by counsel. If in the
13 opinion of the reviewers, the review indicates the
14 offender should be denied parole, the offender may
15 request an additional review by a majority of the
16 members of the board. A review by the majority of the
17 members of the board may be conducted not more than once
18 annually"; in line 14 strike "The", show as stricken,
19 and insert "Any", reinstate "hearing", and after
20 "hearing" insert "and"; in line 20 after "hearing"
21 insert "or review"; in line 23 strike "member", show as
1 stricken, and insert "person"; and in line 24 strike
2 "presided at", show as stricken, and insert "conducted".
3 2. Strike AM2076.

Messrs. Hannibal, DeCamp, Warner, Barrett, Carsten, Abboud, Goodrich, Lundy, Remmers, L. Johnson, V. Johnson, Sieck, Hefner, Schmit, Conway, R. Johnson, Withem, Miller, Rupp, Baack, Lamb, Peterson, Hall, Goll, Hartnett, Chronister, Lynch, Mesdames Marsh, Smith, and Pirsch, asked unanimous consent to print the following amendment to LB 807 in the Journal. No objections. So ordered.

AM2843

- 1 1. Strike the original section and insert the
2 following:

3 "Section 1. That section 74-598, Revised
4 Statutes Supplement, 1984, be amended to read as
5 follows:

6 74-598. As used in sections 74-598 to
7 74-5,103 and section 6 of this act, unless the context
8 otherwise requires:

9 (1) Caboose shall mean any railroad car or
10 coach used on a train to carry a train crew; and

11 (2) Terminal shall mean a system of tracks,
12 the boundaries of which are set by a railroad, for the
13 purpose of coupling or uncoupling cars.

14 Sec. 2. That section 74-599, Revised Statutes
15 Supplement, 1984, be amended to read as follows:

16 74-599. Sections 74-598 to 74-5,103 and
17 section 6 of this act shall apply to all ~~caboose~~ trains
18 except those used in a terminal service, but not
19 exceeding the limits of the terminal by more than two
20 miles.

21 Sec. 3. That section 74-5,100, Revised
1 Statutes Supplement, 1984, be amended to read as
2 follows:

3 74-5,100. (1) Except as provided in
4 ~~subsection~~ subsections (2) to (4) of this section and
5 section 74-599, whenever a railroad operates a freight
6 train in this state, except for trains of under one
7 thousand feet, the rear car of the freight train shall
8 be a railroad shall not operate a freight train in this
9 state without the rear car of such train being a manned
10 caboose.

11 (2) A defective freight car that cannot be
12 entrained except behind the caboose may be the rear car
13 from the point at which it is entrained, other than a
14 terminal where repairs can be made, to the first
15 terminal where repairs can be made.

16 (3) A railroad may, commencing on and after
17 the effective date of this act, operate a freight train
18 that is six thousand five hundred feet or less in length
19 without a caboose. Commencing on and after April 15,
20 1987, a railroad may operate a freight train that is
21 eight thousand five hundred feet or less in length
22 without a caboose. Commencing on and after April 15,
23 1988, no train shall be required to have the rear car of
24 such train be a caboose.

1 (4) A railroad may operate a train comprised
2 entirely of articulated freight cars and locomotives

3 without the rear car of such train being a caboose. For
4 purposes of this subsection, articulated freight cars
5 shall mean a railroad car consisting of multiple
6 platforms with (a) a drawbar at the end of each such
7 car, (b) pins between the multiple platforms, and (c) a
8 set of trucks, consisting of two axles and four wheels,
9 for every two platforms.

10 Sec. 4. That section 74-5,102, Revised
11 Statutes Supplement, 1984, be amended to read as
12 follows:

13 74-5,102. Violation of section 74-5,100, ~~or~~
14 74-5,101, or section 6 of this act shall be a Class IV
15 misdemeanor.

16 Sec. 5. That section 74-5,103, Revised
17 Statutes Supplement, 1984, be amended to read as
18 follows:

19 74-5,103. The Public Service Commission shall
20 regulate and enforce sections 74-598 to 74-5,103 and
21 section 6 of this act and shall adopt and promulgate all
22 rules and regulations necessary for enforcement of
23 sections 74-598 to 74-5,103.

24 Sec. 6. (1) Except as provided in subsection
1 (2) of this section, each train in excess of one
2 thousand feet in length operating on a main line without
3 a caboose shall be equipped with a telemetry system
4 which shall be monitored from a continual visual display
5 in the controlling locomotive of the train. For
6 purposes of this section, telemetry system shall mean a
7 radio transmitter and receiver system which indicates
8 (a) brake pipe pressure at the rear car of the train
9 displayed in increments of one pound per square inch,
10 (b) rear car movement, (c) whether the rear marker light
11 is operating, (d) available battery life, (e) when radio
12 transmission has been interrupted, and (f) the distance
13 in feet the train has traveled from a given point for
14 the purpose of establishing rear of train location. For
15 purposes of this section main line shall mean that part
16 of a railway exclusive of switch tracks, branch lines,
17 yards, and terminals. If a telemetry system fails on
18 route it shall be repaired or replaced at the first
19 terminal where repair or replacement can reasonably be
20 made.

21 (2) Subsection (1) of this section shall not
22 apply after April 15, 1988, or after such time as any
23 federal law or regulation is adopted which sets

24 standards or requirements for telemetry systems,
1 whichever is sooner.

2 Sec. 7. That original sections 74-598 to
3 74-5,100, 74-5,102 and 74-5,103, Revised Statutes
4 Supplement, 1984, are repealed.

5 Sec. 8. Since an emergency exists, this act
6 shall be in full force and take effect, from and after
7 its passage and approval, according to law.”.

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 1001 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2844.)

Mr. R. Johnson asked unanimous consent to print the following amendment to LB 603 in the Journal. No objections. So ordered.

AM2864

1 1. On page 1, strike beginning with
2 “sections” in line 2 through “sections” in line 8 and
3 insert “section 9-420, Uniform Commercial Code; to
4 provide for duties for the Secretary of State; to
5 provide for fees; to repeal the original section; and to
6 declare an emergency”.

7 2. Strike the original sections and all
8 amendments thereto and insert the following new
9 sections:

10 “Section 1. In order for the State of
11 Nebraska to be in compliance with Title XIII, Credit, of
12 the Food Security Act of 1985, section 1324. Protection
13 For Purchasers of Farm Products, Public Law 99-198, and
14 any amendments thereto in existence on the effective
15 date of this act, the Secretary of State shall:

16 (1) Comply with the requirements of section
17 1324 of such federal act;

18 (2) Establish a fee for the filing of any
19 notice or statement required by such section except that
20 no fee shall exceed any fee prescribed for filing such
21 notice or statement in Chapter 9, article 4, of the
1 Uniform Commercial Code;

2 (3) Establish a charge for the compilation of
3 the master list, required by section 1324, of the
4 financial statements or of information taken from the
5 financial statements filed with any county clerk or the

6 Secretary of State under such federal act. Such charge
7 shall not exceed the cost of compilation, printing, and
8 distribution of the master list;

9 (4) Require the filing of additional
10 information by any lender to bring such lender into
11 compliance with section 1324 of such act; and

12 (5) Order and implement any hardware or
13 software changes in the centralized computer system to
14 enable the program to comply with the requirements of
15 section 1324 of such act.

16 Sec. 2. The Secretary of State shall adopt
17 and promulgate rules and regulations to implement the
18 provisions of section 1 of this act.

19 Sec. 3. All fees received pursuant to section
20 1 of this act shall be deposited into the Uniform
21 Commercial Code Cash Fund and any expenditures necessary
22 to carry out the purpose of this act shall be from such
23 fund. Fees for information provided by the Secretary of
24 State pursuant to subdivision (3) of section 1 of this
1 act taken from documents filed by a county clerk shall
2 be divided in the same ratio as the fees are divided in
3 subsection (9) of section 9-403 of the Uniform
4 Commercial Code. Such amount shall be distributed to
5 the county from the cash fund on a monthly basis.

6 Sec. 4. That section 9-420, Uniform Commercial
7 Code, be amended to read as follows:

8 U9-420. Uniform Commercial Code Cash Fund;
9 created; use. There is hereby created the Uniform
10 Commercial Code Cash Fund. All funds received pursuant
11 to section 9-403, Uniform Commercial Code, and section 1
12 of this act shall be placed in the fund and used by the
13 Uniform Commercial Code Filing Council to carry out its
14 duties pursuant to sections 9-417 and 9-418 and section
15 1 of this act. On and after December 31, 1986, money in
16 the fund shall be used by the Secretary of State to
17 carry out sections 9-401, 9-403, and 9-411 to 9-415,
18 Uniform Commercial Code.

19 Sec. 5. That original section 9-420, Uniform
20 Commercial Code, is repealed.

21 Sec. 6. Since an emergency exists, this act
22 shall be in full force and take effect, from and after
23 its passage and approval, according to law.”.

Messrs. V. Johnson and Warner asked unanimous consent to print the following amendment to LB 1142 in the Journal. No objections. So ordered.

1. Strike section 6.
2. Add new section: "For taxable years beginning or deemed to begin before January 1, 1987, any adjustment to the individual income tax rate under this act shall not increase or decrease the corporate income tax rate computed under section 77-2734.02.
3. On page 6, line 7 after "1985" strike ", and section" and strike line 8, 9 & 10 and insert "is repealed."

Mr. DeCamp asked unanimous consent to print the following amendment to LB 835 in the Journal. No objections. So ordered.

AM2900

(Amendments to the Hoagland amendment)

1. Insert the following new amendments:
2. "2. In the E and R amendments, AM5418:
- 3 a. On page 4, line 13, strike 'Monthly' and
- 4 insert 'Except as provided in subsection (4) of this
- 5 section, monthly'; and strike beginning with 'Such' in
- 6 line 15 through line 24 and insert 'Such notice shall
- 7 include (a) the reasons for the rate increase, (b) a
- 8 description of the affected service, (c) an explanation
- 9 of the right of the subscriber to petition the
- 10 commission for a public hearing on the rate increase,
- 11 (d) a list of exchanges which are affected by the
- 12 proposed rate increase, and (e) the dates, times, and
- 13 places for the public informational meetings required by
- 14 this section. A telecommunications company which
- 15 proposes to increase its basic local exchange rate shall
- 16 hold at least one public informational meeting in each
- 17 commission district as established by section 5-107 in
- 18 which it provides basic local exchange service prior to
- 19 the effective date of the rate increase.;
- 20 b. On page 5, strike beginning with 'its' in
- 1 line 1 through the period in line 3;
- 2 c. On page 6, line 18, strike 'sixty' and
- 3 insert 'ninety'; and in line 22 strike 'economic';
- 4 d. On page 7, in lines 2 and 13 strike
- 5 'economic'; in line 22 after 'company' insert 'or such
- 6 telecommunications company may elect to proceed, if
- 7 eligible, under section 75-609.01'; and strike beginning
- 8 with 'The' in line 22 through 'under' in line 23 and

- 9 insert 'Such proceedings shall be governed by';
10 e. On page 9, line 9, strike 'The' and insert
11 'Except as provided in subsection (4) of this section,
12 the'; in line 14 strike 'sixty' and insert 'ninety'; and
13 in lines 19 and 23 strike 'economic';
14 f. On page 10, line 6, strike 'economic'; and
15 after line 10 insert the following new subsections:
16 '(8) Rates being charged by telecommunications
17 companies on the operative date of this act shall be
18 deemed to be the effective rates until changed or
19 altered pursuant to sections 1 to 11 of this act.
20 '(9) No telecommunications company may change
21 its basic local exchange rate within ninety days after
22 entry of a final order adjusting such rate pursuant to
23 subsections (2), (4), and (7) of this section.'; and in
24 line 11 strike '(8)' and insert '(10)' and
1 g. Insert the following new section:
2 'Sec. 16. If any section in this act or any
3 part of any section shall be declared invalid or
4 unconstitutional, such declaration shall not affect the
5 validity or constitutionality of the remaining portions
6 thereof.'
7 3. Renumber the remaining sections and
8 correct internal references accordingly.'.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 840, 841, 1253, and 1254.

(Signed) Timothy Hall, Chairperson

GENERAL FILE

LEGISLATIVE BILL 452. Considered.

Mr. DeCamp withdrew his pending amendment, AM0900, found in the Journal on page 1348, First Session.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hall withdrew his pending amendment, AM2582, found in the Journal on page 1593.

Mrs. Marsh moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. DeCamp requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 13:

Baack	DeCamp	Hoagland	Lundy	Pirsch
Chambers	Hall	Johnson, L.	Marsh	Schmit
Conway	Hannibal	Labeledz		

Voting in the negative, 31:

Abboud	Goodrich	Johnson, V.	Nelson	Rupp
Barrett	Haberman	Lamb	Nichol	Sieck
Beyer	Harris	Landis	Pappas	Smith
Carsten	Hefner	Lynch	Peterson	Warner
Chronister	Higgins	McFarland	Remmers	Wesely
Eret	Johnson, R.	Morehead	Rogers	Withem
Goll				

Present and not voting, 2:

Hartnett	Miller
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Excused and not voting, 3:

Chizek	Scofield	Vickers
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Failed to advance to E & R for Review with 13 ayes, 31 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 833. Title read. Considered.

Standing Committee amendments, AM2020, found in the Journal on page 869 for the Twenty-Seventh Day were adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

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Advanced to E & R for Review with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Mr. Barrett asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 1027. E & R amendments, AM5368, found in the Journal on page 1532 for the Forty-Fifth Day were adopted.

Mr. R. Johnson withdrew his pending amendments found in the Journal on page 1235, and AM2594, found in the Journal on page 1498.

Mr. Peterson renewed his pending amendment, AM2597, found in the Journal on page 1507.

Mr. Peterson moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Peterson requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Abboud	Conway	Haberman	Johnson, L.	Remmers
Beyer	DeCamp	Harris	Lamb	Rogers
Carsten	Goll	Hefner	Nichol	Schmit
Chronister	Goodrich	Higgins	Peterson	Smith

Voting in the negative, 14:

Baack	Johnson, V.	Lundy	Morehead	Warner
Hall	Labeledz	Marsh	Nelson	Wesely
Hoagland	Landis	Miller	Scofield	

Present and not voting, 11:

Eret	Johnson, R.	McFarland	Pirsch	Sieck
Hannibal	Lynch	Pappas	Rupp	Withem
Hartnett				

Absent and not voting, 1:

Chambers

Excused and not voting, 3:

Barrett Chizek Vickers

The Peterson amendment lost with 20 ayes, 14 nays, 11 present and not voting, 1 absent and not voting, and 3 excused and not voting.

Mr. Haberman moved to adjourn. The motion lost with 8 ayes, 19 nays, and 22 not voting.

The Chair declared the call raised.

Mrs. Pirsch renewed the pending Pirsch et al. amendment, AM2819, found in the Journal on page 1897.

Messrs. Chronister, Haberman, and Mrs. Morehead asked unanimous consent to be excused until they return. No objections. So ordered.

The Pirsch et al. amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. V. Johnson offered the following amendment:
(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2773.)

The V. Johnson amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. R. Johnson offered the following amendment:

- 1 1. On page 12, strike beginning with
- 2 "machinery" in line 7 through "aid" in line 12 and
- 3 insert "natural person is liquidating his or her farm
- 4 equipment and machinery that was originally acquired for
- 5 and used on his or her farm or ranch"; and strike
- 6 beginning with "property" in line 17 through "thereon"
- 7 in line 20 and insert "sales by a person do not occur on
- 8 more than three days during any calendar year".

MR. CARSTEN PRESIDING

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. R. Johnson requested a record vote on his amendment.

Voting in the affirmative, 16:

Baack	Conway	Johnson, R.	Peterson	Rupp
Beyer	Eret	Miller	Remmers	Schmit
Carsten	Hefner	Nichol	Rogers	Smith
Chronister				

Voting in the negative, 20:

Goll	Harris	Labedz	McFarland	Sieck
Goodrich	Hoagland	Landis	Nelson	Warner
Hall	Johnson, L.	Lundy	Pirsch	Wesely
Hannibal	Johnson, V.	Marsh	Scofield	Withem

Present and not voting, 7:

Abboud	Hartnett	Lamb	Lynch	Pappas
Chambers	Higgins			

Excused and not voting, 6:

Barrett	DeCamp	Haberman	Morehead	Vickers
Chizek				

The R. Johnson amendment lost with 16 ayes, 20 nays, 7 present and not voting, and 6 excused and not voting.

Messrs. Chronister, R. Johnson, and Nichol asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. V. Johnson offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM2656.)

Mr. V. Johnson offered the following amendment to the pending V. Johnson amendment:

(1)

(Amendments to Am2656)

1. On page 90, strike beginning with "taxes"
in line 17 through "(2)" in line 18, show as stricken,

and insert "tax"; in line 18 strike "two", show as stricken, and insert "three"; and strike beginning with the first comma in line 20 through line 24.

2. On page 91, strike the new matter in lines 1 and 2; and in line 7 reinstate the stricken "shall" and strike "may".

3. On page 122, line 15, strike beginning with all through of in line 16.

Messrs. Beyer, Harris, and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

The V. Johnson amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Hartnett offered the following amendment to the pending V. Johnson amendment:

Amendment to Amendment (AM2656) to LB 1027:

1) Strike new language from "2" in line 19 on page 144 to "2" in line 1 of page 145.

2) On page 141, strike current Sec. 178 and insert the following new language:

Sec. 178. (1) Lottery shall mean a gambling scheme in which (a) the players pay or agree to pay something of value for chances, represented and differentiated by numbers or by combinations of numbers or by some other medium, one or more of which chances are to be designated the winning ones, (b) the winning chances are to be determined by a drawing or by some other method based on an element of chance, and (c) the holders of the winning chances are to receive cash or prizes redeemable for cash.

(2) Lottery shall not include (a) any gambling scheme which uses any mechanical gaming device, computer gaming device, electronic gaming device, or video gaming device which has the capability of awarding monetary prizes, free games redeemable for monetary prizes, or tickets or stubs redeemable for monetary prizes, (b) any activity authorized or regulated under the Nebraska Bingo Act, the Nebraska Pickle Card Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Small Lottery and Raffle Act, section 185 of this act, or Chapter 2, article 12, or (c) any activity prohibited under Chapter 28, article 11.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

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Mr. Hartnett moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Hartnett requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Baack	Hannibal	Johnson, L.	Lynch	Scofield
Carsten	Hartnett	Johnson, V.	Rogers	Sieck
Goodrich	Hefner	Lamb	Rupp	Wesely
Hall	Hoagland	Landis	Schmit	Withem

Voting in the negative, 8:

Abboud	Higgins	Nelson	Remmers	Warner
Chambers	Marsh	Pirsch		

Present and not voting, 12:

Chronister	Eret	Lundy	Miller	Peterson
Conway	Goll	McFarland	Pappas	Smith
DeCamp	Labeledz			

Excused and not voting, 9:

Barrett	Chizek	Harris	Morehead	Vickers
Beyer	Haberman	Johnson, R.	Nichol	

The Hartnett amendment lost with 20 ayes, 8 nays, 12 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Messrs. DeCamp, Peterson, and Pappas asked unanimous consent to be excused until they return. No objections. So ordered.

The V. Johnson amendment, as amended, was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Ms. Scofield and Mr. Withem offered the following amendment:
AM2873

- 1 1. Insert the following new section:
- 2 "Section 1. (1) Municipalities may issue
- 3 notes up to seventy per cent of the unexpended balance
- 4 of total anticipated receipts for the current year and

5 the following year. Total anticipated receipts for the
6 current year and the following year shall mean a sum
7 equal to the anticipated receipts from the current
8 existing total levy multiplied by two.

9 Municipalities may execute and deliver in
10 evidence thereof their promissory notes which they are
11 hereby authorized and empowered to make and negotiate,
12 bearing a rate of interest set by the city council or
13 village board, and maturing not more than two years from
14 the date thereof. Such notes, before they are
15 negotiated, shall be presented to the treasurer of the
16 municipality and registered by him or her and shall be
17 payable out of the funds collected by such municipality
18 in the order of their registration after the payment of
19 prior registered warrants, but prior to the payment of
20 any warrant subsequently registered, except that if both
21 warrants and notes are registered, the total of such
1 registered notes and warrants shall not exceed one
2 hundred per cent of the unexpended balance of the total
3 anticipated receipts of such municipality for the
4 current year and the following year. For the purpose of
5 making such calculation, such total anticipated receipts
6 shall not include any anticipated receipts against which
7 the municipality has issued notes pursuant to this
8 section in either the current or the immediately
9 preceding year.

10 (2) In addition to the provisions of
11 subsection (1) of this section, such municipalities may
12 accept interest-free or low-interest loans from the
13 federal government and may execute and deliver in
14 evidence thereof their promissory notes maturing not
15 more than twenty years from the date of execution.”.

16 2. Renumber remaining sections accordingly.

Messrs. Chronister and Schmit asked unanimous consent to be excused. No objections. So ordered.

The Scofield-Withem amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Mr. Warner moved to reconsider the Hartnett amendment to the V. Johnson amendment.

Mrs. Labedz and Mr. Withem asked unanimous consent to be excused. No objections. So ordered.

Mr. Abboud asked unanimous consent to be excused. No objections. So ordered.

Mr. V. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Warner moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Warner requested a roll call vote on his motion to reconsider the Hartnett amendment.

Voting in the affirmative, 25:

Baack	Hannibal	Johnson, V.	Marsh	Rupp
Carsten	Hartnett	Lamb	McFarland	Scofield
Conway	Hefner	Landis	Miller	Sieck
Goll	Hoagland	Lundy	Nelson	Warner
Goodrich	Johnson, L.	Lynch	Rogers	Wesely

Voting in the negative, 4:

Chambers	Eret	Higgins	Remmers
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Present and not voting, 4:

Abboud	Hall	Pirsch	Smith
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Excused and not voting, 16:

Barrett	DeCamp	Johnson, R.	Nichol	Schmit
Beyer	Haberman	Labeledz	Pappas	Vickers
Chizek	Harris	Morehead	Peterson	Withem
Chronister				

The Warner motion to reconsider prevailed with 25 ayes, 4 nays, 4 present and not voting, and 16 excused and not voting.

The Hartnett amendment found in this day's Journal was renewed.

The Hartnett amendment was adopted with 25 ayes, 6 nays, 2 present and not voting, and 16 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1027A. Mr. V. Johnson offered the following amendment:

AM2789

1 1. Insert the following new sections:

2 "Sec. 3. There is hereby appropriated (1)
3 \$90,566 from the General Fund for the period July 1,
4 1986, to June 30, 1987, and (2) \$52,069 from the General
5 Fund for the period July 1, 1987, to June 30, 1988, to
6 the Department of Revenue, for Program 102, to aid in
7 carrying out the provisions of Legislative Bill 1027,
8 Eighty-ninth Legislature, Second Session, 1986.

9 Total expenditures for permanent and temporary
10 salaries and per diems from funds appropriated in this
11 section shall exceed neither \$19,096 for the period July
12 1, 1986, to June 30, 1987, nor \$21,823 for the period
13 July 1, 1987, to June 30, 1988.

14 Sec. 4. There is hereby appropriated (1)
15 \$754,620 from the Charitable Gaming Operations Fund for
16 the period July 1, 1986, to June 30, 1987, and (2)
17 \$834,620 from the Charitable Gaming Operations Fund for
18 the period July 1, 1987, to June 30, 1988, to the
19 Department of Revenue, for Program 504, to aid in
20 carrying out the provisions of Legislative Bill 1027,
21 Eighty-ninth Legislature, Second Session, 1986.

1 Total expenditures for permanent and temporary
2 salaries and per diems from funds appropriated in this
3 section shall exceed neither \$395,270 for the period
4 July 1, 1986, to June 30, 1987, nor \$415,033 for the
5 period July 1, 1987, to June 30, 1988.

6 The General Fund appropriation to the
7 Department of Revenue for Program 504 provided by
8 Legislative Bill 1251, Eighty-ninth Legislature, Second
9 Session, 1986, shall be reduced by \$154,620."

The V. Johnson amendment was adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Advanced to E & R for Engrossment.

The Chair declared the call raised.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Haberman asked unanimous consent to have his name added as co-introducer to LB 807. No objections. So ordered.

Mr. Hefner asked unanimous consent to have his name added as co-introducer to LB 911. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 1048 in the Journal. No objections. So ordered.

AM2912

- 1 1. Insert the following new sections:
- 2 "Sec. 2. That section 79-1051, Reissue
- 3 Revised Statutes of Nebraska, 1943, be amended to read
- 4 as follows:
- 5 79-1051. The funds of the retirement system
- 6 which are not required for current operations shall be
- 7 invested and reinvested by the trustees subject to the
- 8 approval of the board of education as provided in
- 9 sections 79-1051.01 to 79-1051.05 and section 5 of this
- 10 act. Except as otherwise provided herein, no trustee
- 11 and no member of the board shall have any direct
- 12 interest in the income, gains, or profits of any
- 13 investment made by the trustees, nor shall any such
- 14 person receive any pay or emolument for services in
- 15 connection with any such investment. No trustee or
- 16 member of the board shall become an endorser or surety
- 17 or in any manner an obligor for money loaned by or
- 18 borrowed from the system. Any person who shall have
- 19 violated any of these restrictions shall be guilty of a
- 20 Class II misdemeanor.
- 21 Sec. 3. That section 79-1051.03, Revised
- 1 Statutes Supplement, 1984, be amended to read as
- 2 follows:
- 3 79-1051.03. Investments Except as provided in
- 4 section 5 of this act, investments may be made in bonds
- 5 and debt obligations issued or guaranteed by a
- 6 corporation created or existing under the laws of the
- 7 United States, any state, district, or territory of the
- 8 United States of America, or Canada or any province
- 9 thereof if the principal and interest on such securities
- 10 are payable in United States currency as follows: (1)
- 11 In obligations of the United States, this state, any
- 12 federal agency, or instrumentality, or obligations of

13 Canada or any province thereof, (2) in bonds, notes, and
14 certificates of indebtedness, and other obligations of
15 the state, of any county, township, municipal
16 corporation, school district, any conservancy district,
17 or sanitary district of the state, or any other legally
18 constituted taxing or bond-issuing authority,
19 subdivision, or municipal corporation within the state,
20 (3) in revenue bonds issued by a taxing subdivision of
21 the state, (4) in bonds or other interest-bearing
22 obligations of any other state of the United States
23 which, within twenty years prior to the making of such
24 investment, has not defaulted for more than ninety days
1 in the payment of principal or interest on any of its
2 bonds or other interest-bearing obligations, (5) in
3 savings accounts in a national bank located in this
4 state or a state bank located in and organized under the
5 laws of this state by depositing such funds therein, but
6 no such deposit shall be made unless the deposits of the
7 depository bank are insured by the Federal Deposit
8 Insurance Corporation created under an act of Congress,
9 entitled the Federal Deposit Insurance Act, and
10 amendments thereto, and the deposit of funds in any such
11 savings accounts in any one bank shall not exceed the
12 sum insured under such act and the amendments thereto,
13 (6) in obligations consisting of notes, bonds,
14 debentures, or equipment trust certificates issued under
15 an indenture which are the direct obligations, or in the
16 case of equipment trust certificates, are secured by
17 direct obligations, of a railroad, industrial, or
18 financial corporation, or a corporation engaged directly
19 and primarily in the production, transportation,
20 distribution, or sale of electricity or gas, or the
21 operation of telephone or telegraph systems or
22 waterworks, or in some combination of them, but only if
23 the obligor corporation is one which is incorporated
24 under the laws of the United States, or any state
1 thereof, of the District of Columbia, or of Canada or
2 any province thereof, and such obligations shall be
3 rated at the time of purchase in one of the four highest
4 classifications established by at least two standard
5 rating services selected from a list of the standard
6 rating services which shall be prescribed by the
7 Director of Banking and Finance, or (7) in notes, bonds,
8 or debentures, secured by mortgages as provided in
9 section 79-1051.05.

10 Sec. 4. That section 79-1051.04, Revised
11 Statutes Supplement, 1984, be amended to read as
12 follows:

13 79-1051.04. Investments Except as provided in
14 section 5 of this act, investments may also be made in
15 stock, common or preferred, issued or guaranteed by a
16 corporation created or existing under the laws of the
17 United States, any state, district, or territory of the
18 United States, or Canada or any province thereof if the
19 principal and interest on such securities are payable in
20 United States currency, subject to the following: (1)
21 For a period of five fiscal years for which the
22 necessary statistical data are available next preceding
23 the date of investment, such corporation as disclosed by
24 its published annual financial statement shall have had
1 an average annual net income plus its average annual
2 fixed charges at least equal to one and one half times
3 the sum of its average annual dividend requirements for
4 preferred stock and its annual average fixed charges for
5 the same period, and during neither of the last two
6 years of such period shall the sum of its annual net
7 income and its annual fixed charges have been less than
8 one and one half times the sum of its dividend
9 requirements for preferred stock and its fixed charges
10 for the same period, and as used in this subdivision,
11 fixed charges shall mean interest on funded or unfunded
12 debt, contingent interest charges, amortization of debt
13 discount and expense in rentals for leased property and,
14 in the case of consolidated earnings statements of
15 parent and subsidiary corporations, shall include all
16 fixed charges of preferred dividend requirements, if
17 any, of the subsidiaries; (2) such corporation has no
18 arrears of dividends on its preferred stock; (3) the
19 preferred stock of such corporation, if any be
20 outstanding, shall qualify for investment under this
21 section; (4) such corporation, having no preferred stock
22 outstanding, shall have had earnings for the five fiscal
23 years next preceding the date of investment of at least
24 twice the interest on all mortgages, bonds, debentures,
1 and funded debts, if any, after deduction of the proper
2 charges for replacements, depreciation, and
3 obsolescence; and (5) such corporation shall have had
4 earnings available for payment of dividends on common
5 stock of not less than one hundred thousand dollars per
6 annum for at least three years of the five-year period

7 next preceding the date of investment.

8 In applying any earnings test under the
9 provisions of this section to any issuing, assuming, or
10 guaranteeing corporation, when such corporation has
11 acquired its property or any substantial part thereof
12 within a five-year period immediately preceding the date
13 of investment by consolidation or merger, or by the
14 purchase of all or a substantial portion of the property
15 of any other corporation or corporations, or has
16 acquired the assets of any unincorporated business
17 enterprise by purchase or otherwise, net income, fixed
18 charges, and preferred dividend of predecessor or
19 constituent corporations or enterprises shall be
20 consolidated and adjusted so as to ascertain whether or
21 not the applicable requirements of this section have
22 been complied with. The total value of common stocks
23 shall not exceed fifty per cent and the total value of
24 all preferred stocks shall not exceed ten per cent of
1 the total value of all funds of the system, and not more
2 than five per cent of the total value of such funds
3 shall be invested in the common stock of a single
4 corporation. The total number of common shares
5 purchased in a single corporation shall not exceed one
6 per cent of the issued and outstanding common stock of
7 such corporation.

8 Sec. 5. An investment which is authorized by
9 sections 79-1051 to 79-1051.05 shall not be made if it
10 does not meet the requirements for the investment of
11 state funds pursuant to sections 72-1270 to 72-1276.
12 After July 1, 1989, no funds shall remain invested in
13 any stock which does not meet the requirements of
14 sections 72-1270 to 72-1276."

15 2. On page 3, line 15, after "section" insert
16 "79-1051, Reissue Revised Statutes of Nebraska, 1943,
17 and sections 79-1051.03, 79-1051.04, and"; and in line
18 16 strike "is" and insert "are".

19 3. Renumber remaining sections accordingly.

Mr. Sieck asked unanimous consent to print the following amendment to LB 1016 in the Journal. No objections. So ordered.

AM2840

- 1 1. Insert the following new sections:
- 2 "Section 1. That section 2-953, Reissue
- 3 Revised Statutes of Nebraska, 1943, be amended to read

4 as follows:

5 2-953. As used in sections 2-952 to 2-965 and
6 sections 2 to 5 of this act, unless the context
7 otherwise requires:

8 (1) Person shall mean any individual,
9 partnership, firm, corporation, company, society,
10 association, the state or any department, agency, or
11 subdivision thereof, or any other entity;

12 (2) Control, controlled, or controlling; shall
13 include being in charge of or being in possession,
14 whether as owner, lessee, renter, tenant, under
15 statutory authority, or otherwise;

16 (3) Noxious weeds shall mean and include any
17 weed designated and listed in regulations adopted and
18 promulgated by the Director of Agriculture as noxious;

19 (4) Control authority shall mean the county
20 weed district board; which shall represent all rural
21 area and cities, villages, and townships within the
1 county boundaries. The county board of commissioners or
2 supervisors may, following an election in which a
3 majority of the votes cast are in favor of such action,
4 function as and exercise the authority and carry out the
5 duties of the county weed district board. To initiate
6 such an election, the county board of commissioners or
7 supervisors may; by resolution; require the county clerk
8 of such county to have placed upon the ballot at the
9 election next following such resolution; the question,
10 Shall the weed control authority board be dissolved and
11 its duties and authority be exercised by the county
12 board?

13 Yes No

14 If a majority of the votes cast on this
15 question are opposed to dissolution of the weed control
16 authority board, the county shall remain subject to the
17 direction and authority of the elected weed control
18 authority board. If a majority of the votes cast on
19 this question are in favor of the dissolution of the
20 weed control authority board, the county board shall
21 function as and exercise the authority and carry out the
22 duties of the county weed district board. If; at any
23 time following the dissolution of the county weed
24 control authority board; county residents; representing
1 at least ten per cent of the votes cast in the preceding
2 general election in such county; submit a petition to
3 the county clerk for reestablishment of the county weed

4 control authority board as an independent elected body,
5 the clerk shall place the following question on the next
6 general election ballot: Shall the weed control
7 authority board be reestablished and elected independent
8 of other county officials?

9 Yes No

10 If a majority of the ballots favor
11 reestablishment of the independent board, the county
12 board shall appoint an initial weed control authority
13 board and thereafter the weed control authority board
14 members shall be elected in conformity with this
15 section.

16 When the county board of commissioners or
17 supervisors does not function as the weed district
18 board, such board shall be composed of five members,
19 three of whom shall be from rural areas and two of whom
20 shall be from cities, villages, or townships. The
21 county board shall appoint members of the authority to
22 fill any vacancy occurring on the board. The two
23 members from cities, villages, or townships shall
24 thereafter be elected at the general election in 1966
1 and each four years thereafter, and the three members
2 from rural areas shall be elected at the general
3 election in 1968 and each four years thereafter.
4 Persons seeking election to the authority shall be
5 nominated and elected regardless of political
6 affiliation. They shall file in the same manner as is
7 provided by law for county superintendents and shall not
8 be required to pay a filing fee. The members of the
9 board shall be paid a per diem of not less than twelve
10 dollars for each day actually and necessarily engaged in
11 the performance of their official duties as members of
12 such board and shall be allowed mileage reimbursement on
13 the same basis as provided in section 23-1112 for county
14 officers and employees. In addition to the five-member
15 board, the chairperson of the county board of
16 supervisors or commissioners may appoint one member of
17 the county board to serve as ex officio member of the
18 weed control authority board to provide coordination
19 between such boards. ~~The ; PROVIDED, that the county~~
20 board member or commissioner so appointed shall not be
21 entitled to expense reimbursement allowed weed district
22 board members. The ex officio member shall possess the
23 same authority as other members; including the right to
24 vote;

1 (5) Applicable fund shall mean the fund
2 current at the time the work is performed or the money
3 is received; and

4 (6) Director shall mean the Director of
5 Agriculture; or his or her designated representative.

6 Sec. 2. It shall be unlawful for any person
7 to use or supervise the use of 2,4-D esters from April
8 15 to October 15, except as allowed in section 3 of this
9 act. It shall not be unlawful to used 2,4-D esters at
10 any other time during the year.

11 Any person desiring permission to use 2,4-D esters from
12 April 15 to October 15 shall file an application for a
13 special use permit with the control authority in the
14 county in which use is desired and shall include such
15 information as requested by the Department of
16 Agriculture. The control authority shall approve an
17 application upon a showing of need for 2,4-D esters use,
18 that no alternative herbicide, as defined in section
19 2-2601, will satisfy the need or there is an economic
20 necessity for use, and the applicant provides assurance
21 that the use of 2,4-D esters will not cause economic
22 damage to the property of persons other than the user.
23 Such special use permit if granted shall specify the
24 time, location, and dates when the use of 2,4-D esters
1 is allowed and to whom the permit is issued. Denial of
2 a special use permit may be appealed to the district
3 court of the county where the use is desired.

4 Sec. 4. The Department of Agriculture shall
5 prescribe the necessary forms and adopt and promulgate
6 such rules and regulations as shall be necessary to
7 carry out the provisions of sections 2 to 5 of this act.

8 Sec. 5. (1) Any person violating sections 2
9 to 5 of this act shall, unless another penalty is
10 specifically provided, be guilty of a Class IV
11 misdemeanor.

12 (2) The control authority may apply for a
13 restraining order, a temporary or permanent injunction,
14 or a mandatory injunction against any person violating
15 or threatening to violate sections 2 to 5 of this act or
16 the requirements of the rules and regulations adopted
17 and promulgated under sections 2 to 5 of this act in
18 order to insure compliance with such provisions. The
19 district court of the county where the violation is
20 occurring or is about to occur shall have jurisdiction
21 to grant such relief upon good cause shown. Relief may

22 be granted notwithstanding the existence of any other
23 remedy at law and shall be granted without bond.

24 (3) It shall be the duty of the county
1 attorney of the county in which any violation occurs or
2 is about to occur, when notified of such violation or
3 threatened violation by the control authority, to cause
4 appropriate proceedings under subsections (1) and (2) of
5 this section to be instituted and pursued without
6 delay."

7 2. Renumber the remaining sections
8 accordingly.

Mr. Hoagland asked unanimous consent to print the following amendment to LB 956 in the Journal. No objections. So ordered.

AM2783

(Amendments to AM2296)

1 1. Insert the following new sections:

2 "Sec. 11. (1) A person commits terroristic
3 threats if:

4 (a) He or she threatens to commit any crime of
5 violence with purpose to terrorize another; or

6 (b) He or she intentionally makes false
7 statements with the intent of causing the evacuation of
8 a building, place of assembly, or facility of public
9 transportation.

10 (2) Terroristic threats is a Class IV felony.

11 Sec. 12. That section 28-101, Reissue Revised
12 Statutes of Nebraska, 1943, be amended to read as
13 follows:

14 28-101. Sections 28-101 to 28-1348 and
15 section 1 of this act shall be known as the Nebraska
16 Criminal Code.

17 Sec. 3. That section 28-933, Reissue Revised
18 Statutes of Nebraska, 1943, be amended to read as
19 follows:

20 28-933. (1) Any person who is legally
1 confined in a jail or correctional or penal institution
2 and who commits (a) assault in the first, second, or
3 third degree as defined in sections 28-308 to 28-310,
4 (b) terroristic threats as defined in section ~~28-311~~ 11
5 of this act, (c) kidnapping as defined in section
6 28-313, or (d) false imprisonment in the first or second
7 degree as defined in sections 28-314 and 28-315, against
8 any person for the purpose of compelling or inducing the

9 performance of any act by such person or any other
10 person shall be guilty of a Class II felony.

11 (2) Sentences imposed under subsection (1) of
12 this section shall be served consecutive to any sentence
13 or sentences imposed for violations committed prior to
14 the violation of subsection (1) of this section and
15 shall not include any credit for time spent in custody
16 prior to sentencing unless the time in custody is solely
17 related to the offense for which the sentence is being
18 imposed under this section.”.

19 2. On page 8, line 10, strike “section” and
20 insert “sections 28-101, 28-933, and”; and in line 11
21 strike “is” and insert “and also section 28-311, Reissue
22 Revised Statutes of Nebraska, 1943, are”.

23 3. Renumber the remaining sections
24 accordingly.

Mr. Beyer asked unanimous consent to print the following amendment to LB 1251 in the Journal. No objections. So ordered.

AM2909

(Amendments to Final Reading Copy)

1 1. On page 89, lines 21 and 22, strike
2 “30,621,474” and insert “30,941,474”; and after line 22
3 insert:
4 “There is included in the allocation shown
5 \$470,000 for the operation of the Department of
6 Forestry, \$307,869 of which shall be used for the
7 operation of the rural fire program.”.

Mr. Lamb asked unanimous consent to print the following amendment to LB 835 in the Journal. No objections. So ordered.

AM2902

(Amendments to the Hoagland amendment)

1 1. Insert the following new amendments:
2 “2. In the E & R amendments, AM5418:
3 a. On page 6, strike beginning with the period
4 in line 19 through ‘services’ in line 23 and insert ‘to
5 determine if the rates as proposed are fair, just, and
6 reasonable’; and
7 b. On page 9, strike beginning with the period
8 in line 16 through ‘services’ in line 19 and insert ‘to
9 determine if the rates as proposed are fair, just, and
10 reasonable’.

- 11 3. Renumber the remaining sections and
12 correct internal references accordingly.”.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1230A. By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1230, Eighty-ninth Legislature, Second Session, 1986.

VISITORS

Visitors to the Chamber were Bill Wright, Dwight Johnson, George Clayton, and Bud Feaster from Grand Island; Jack Sutton and Timothy Mullen from Fremont; Mike Nolan and Jim Brenneman from Norfolk; 32 fourth grade students and teacher from Stanton Elementary; 35 high school students and teacher from Weeping Water; 3 students and teacher from St. Michaels, Albion; and 27 eighth grade students and teachers from Osceola.

ADJOURNMENT

At 6:24 p.m., on a motion by Mr. Lundy, the Legislature adjourned until 8:00 a.m., Friday, April 4, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FOURTH DAY - APRIL 4, 1986

LEGISLATIVE JOURNAL

1964

FIFTY-FOURTH DAY - APRIL 4, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 4, 1986

Pursuant to adjournment, the Legislature met at 8:05 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Father Foster, St. Gerald's Catholic Church, Ralston, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Vickers who was excused; and Messrs. Chambers, Hall, Harris, Hoagland, Landis, McFarland, Rogers, Schmit, Wesely, Mesdames Higgins, and Morehead who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Third Day was approved.

MOTION - Suspend Rules

Mr. Nichol moved to suspend the rules, Rule 6, Sections 6 and 7, & Rule 7, Section 3 in order to allow consideration of the Appropriations bills on final reading today, without further amendment.

The motion prevailed with 32 ayes, 0 nays, 6 present and not voting, and 11 excused and not voting.

MR. REMMERS PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1251. With Emergency.

A BILL FOR AN ACT relating to appropriations; to make appropriations for the expenses of Nebraska State Government for the year ending June 30, 1987; to provide an operative date; to repeal Laws 1985, LB 101A, Laws 1985, LB 129A, Laws 1985, LB 132A, Laws 1985, LB 208A, Laws 1985, LB 209A, Laws 1985, LB 250A, Laws 1985, LB 253A, Laws 1985, LB 269A, Laws 1985, LB 271A, Laws 1985, LB 272A, Laws 1985, LB 273A, Laws 1985, LB 313A, Laws 1985, LB 323A, Laws 1985, LB 347A, Laws 1985, LB 383A, Laws 1985, LB 391A, Laws 1985, LB 395A, Laws 1985, LB 407A, Laws 1985, LB 408A, Laws 1985, LB 421A, Laws 1985, LB 432A, Laws 1985, LB 608A, Laws 1985, LB 715A, Laws 1985, LB 722, Laws 1985, LB 723, Laws 1985, Second Special Session, LB 1, and Laws 1985, Second Special Session, LB 7A; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 37:

Baack	Goll	Labeledz	Nelson	Rupp
Barrett	Goodrich	Lundy	Nichol	Scofield
Beyer	Hannibal	Lynch	Pappas	Sieck
Carsten	Harris	Marsh	Peterson	Smith
Chronister	Hartnett	McFarland	Pirsch	Warner
Conway	Hefner	Miller	Remmers	Wesely
DeCamp	Higgins	Morehead	Rogers	Withem
Eret	Johnson, L.			

Voting in the negative, 5:

Abboud	Haberman	Johnson, V.	Lamb	Schmit
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Present and not voting, 2:

Chizek	Johnson, R.
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1966

LEGISLATIVE JOURNAL

Excused and not voting, 5:

Chambers Hall Hoagland Landis Vickers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1250. With Emergency.

A BILL FOR AN ACT relating to public employees; to amend section 48-837, Reissue Revised Statutes of Nebraska, 1943, as amended by section 7, Legislative Bill 258, Eighty-ninth Legislature, Second Session, 1986; to state intent; to provide for salary increases for state employees; to limit the jurisdiction of the Commission of Industrial Relations as prescribed; to change provisions relating to certain agreements; to provide duties; to repeal the original section; and to declare an emergency.

Mr. Warner requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 30:

Barrett	DeCamp	Hartnett	McFarland	Scofield
Carsten	Eret	Johnson, L.	Miller	Sieck
Chambers	Goll	Johnson, V.	Morehead	Smith
Chizek	Goodrich	Labeledz	Nichol	Warner
Chronister	Hannibal	Lynch	Remmers	Wesely
Conway	Harris	Marsh	Rupp	Withem

Voting in the negative, 15:

Abboud	Haberman	Johnson, R.	Nelson	Pirsch
Baack	Hefner	Lamb	Pappas	Rogers
Beyer	Higgins	Lundy	Peterson	Schmit

Excused and not voting, 4:

Hall Hoagland Landis Vickers

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 29:

Barrett	DeCamp	Hartnett	McFarland	Sieck
Carsten	Eret	Johnson, L.	Miller	Smith
Chambers	Goll	Johnson, V.	Morehead	Warner
Chizek	Goodrich	Labeledz	Nichol	Wesely
Chronister	Hannibal	Lynch	Remmers	Withem
Conway	Harris	Marsh	Scofield	

Voting in the negative, 14:

Abboud	Haberman	Lamb	Pappas	Rogers
Baack	Hefner	Lundy	Peterson	Schmit
Beyer	Johnson, R.	Nelson	Pirsch	

Present and not voting, 2:

Higgins	Rupp
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Excused and not voting, 4:

Hall	Hoagland	Landis	Vickers
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A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

SPEAKER NICHOL PRESIDING

LEGISLATIVE BILL 1250A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1250, Eighty-ninth Legislature, Second Session, 1986; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 29:

1968

LEGISLATIVE JOURNAL

Barrett	Eret	Higgins	McFarland	Sieck
Carsten	Goll	Johnson, L.	Miller	Smith
Chambers	Goodrich	Labeledz	Morehead	Warner
Chizek	Hannibal	Landis	Nichol	Wesely
Chronister	Harris	Lynch	Rupp	Withem
Conway	Hartnett	Marsh	Scofield	

Voting in the negative, 17:

Abboud	Haberman	Lamb	Pappas	Remmers
Baack	Hefner	Lundy	Peterson	Rogers
Beyer	Johnson, R.	Nelson	Pirsch	Schmit
DeCamp	Johnson, V.			

Excused and not voting, 3:

Hall Hoagland Vickers

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 30:

Barrett	Eret	Higgins	Marsh	Scofield
Carsten	Goll	Johnson, L.	McFarland	Sieck
Chambers	Goodrich	Johnson, V.	Miller	Smith
Chizek	Hannibal	Labeledz	Morehead	Warner
Chronister	Harris	Landis	Nichol	Wesely
Conway	Hartnett	Lynch	Rupp	Withem

Voting in the negative, 16:

Abboud	Haberman	Lamb	Pappas	Remmers
Baack	Hefner	Lundy	Peterson	Rogers
Beyer	Johnson, R.	Nelson	Pirsch	Schmit
DeCamp				

Excused and not voting, 3:

Hall Hoagland Vickers

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 1252. With Emergency.

A BILL FOR AN ACT relating to appropriations; to make appropriations for capital construction as prescribed; to state intent; to provide duties; to provide for the transfer of certain funds; to repeal capital construction provisions; to provide an operative date; to repeal Laws 1985, LB 723; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Baack	Goll	Johnson, V.	Miller	Rogers
Barrett	Goodrich	Labeledz	Morehead	Rupp
Beyer	Hannibal	Lamb	Nelson	Scofield
Carsten	Harris	Landis	Nichol	Sieck
Chizek	Hartnett	Lundy	Pappas	Smith
Chronister	Hefner	Lynch	Peterson	Warner
Conway	Johnson, L.	Marsh	Pirsch	Wesely
DeCamp	Johnson, R.	McFarland	Remmers	Withem
Eret				

Voting in the negative, 4:

Abboud	Haberman	Higgins	Schmit
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Present and not voting, 1:

Chambers

Excused and not voting, 3:

Hall	Hoagland	Vickers
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Reconsider Action on LB 1250

1970

LEGISLATIVE JOURNAL

Mr. DeCamp moved to reconsider LB 1250 with E Clause.

Mr. DeCamp withdrew his motion to reconsider.

SELECT COMMITTEE REPORTS Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 1250 and 1250A.

(Signed) Timothy Hall, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 1251, 1250, 1250A, and 1252.

SELECT FILE

LEGISLATIVE BILL 1093. E & R amendments, AM5409, found in the Journal on page 1798 for the Fiftieth Day were adopted.

Mr. Warner offered the following amendment:
AM2906

- 1 1. Insert the following new section:
- 2 "Sec. 3. If appropriations are provided in
- 3 Legislative Bill 1250A, Eighty-ninth Legislature, Second
- 4 Session, 1986, salaries for fiscal year 1986-87 for
- 5 teachers at the School for the Deaf and School for the
- 6 Visually Handicapped may be paid at rates which are
- 7 determined by the State Board of Education to be
- 8 comparable to the prevalent wage rates paid for the same
- 9 or similar work of workers exhibiting like or similar
- 10 skills under the same or similar working conditions.
- 11 Any salary increase resulting from this section for
- 12 fiscal year 1986-87 shall be in lieu of any increase
- 13 provided for state employees in subsection (2) of
- 14 section 3 of Legislative Bill 1250, Eighty-ninth
- 15 Legislature, Second Session, 1986."
- 16 2. Renumber remaining sections accordingly.

The Warner amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1105. E & R amendments, AM5413, found in the Journal on page 1818 for the Fifty-First Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1105A. E & R amendment, AM5414, found in the Journal on page 1818 for the Fifty-First Day was adopted.

Mr. Warner offered the following Goll amendment:
AM2779

- 1 1. On page 2, in lines 2 and 4, strike
- 2 "\$18,486" and insert "\$5,931"; and strike lines 9
- 3 through 13 and insert "There shall be no expenditures
- 4 for salaries and per diems from funds appropriated in
- 5 this section."

The Goll amendment was adopted with 25 ayes, 3 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1190. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1080. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 931. E & R amendments, AM5415, found in the Journal on page 1818 for the Fifty-First Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 835. E & R amendments, AM5418, printed separate from the Journal and referred to on page 1838 for the Fifty-First Day were considered.

Mr. Schmit offered the following amendment to the E & R amendments:

(Amendment on file in the Clerk's Office - Room 2018 - AM2872.)

1972

LEGISLATIVE JOURNAL

Mr. Harris moved for a call of the house. The motion prevailed with 6 ayes, 0 nays, and 43 not voting.

The Chair declared the call raised.

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?"

Mr. Withem moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The motion to cease debate prevailed with 26 ayes, 6 nays, and 17 not voting.

Mr. Schmit requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Abboud	Eret	Hefner	Landis	Rupp
Baack	Goll	Higgins	McFarland	Schmit
Barrett	Haberman	Johnson, R.	Morehead	Scofield
Carsten	Hall	Labedz	Peterson	Sieck
Chambers	Harris	Lamb	Remmers	

Voting in the negative, 23:

Beyer	Goodrich	Lundy	Nichol	Smith
Chizek	Hannibal	Lynch	Pappas	Warner
Chronister	Hoagland	Marsh	Pirsch	Wesely
Conway	Johnson, L.	Miller	Rogers	Withem
DeCamp	Johnson, V.	Nelson		

Present and not voting, 1:

Hartnett

Excused and not voting, 1:

Vickers

The Schmit amendment lost with 24 ayes, 23 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Lamb offered the following amendment to the E & R amendments:

AM2917

(Amendments to AM5418)

- 1 1. On page 6, strike beginning with the
- 2 period in line 19 through "services" in line 23 and
- 3 insert "to determine if the rates as proposed are fair,
- 4 just, and reasonable".
- 5 2. On page 9, strike beginning with the period
- 6 in line 16 through "services" in line 19 and insert "to
- 7 determine if the rates as proposed are fair, just, and
- 8 reasonable".

The Lamb amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Mr. DeCamp offered the following amendment to the E & R amendments:

AM2915

(Amendments to AM5418)

- 1 1. On page 4, line 13, strike "Monthly" and
- 2 insert "Except as provided in subsection (4) of this
- 3 section, monthly"; and strike beginning with "Such" in
- 4 line 15 through line 24 and insert "Such notice shall
- 5 include (a) the reasons for the rate increase, (b) a
- 6 description of the affected service, (c) an explanation
- 7 of the right of the subscriber to petition the
- 8 commission for a public hearing on the rate increase,
- 9 (d) a list of exchanges which are affected by the
- 10 proposed rate increase, and (e) the dates, times, and
- 11 places for the public informational meetings required by
- 12 this section. A telecommunications company which
- 13 proposes to increase its basic local exchange rate shall
- 14 hold at least one public informational meeting in each
- 15 commission district as established by section 5-107 in
- 16 which it provides basic local exchange service prior to
- 17 the effective date of the rate increase.".
- 18 2. On page 5, strike beginning with "its" in
- 19 line 1 through the period in line 3.
- 20 3. On page 6, line 18, strike "sixty" and
- 1 insert "ninety"; and in line 22 strike "economic".
- 2 4. On page 7, in lines 2 and 13, strike

3 "economic"; in line 22 after "company" insert "or such
4 telecommunications company may elect to proceed, if
5 eligible, under section 75-609.01"; and strike beginning
6 with "The" in line 22 through "under" in line 23 and
7 insert "Such proceedings shall be governed by".

8 5. On page 9, line 9, strike "The" and insert
9 "Except as provided in subsection (4) of this section,
10 the"; in line 14 strike "sixty" and insert "ninety"; and
11 in lines 19 and 23 strike "economic".

12 6. On page 10, line 6, strike "economic"; and
13 after line 10 insert the following new subsections:

14 "(8) Rates being charged by telecommunications
15 companies on the operative date of this act shall be
16 deemed to be the effective rates until changed or
17 altered pursuant to sections 1 to 11 of this act.

18 (9) No telecommunications company may change
19 its basic local exchange rate within ninety days after
20 entry of a final order adjusting such rate pursuant to
21 subsections (2), (4), and (7) of this section."; and in
22 line 11 strike "(8)" and insert "(10)".

23 7. Insert the following new section:

24 "Sec. 16. If any section in this act or any
1 part of any section shall be declared invalid or
2 unconstitutional, such declaration shall not affect the
3 validity or constitutionality of the remaining portions
4 thereof."

Mr. DeCamp moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The DeCamp amendment was adopted with 27 ayes, 6 nays, 15 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Hefner offered the following amendment to the E & R amendments:

AM2920

(Amendments to AM5418)

- 1 1. On page 7, line 8, after the period insert
- 2 "A telecommunications company shall not increase its
- 3 rates without the approval of the commission for six
- 4 months from the date the commission enters such order.".

The Hefner amendment was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

Mr. Miller asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Barrett offered the following amendment to the E & R amendments:

On page 9, line 21, strike "prospectively"; and on page 10, line 1, after the period insert "In such order, the commission may order a refund of amounts collected in excess of the rates and charges as approved at the hearing which may be paid as a credit against billings for future services.".

The Barrett amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

The E & R amendments, as amended, were adopted.

Mr. DeCamp withdrew his pending amendment, AM2900, found in the Journal on page 1943.

Mr. Lamb withdrew his pending amendment, AM2902, found in the Journal on page 1962.

Messrs. R. Johnson and Chambers asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Hoagland and Landis offered the following amendment:
to amend AM2536 by striking Section 11.

Mr. Lundy asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hoagland moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Hoagland requested a roll call vote on the Hoagland-Landis amendment.

Voting in the affirmative, 26:

Baack	Carsten	Conway	Haberman	Hoagland
Barrett	Chizek	DeCamp	Hall	Johnson, V.
Beyer	Chronister	Goll	Hartnett	Landis

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Marsh	Pappas	Remmers	Sieck	Wesely
Nelson	Pirsch	Rupp	Warner	Withem
Nichol				

Voting in the negative, 9:

Abboud	Harris	Higgins	Labedz	Smith
Hannibal	Hefner	Johnson, L.	Schmit	

Present and not voting, 9:

Eret	Lamb	McFarland	Peterson	Scofield
Goodrich	Lynch	Morehead	Rogers	

Excused and not voting, 5:

Chambers	Johnson, R.	Lundy	Miller	Vickers
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The Hoagland-Landis amendment was adopted with 26 ayes, 9 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Harris asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Smith offered the following amendment:

AM2929

- 1 1. On page 10, after line 10, insert the
- 2 following new subsection:
- 3 “(8) The commission may order that flat rate
- 4 services shall be available whenever measured service is
- 5 implemented and that for such services the price
- 6 restrictions prescribed in sections 1 to 12 of this act
- 7 shall be retained.”; and in line 11 strike “(8)” and
- 8 insert “(9)”.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 70 in the Journal. No objections. So ordered.

AM2828

- 1 1. Strike original sections 1, 5, and 6.
- 2 2. On page 4, line 12, strike “five” and
- 3 reinstate “six”; and in line 15 reinstate the stricken

4 matter.

5 3. On page 5, line 21, before "A" insert
6 "(1)"; in line 22 strike "(1)", show as stricken, and
7 insert "(a)"; in line 23 strike "(2)", show as stricken,
8 and insert "(b)"; and in line 27 strike "(3)", show as
9 stricken, and insert "(c)".

10 4. On page 6, strike lines 5 through 13 and
11 insert the following new subsections:

12 "(2) Only the following murders in the first
13 degree may be Class I felonies:

14 (a) The murder of a child under the age of
15 fourteen years while such child was being kidnapped or
16 was kidnapped;

17 (b) The murder was committed by a committed
18 offender who has been sentenced to life imprisonment;

19 (c) The murder was committed by means of a
20 destructive device, bomb, explosive, poison, gas, or
21 other device used in an act of terrorism, by a person
1 who knew or acted in reckless disregard of the fact that
2 such act or acts created a great risk of death to at
3 least several persons;

4 (d) The murder was committed for hire;

5 (e) The murder was of a series of murders;

6 (f) The murder was committed by a person
7 previously convicted of first degree murder; or

8 (g) The murder involved torture or mutilation.

9 (3) Murder in the first degree shall be a
10 Class I or Class IA felony. The determination of
11 whether murder in the first degree shall be punished as
12 a Class I or Class IA felony shall be made pursuant to
13 subsection (2) of this section and sections 29-2520 to
14 29-2524."

15 5. On page 9, line 1, strike the first comma
16 and insert "and"; in line 2 strike "83-1,107, and
17 83-1,107.01,"; and strike beginning with "and" in line 3
18 through the last comma in line 8.

19 6. Renumber the remaining sections
20 accordingly.

Mr. DeCamp asked unanimous consent to print the following amendment to LB 556 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2832.)

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of April 3, 1986. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Bones, Amy S. - Omaha (Withdrawn 85/12/31), Norwich Eaton Pharmaceuticals (Withdrawn 85/12/31)
Boyer, John K. - Omaha (Withdrawn 85/12/31), International Business Machines Corporation (Withdrawn 85/12/31), Norwich Eaton Pharmaceuticals (Withdrawn 85/12/31)
Fowler, Steve - Sausalito, CA., Department of Banking & Finance (Withdrawn 85/06/06)
Frey, John H. - Lincoln, Frey, John O.
Moulton, William S. - Omaha, Nebraska Retail Grocers Association Inc. (Formerly known as Nebraska and Omaha Food Retailers Assn., Inc.)
Mueller, William J./Knudsen, Berkheimer et al.
Mueller, William J. - Lincoln, Printing Industries of the Midlands, Inc.
Ruth, Larry L./Knudsen, Berkheimer et al.
Ruth, Larry L. - Lincoln, Printing Industries of the Midlands, Inc.
Wilwerding, Ron C. - Omaha (Withdrawn 86/03/01), Nebraska Collectors Association (Withdrawn 86/03/01)

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on the final passage of LB's 1250, 1250A, 1252, and "nay" on final passage of LB 1251.

(Signed) Peter Hoagland

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 4, 1986, at 10:30 a.m., were the following bills: 1250, 1250A, 1251, and 1252.

(Signed) Pam Moravec, Enrolling Clerk

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Hoagland asked unanimous consent to have his name added as co-introducer to LB 788. No objections. So ordered.

Mr. Hoagland asked unanimous consent to have his name added as co-introducer to LB 90. No objections. So ordered.

SELECT COMMITTEE REPORTS**Enrollment and Review**

LEGISLATIVE BILL 1258. Placed on Select File as amended.
E & R amendments to LB 1258:

AM5422

- 1 1. In the V. Johnson amendment, AM2839,
- 2 adopted April 2, 1986, on page 1, line 14, before the
- 3 first "and" insert an underscored semicolon.
- 4 2. On page 1, line 12, after the second
- 5 semicolon insert "to provide for reimbursement to
- 6 counties;"
- 7 3. On page 4, lines 18 to 19; and page 6,
- 8 lines 4 to 5, strike "shall be" and insert "is".
- 9 4. On page 7, line 4; and page 13, line 3,
- 10 strike the comma and show as stricken.

LEGISLATIVE BILL 1258A. Placed on Select File.

LEGISLATIVE BILL 1142. Placed on Select File as amended.
E & R amendments to LB 1142:

AM5423

- 1 1. On page 2, line 4, strike "affects" and
- 2 insert "affect".
- 3 2. On page 3, line 14, strike the comma; and
- 4 in line 24 strike "are" and insert "is".
- 5 3. On page 4, line 10, strike the comma.
- 6 4. On page 5, line 13, reinstate the stricken
- 7 matter.

LEGISLATIVE BILL 1259. Placed on Select File as amended.
E & R amendments to LB 1259:

AM5424

- 1 1. On page 2, line 3, strike "state"; and in
- 2 line 6 strike the semicolon and insert a colon.
- 3 2. On page 3, line 5, after "Nebraska" insert
- 4 "68508".

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LEGISLATIVE JOURNAL

- 5 3. On page 4, line 1, after "Nebraska" insert
6 "68144"; and in line 14 after "employees" insert a
7 comma.

LEGISLATIVE BILL 237A. Placed on Select File.

LEGISLATIVE BILL 997A. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: 842, 851, 851A, and 853.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 842

The following changes, required to be reported for publication in the Journal, have been made:

ER0192

1. On page 1, line 10, "cigarette" has been inserted after "the".
2. On page 12, line 19, "(4)" has been struck, shown as stricken, and "(5)" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

VISITORS

Visitors to the Chamber were Senator Rogers' son, Ron and family; 34 eighth grade students and teachers from Christ the King School, Omaha; Former Senator Arnold Ruhnke and wife, and Erica Schartner from West Germany; 9 eighth grade students, teacher, and sponsors from Cedar Canyon School, Scotts Bluff County; 60 fourth grade students and teachers from Gretna; 36 members of the National Association of Women in Construction; and 120 students and teachers from Lincoln High School.

RECESS

Mr. DeCamp moved to recess. The motion prevailed with 20 ayes, 6 nays, and 23 not voting, and at 12:07 p.m., on a motion by Mr. DeCamp, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:34 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Mr. Vickers who was excused; and Messrs. Chambers, Haberman, and Lynch who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 835. The pending Smith amendment, AM2929, found in this day's Journal was renewed.

Mrs. Smith moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

The Chair declared the call raised.

Mrs. Smith withdrew her pending amendment, AM2929.

Mrs. Smith offered the following amendment:

1. On page 10, after line 10, insert the following new subsection:
“(8) The commission may order that flat rate services shall be available whenever measured service is implemented and that for such services the price restrictions prescribed in section 1 to 12 of this act shall be retained. Measured service shall mean basic local exchange service, the rate for which is a combination of a flat rate access line charge plus usage charges which may be based upon number of calls, length of call, distance and time of day.”; and in line 11 strike “(8)” and insert “(9)”.

The Smith amendment was adopted with 26 ayes, 7 nays, 14 present and not voting, and 2 excused and not voting.

Mr. Withem moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Mr. DeCamp moved for a call of the house. The motion prevailed with 10 ayes, 1 nay, and 38 not voting.

Mr. Lamb requested a record vote on the advancement of the bill.

Voting in the affirmative, 25:

Baack

Beyer

Carsten

Chizek

Chronister

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Conway	Hoagland	Marsh	Pappas	Smith
DeCamp	Johnson, V.	Miller	Pirsch	Warner
Goodrich	Lundy	Nelson	Rogers	Wesely
Hannibal	Lynch	Nichol	Scofield	Withem

Voting in the negative, 18:

Abboud	Haberman	Johnson, R.	McFarland	Remmers
Barrett	Hall	Labeledz	Morehead	Rupp
Eret	Harris	Lamb	Peterson	Schmit
Goll	Higgins	Landis		

Present and not voting, 4:

Hartnett	Hefner	Johnson, L.	Sieck
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Excused and not voting, 2:

Chambers	Vickers
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Advanced to E & R for Engrossment with 25 ayes, 18 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 807. E & R amendment, AM5416, found in the Journal on page 1839 for the Fifty-First Day was adopted.

Mr. Withem withdrew his pending amendment, AM2687, found in the Journal on page 1676.

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Hannibal renewed the Hannibal et al. amendment, AM2843, found in the Journal on page 1938.

Mr. Pappas offered the following amendment to the pending Hannibal et al. amendment:

1. On page 4, line 3, after the word "with" insert "an operable". Delete the word "a".

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Pappas amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Mr. Pappas offered the following amendment to the pending Hannibal et al. amendment:

1. On page 4, line 21, strike beginning with "(2) through sooner".

Mr. R. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Pappas amendment lost with 11 ayes, 21 nays, 14 present and not voting, and 3 excused and not voting.

Mr. Pappas offered the following amendment to the pending Hannibal et al. amendment:

2. On page 5, line 5, strike all of section 8, and insert a new Section 8:

"Section 8. The effective date of this act shall be January 1st, 1987."

Mr. Pappas moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Pappas requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Abboud	Chizek	Harris	Labeledz	Pappas
Beyer	Conway	Higgins	Lynch	Rogers
Carsten	Eret	Hoagland	McFarland	Rupp
Chambers	Haberman	Johnson, V.	Nelson	Scofield

Voting in the negative, 25:

Baack	Goodrich	Johnson, L.	Marsh	Remmers
Barrett	Hall	Johnson, R.	Miller	Sieck
Chronister	Hannibal	Lamb	Nichol	Smith
DeCamp	Hartnett	Landis	Peterson	Warner
Goll	Hefner	Lundy	Pirsch	Withem

Present and not voting, 2:

Schmit	Wesely
--------	--------

Excused and not voting, 2:

Morehead Vickers

The Pappas amendment lost with 20 ayes, 25 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mrs. Labedz asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Lundy moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Hannibal et al. amendment, as amended, was adopted with 25 ayes, 10 nays, 12 present and not voting, and 2 excuse and not voting.

Mr. Withem withdrew his pending amendment, AM2675, found in the Journal on page 1677.

Advanced to E & R for Engrossment with 27 ayes, 11 nays, 9 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Members Excused

Mrs. Labedz and Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Schmit asked unanimous consent to print the following amendment to LB 1230 in the Journal. No objections. So ordered.

AM2878

- 1 1. In the Standing Committee amendments,
- 2 AM2585:
- 3 a. Strike original sections 6, 7, 8, and 9,
- 4 and any amendments thereto;
- 5 b. Insert the following new sections:
- 6 "Sec. 6. The administrator of the Nebraska
- 7 Gasohol Committee shall provide technical assistance to
- 8 the board and shall perform all other duties as shall be

9 delegated or assigned to him or her by the board. The
10 board may employ the services of experts and consultants
11 necessary to secure funds pursuant to section 7 of this
12 act, to acquire title to commodities pursuant to section
13 16 of this act, or to otherwise carry out the board's
14 duties under the Ethanol Authority and Development Act.

15 Sec. 9. A grower who has sold corn, wheat, or
16 grain sorghum and has an assessment deducted from the
17 sale price may, by written application to the board,
18 secure a refund of two-thirds of the amount deducted
19 pursuant to section 8 of this act. The refund shall be
20 payable by the board upon application within thirty days
21 after the deduction is made. Each application for
1 refund by a grower shall have attached thereto proof of
2 the assessment deducted.

3 Sec. 21. Any city, county, or village which
4 has received a grant pursuant to sections 20 to 28 of
5 this act shall give or loan such grant to any person on
6 whose behalf an application is made. No city, county,
7 or village shall have any financial interest,
8 operational oversight, or power of eminent domain with
9 respect to any ethanol plant or facility for which a
10 loan or grant was made. This section shall not be
11 construed to prevent a city, county, or village from
12 taking action necessary to collect upon any loan made
13 pursuant to sections 20 to 28 of this act.

14 Sec. 27. Any repayment of a loan or grant
15 made by the owner or operator of an ethanol plant or
16 facility, upon receipt by a city, county, or village,
17 shall be remitted to the State Treasurer and shall be
18 placed in the Ethanol Authority and Development Fund.

19 Sec. 58. If any section in this act or any
20 part of any section shall be declared invalid or
21 unconstitutional, such declaration shall not affect the
22 validity or constitutionality of the remaining portions
23 thereof.

24 Sec. 60. Since an emergency exists, this act
1 shall be in full force and take effect, from and after
2 its passage and approval, according to law.”;

3 c. On page 2, line 5, strike “22” insert
4 “20”; after line 12 insert:

5 “(2) Capital cost shall mean expenditures
6 which include, but are not limited to, expenditures
7 incurred for design and engineering, for land
8 acquisition and related costs, financing fees, plant

9 construction, and such other appropriate costs incurred
10 prior to the commencement of the operation of an ethanol
11 production facility.”; in line 13 strike “(2)” and
12 insert “(3)”; in line 16 strike “(3)” and insert “(4)”;
13 in line 20 strike “to” and insert “, the board shall”;
14 strike beginning with “nine” in line 20 through “of” in
15 line 23; and in line 23 strike “(5)” and insert “and the
16 following members to be appointed by the Governor.”;

17 d. On page 3, line 1, strike “(6)”;

18 in line 3 strike “(7)”;

19 strike beginning with “two” in line 4

20 through “persons” in line 5 and insert “a representative
21 of the public power industry”; strike beginning with

22 “Members” in line 5 through the period in line 6; in

23 line 7 strike “first appointed” and insert “who are not
24 members of the Nebraska Gasohol Committee”; strike

beginning with the period in line 8 through “three” in

line 9 and insert “and”; strike beginning with the first

“until” in line 10 through “three” in line 11; strike

beginning with “Upon” in line 11 through the period in

line 14; and strike beginning with the comma in line 19

through “terms” in line 22;

6 e. On page 4, strike beginning with “succeeds”

7 in line 2 through “Governor” in line 4 and insert

8 “succeeds”; in line 13 after “appointed” insert “and at
9 such times thereafter as may be deemed necessary by the
10 board to fulfill its duties and responsibilities under
11 the Ethanol Authority and Development Act”; and strike

12 beginning with “The” in line 13 through the period in

13 line 17;

14 f. On page 7, strike beginning with the

15 second “to” in line 3 through the first comma in line 5;

16 in line 6 strike “22” and insert “20”; in line 10 strike

17 “the implementation of the development plan and”; in

18 line 12 after the period insert: “When determining
19 whether to recommend construction of a project for the
20 production and distribution of ethanol or fructose or
21 how funds should be distributed pursuant to the Ethanol
22 Authority and Development Act and sections 32 to 57 of
23 this act, the board’s considerations shall include, but
24 not be limited to, job creation, economic return to the
1 state, size of the plant, byproducts or coproducts, if
2 any, date construction would be commenced and completed,
3 the financial stability of the applicant, and the amount
4 of funds needed to commence construction of the plant or
5 facility.”; in line 15 strike “11” and insert “8” and

6 strike "and"; in line 16 after the second comma insert
7 "grants."; and in line 17 after "sources" insert "and
8 (4) amounts received by cities, counties, or villages
9 pursuant to section 27 of this act";

10 g. On page 8, line 2, strike "not exceed" and
11 insert "be"; in line 3 after "bushel" insert "for corn
12 and wheat and one and one half cents per hundred weight
13 for grain sorghum" and strike the second "July" and
14 insert "January"; and strike beginning with "1987" in
15 line 4 through "act" in line 9 and insert "1988";

16 h. On page 9, lines 5, 9, and 18, strike "11"
17 and insert "8"; and in line 5 strike "16" and insert
18 "14";

19 i. On page 10, line 16, strike "11" and
20 insert "8";

21 j. On page 11, line 3, strike "10" and insert
22 "7";

23 k. On page 12, line 23, strike the
24 underscored matter;

1 l. On page 17, line 8, strike "Director of
2 Agriculture", show as stricken, and insert "board"; in
3 line 11 strike "construct or acquire" and insert
4 "facilitate the construction or acquisition of"; in line
5 20 strike "22" and insert "20"; and strike beginning
6 with "within" in line 22 through "days" in line 23;

7 m. On page 18, line 2, strike "23" and insert
8 "22";

9 n. On page 19, line 5, strike "thirty" and
10 insert "sixty"; in line 6 strike "which" and insert
11 "whether a"; in line 17 after the period insert: "For
12 purposes of sections 20 to 28 of this act preference
13 shall be given to those applicants which show the
14 ability to repay all or any portion of such grant."; and
15 in line 19 strike "22" and insert "20";

16 o. On page 58, line 5, after "conferred"
17 insert "except that this power may not be exercised for
18 the purpose of condemning property for use by a
19 privately operated ethanol production or distribution
20 facility"; and

21 p. Renumber the remaining sections
22 accordingly.

23 2. In the Schmit amendment, AM2763:

24 a. Strike amendments 1 and 3;

1 b. On page 1, strike beginning with the
2 semicolon in line 4 through the final quotation marks in

- 3 line 5; and
4 c. Renumber the remaining amendments
5 accordingly.
6 3. In the Haberman amendment, AM2738:
7 a. Strike amendment 2; and
8 b. Renumber the remaining amendments
9 accordingly.
10 4. Strike the Goodrich amendment found on
11 page 1796 of the Journal.
12 5. In the E & R amendment, AM5419:
13 a. Strike amendments 1, 2, and 3.c., 3.d.,
14 and 3.e.;
15 b. On page 1, line 14, strike "AM2582" and
16 insert "AM2585";
17 c. On page 2, line 14, strike "lines 6 and"
18 and insert "line";
19 d. On page 3, line 4, strike "15" and insert
20 "13"; and
21 e. Renumber the remaining amendments
22 accordingly.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 31A. By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 31, Eighty-ninth Legislature, Second Session, 1986, and to declare an emergency.

LEGISLATIVE BILL 835A. By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 835, Eighty-ninth Legislature, Second Session, 1986.

SELECT FILE

LEGISLATIVE BILL 143. E & R amendments, AM5047, found in the Journal on page 674 for the Twenty-Seventh Day, First Session, were adopted.

Advanced to E & R for Engrossment.

Mr. Goll asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1025. E & R amendments, AM5291, found in the Journal on page 1101 for the Thirty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1208. E & R amendments, AM5302, found in the Journal on page 1133 for the Thirty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 991. E & R amendment, AM5351, found in the Journal on page 1453 for the Forty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 993. E & R amendment, AM5353, found in the Journal on page 1465 for the Forty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 994. E & R amendment, AM5352, found in the Journal on page 1466 for the Forty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 996. E & R amendments, AM5357, found in the Journal on page 1466 for the Forty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1131. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 881. E & R amendments, AM5354, found in the Journal on page 1466 for the Forty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 929. E & R amendment, AM5355, found in the Journal on page 1466 for the Forty-Third Day was adopted.

Advanced to E & R for Engrossment.

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LEGISLATIVE BILL 930. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1063. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1227. E & R amendments, AM5361, found in the Journal on page 1503 for the Forty-Fourth Day were adopted.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Landis requested a machine vote on the advancement of the bill.

Mr. Haberman moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Haberman requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 23:

Abboud	DeCamp	Higgins	Morehead	Rupp
Baack	Goodrich	Johnson, L.	Pappas	Smith
Carsten	Haberman	Johnson, V.	Pirsch	Wesely
Chizek	Hall	Lynch	Remmers	Withem
Conway	Hartnett	Marsh		

Voting in the negative, 12:

Barrett	Hoagland	Nichol	Rogers	Sieck
Eret	Landis	Peterson	Scofield	Warner
Hefner	Miller			

Present and not voting, 8:

Beyer	Hannibal	Lundy	Nelson	Schmit
Chronister	Harris	McFarland		

Absent and not voting, 1:

Chambers

Excused and not voting, 5:

Goll	Johnson, R.	Labeledz	Lamb	Vickers
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Failed to advance to E & R for Engrossment with 23 ayes, 12 nays, 8 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Hoagland asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1160. E & R amendments, AM5363, found in the Journal on page 1503 for the Forty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1056. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 771. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 959. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 959A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 808. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 765. E & R amendment, AM5367, found in the Journal on page 1536 for the Forty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 812. E & R amendments, AM5372, found in the Journal on page 1546 for the Forty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 878. E & R amendment, AM5373, found in the Journal on page 1546 for the Forty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 889. E & R amendments, AM5375, found in the Journal on page 1547 for the Forty-Fifth Day were adopted.

Mr. Chronister asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 921. E & R amendment, AM5378, found in the Journal on page 1547 for the Forty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 885. E & R amendments, AM5376, found in the Journal on page 1547 for the Forty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1203. E & R amendments, AM5371, found in the Journal on page 1548 for the Forty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1008. E & R amendments, AM5380, found in the Journal on page 1548 for the Forty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1054. E & R amendment, AM5377, found in the Journal on page 1548 for the Forty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1247. E & R amendments, AM5382, found in the Journal on page 1560 for the Forty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1241. E & R amendment, AM5383, found in the Journal on page 1560 for the Forty-Sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 775A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1184. E & R amendment, AM5374, found in the Journal on page 1546 for the Forty-Fifth Day was adopted.

Mr. Haberman withdrew his pending amendment, AM2577, found in the Journal on page 1543.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 528. E & R amendments, AM5253, found in the Journal on page 970 for the Thirty-First Day were adopted.

Mr. Hoagland withdrew his pending amendments, AM0740, found in the Journal on page 1512, and AM2353, found in the Journal on page 1158.

Messrs. Hoagland and Chambers withdrew their pending amendment, AM2430, found in the Journal on page 1323.

Mr. Withem withdrew his pending amendment, AM2376, found in the Journal on page 1244.

Mr. Landis offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM2877.)

Mr. Hall asked unanimous consent to be excused. No objections. So ordered.

Mr. Landis moved for a call of the house. The motion prevailed with 6 ayes, 0 nays, and 43 not voting.

The Landis amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. V. Johnson asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 174. Mr. Wesely withdrew his pending amendment, AM2446, found in the Journal on page 1345.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 635. E & R amendments, AM5268, found in the Journal on page 1027 for the Thirty-Second Day were adopted.

Mr. Landis withdrew his pending amendment found in the Journal on page 1120.

Mr. Landis renewed his pending amendment, AM2380, found in the Journal on page 1178.

The Landis amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 68. E & R amendments, AM5267, found in the Journal on page 1027 for the Thirty-Second Day were adopted.

Mr. Haberman offered the following amendment:

AM2386

- 1 1. Insert the following new section:
- 2 "Sec. 2. That section 71-1910, Revised
- 3 Statutes Supplement, 1984, be amended to read as
- 4 follows:
- 5 71-1910. As used in sections 71-1908 to
- 6 71-1918, unless the context otherwise requires:
- 7 (1) Department shall mean the Department of
- 8 Social Services;
- 9 (2) Director shall mean the Director of Social
- 10 Services; and
- 11 (3) Early childhood program or program shall
- 12 mean the provision of services in lieu of parental
- 13 supervision for children under twelve years of age for
- 14 compensation, either directly or indirectly, on the
- 15 average of less than twelve hours per day, but more than
- 16 two hours per week, and shall include any
- 17 employer-sponsored day care, day care home, day care
- 18 center, ~~before and after~~ before-and-after school day
- 19 care program, before-and-after school services pursuant
- 20 to section 79-444, or preschool or nursery school, but
- 21 shall not include casual care at irregular intervals, a
- 1 recreation camp, classes or services provided by a
- 2 religious organization other than day care or preschool
- 3 or nursery schools, a preschool program conducted in a
- 4 school approved pursuant to section 79-328, or child
- 5 care as defined in section 71-1901."
- 6 2. On page 3, line 18, strike "is" and insert
- 7 "and section 71-1910, Revised Statutes Supplement, 1984,
- 8 are".
- 9 3. Renumber remaining section accordingly.

Mr. Peterson asked unanimous consent to be excused. No objections.
So ordered.

The Haberman amendment was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Mr. Landis renewed his pending amendment, AM2381, found in the Journal on page 1178.

The Landis amendment lost with 8 ayes, 10 nays, 22 present and not voting, and 9 excused and not voting.

Mr. Vickers withdrew his pending amendment, AM2464, found in the Journal on page 1342.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 419. E & R amendments, AM5262, found in the Journal on page 1028 for the Thirty-Second Day were adopted.

Mrs. Morehead, Messrs. Hefner, Lundy, and V. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mr. Vickers withdrew his pending amendment, AM1767, found in the Journal on page 647.

Mr. Hartnett offered the following amendment:
AM2498

- 1 1. Insert the following new section:
- 2 "Sec. 3. That section 79-1333.01, Revised
- 3 Statutes Supplement, 1984, be amended to read as
- 4 follows:
- 5 79-1333.01. When the membership of a district
- 6 as reported in the preceding school year's fall school
- 7 district membership report increases one half of one per
- 8 cent or more above the membership of the year prior to
- 9 the preceding year on the corresponding date, as
- 10 reported on the fall school district membership report
- 11 for the year prior to the preceding year, the total
- 12 financial support pursuant to section 79-1336 shall be
- 13 increased by the percentage of increase up to a maximum
- 14 of ~~one hundred~~ ten per cent of the student membership
- 15 over the previous year. When the membership of a
- 16 district as reported in the preceding school year's fall
- 17 school district membership report is less than the fall
- 18 school district membership report of the year prior to
- 19 the preceding school year by more than two per cent, the
- 20 total financial support pursuant to section 79-1336

21 shall be increased by the difference between two per
 1 cent and the per cent of decrease up to a maximum of ~~one~~
 2 ~~hundred~~ ten per cent of the student membership of the
 3 preceding year over the year prior to the preceding
 4 year.”.

5 2. On page 5, line 12, after the third comma
 6 insert “and section 79-1333.01, Revised Statutes
 7 Supplement, 1984,”.

8 3. Renumber the remaining section
 9 accordingly.

Mr. Hartnett moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Hartnett requested a roll call vote on his amendment.

Voting in the affirmative, 27:

Abboud	Conway	Higgins	McFarland	Schmit
Barrett	DeCamp	Johnson, L.	Nichol	Scofield
Beyer	Eret	Landis	Pirsch	Sieck
Carsten	Goodrich	Lynch	Rogers	Wesely
Chambers	Hannibal	Marsh	Rupp	Withem
Chizek	Hartnett			

Voting in the negative, 4:

Nelson	Remmers	Smith	Warner
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Present and not voting, 3:

Haberman	Harris	Pappas
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Absent and not voting, 2:

Baack	Miller
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Excused and not voting, 13:

Chronister	Hefner	Johnson, V.	Lundy	Peterson
Goll	Hoagland	Labeledz	Morehead	Vickers
Hall	Johnson, R.	Lamb		

The Hartnett amendment was adopted with 27 ayes, 4 nays, 3 present and not voting, 2 absent and not voting, and 13 excused and not voting.

The Chair declared the call raised.

Mr. McFarland asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 563. E & R amendments, AM5273, found in the Journal on page 1033 for the Thirty-Second Day were adopted.

Messrs. Landis and Hoagland renewed their pending amendment, AM2674, found in the Journal on page 1642.

The Landis-Hoagland amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 309. E & R amendments, AM5274, found in the Journal on page 1060 for the Thirty-Third Day were adopted.

Messrs. Abboud and Wesely asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Schmit and Vickers offered the following amendment:
AM2328

- 1 1. Insert the following new section:
- 2 "Sec. 3. That section 46-289, Reissue Revised
- 3 Statutes of Nebraska, 1943, be amended to read as
- 4 follows:
- 5 46-289. The Legislature finds, recognizes,
- 6 and declares that the transfer of water to outside the
- 7 boundaries of a river basin may have impacts on the
- 8 water and other resources in the basin and that such
- 9 impacts differ from those caused by uses of water within
- 10 the same basin in part because any unused water will not
- 11 be returned to the stream from which it is taken for
- 12 further use in that river basin. The Legislature
- 13 therefore recognizes the need to delineate factors for
- 14 consideration by the Director of Water Resources when
- 15 evaluating an application made pursuant to section

16 46-233 which involves an interbasin transfer of water in
17 order to determine whether denial of such application is
18 demanded by the public interest. Those considerations
19 shall include, but not be limited to, the following
20 factors:

21 (1) The economic, environmental, and other
1 benefits of the proposed interbasin transfer and use;

2 (2) Any adverse impacts of the proposed
3 interbasin transfer and use;

4 (3) Any current beneficial uses being made of
5 the unappropriated water in the basin of origin;

6 (4) Any reasonably foreseeable future
7 beneficial uses of the water in the basin of origin;

8 (5) The economic, environmental, and other
9 benefits of leaving the water in the basin of origin for
10 current or future beneficial uses;

11 (6) Alternative sources of water supply
12 available to the applicant; and

13 (7) Alternative sources of water available to
14 the basin of origin for future beneficial uses.

15 ~~The application shall be denied if the~~
16 ~~benefits to the state from granting the application do~~
17 ~~not outweigh the benefits to the state from denying the~~
18 ~~application.~~

19 The application shall be deemed in the public
20 interest if the overall benefits to the state and the
21 applicant's basin are greater than or equal to the
22 adverse impacts to the state and the basin of origin.

23 The director's order granting or denying an application
24 shall specify the reasons for such action, including a
1 discussion of the required factors for consideration,
2 and shall document such decision by reference to the
3 hearing record, if any, and to any other sources used by
4 the director in making the decision."

5 2. On page 3, line 1, after "sections" insert
6 "46-289,".

7 3. Renumber remaining sections accordingly.

The Schmit-Vickers amendment was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 817. E & R amendments, AM5287, found in the Journal on page 1077 for the Thirty-Fourth Day were adopted.

Mrs. Higgins asked unanimous consent to be excused. No objections. So ordered.

Mr. Schmit withdrew his pending amendment, AM2363, found in the Journal on page 1195.

Mr. Landis renewed the pending V. Johnson amendment, AM2389, found in the Journal on page 1221.

The V. Johnson amendment was adopted with 27 ayes, 0 nays, 7 present and not voting, and 15 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 963. E & R amendments, AM5283, found in the Journal on page 1080 for the Thirty-Fourth Day were adopted.

Mr. Schmit renewed his pending amendment, AM2297, found in the Journal on page 1121.

The Schmit amendment lost with 7 ayes, 7 nays, 20 present and not voting, and 15 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 983. E & R amendments, AM5289, found in the Journal on page 1100 for the Thirty-Fifth Day were adopted.

Messrs. DeCamp, Schmit, and Pappas renewed their pending amendment, AM2290, found in the Journal on page 1081.

The DeCamp et al. amendment was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Mr. Pappas renewed his pending amendment, AM2816, found in the Journal on page 1849.

The Pappas amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Mr. Pappas renewed his pending amendment, AM2815, printed separate from the Journal and referred to on page 1863.

The Pappas amendment was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Mr. Harris withdrew his pending amendment, AM2853, found in the Journal on page 1897.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1051. E & R amendments, AM5316, found in the Journal on page 1149 for the Thirty-Sixth Day were adopted.

Mr. Chizek renewed his pending amendment, AM2196, found in the Journal on page 1125.

Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

The Chizek amendment was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1051A. Advanced to E & R for Engrossment.

Mr. Baack asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1017. Mr. Miller offered the following Morehead amendment:

Section 2. Section 1 of this act shall become operative on October 1, 1986.

Change original section 2 of LB 1017 to section 3.

The Morehead amendment was adopted with 29 ayes, 0 nays, 5 present and not voting, and 15 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 900. E & R amendments, AM5360, found in the Journal on page 1504 for the Forty-Fourth Day were adopted.

Mr. Sieck offered the following R. Johnson amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM2886.)

The R. Johnson amendment was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 900A. Mr. Sieck offered the following amendment:

- 1 1. Strike original section 1 and insert the
- 2 following new sections:
- 3 "Section 1. There is hereby appropriated (1)
- 4 \$43,000 from the Manufacturing Milk Cash Fund for the
- 5 period July 1, 1986, to June 30, 1987, and (2) \$43,000
- 6 from the Manufacturing Milk Cash Fund for the period
- 7 July 1, 1987, to June 30, 1988, to the Department of
- 8 Agriculture, for Program 057, to aid in carrying out the
- 9 provisions of Legislative Bill 900, Eighty-ninth
- 10 Legislature, Second Session, 1986.
- 11 Total expenditures for permanent and temporary
- 12 salaries and per diems from funds appropriated in this
- 13 section shall exceed neither \$30,379 for the period July
- 14 1, 1986, to June 30, 1987, nor \$30,379 for the period
- 15 July 1, 1987, to June 30, 1988.
- 16 Sec. 2. There is hereby appropriated (1)
- 17 \$5,000 from the Manufacturing Milk Cash Fund for the
- 18 period July 1, 1986, to June 30, 1987, and (2) \$5,000
- 19 from the Manufacturing Milk Cash Fund for the period
- 20 July 1, 1987, to June 30, 1988, to the Department of
- 21 Agriculture, for Program 061, to aid in carrying out the
- 1 provisions of Legislative Bill 900, Eighty-ninth
- 2 Legislature, Second Session, 1986.
- 3 No expenditures for permanent and temporary
- 4 salaries and per diems for state employees shall be made
- 5 from funds appropriated in this section."

The Sieck amendment was adopted with 28 ayes, 0 nays, 6 present and not voting, and 15 excused and not voting.

Mrs. Smith asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1048. E & R amendment, AM5356, found in the Journal on page 1468 for the Forty-Third Day was adopted.

Mr. Chambers withdrew his pending amendment, AM2515, found in the Journal on page 1432.

Mr. Chambers renewed his pending amendment, AM2912, found in the Journal on page 1954.

The Chambers amendment was adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1005. E & R amendments, AM5359, found in the Journal on page 1502 for the Forty-Fourth Day were adopted.

Mr. DeCamp renewed his pending amendment, AM2644, found in the Journal on page 1735.

The DeCamp amendment was adopted with 25 ayes, 2 nays, 6 present and not voting, and 16 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1158. E & R amendments, AM5362, found in the Journal on page 1502 for the Forty-Fourth Day were adopted.

Mr. Landis withdrew his pending amendment, AM2709, found in the Journal on page 1920.

Mr. Landis offered the following amendment:
AM2918

- 1 1. Strike the original sections and all
- 2 amendments thereto and insert the following new
- 3 sections:
- 4 "Section 1. That section 32-828, Reissue
- 5 Revised Statutes of Nebraska, 1943, be amended to read
- 6 as follows:
- 7 32-828. (1) Any election called pursuant to
- 8 the laws of this state shall provide for absentee
- 9 voting. Any qualified elector who meets the criteria
- 10 established by this section, including persons confined
- 11 by public order under the laws of this state or of the
- 12 United States, shall be permitted to vote absentee at
- 13 such election. Persons excluded from voting under
- 14 section 32-1048 may not vote under the provisions of the

15 Absentee Voters Act.

16 (2) A person shall be permitted to vote
17 absentee for any one of the following reasons:

18 (a) The elector expects to be absent from his
19 or her county at the time the election is to be held;

20 (b) The elector is physically unable to go to
21 the polls;

1 (c) The elector will be unable to go to the
2 polling place on the day of the election due to his or
3 her hospitalization for medical or surgical treatment;

4 (d) The elector cannot attend the polls on the
5 day of the election because of the tenets of his or her
6 religion;

7 (e) The elector is legally blind; ~~or~~

8 (f) The elector is a law enforcement official,
9 an election official or employee, a firefighting
10 official, or an emergency vehicle operator or attendant
11 staff member who by reason of carrying out his or her
12 official duties is on duty for a period in excess of
13 twelve hours on the day the election is to be held ; or

14 (g) The elector is (i) a member of the armed
15 forces of the United States and is serving outside of
16 the territorial limits of the United States or (ii) a
17 Nebraska citizen temporarily residing outside of the
18 territorial limits of the United States.

19 Sec. 2. That section 32-829, Reissue Revised
20 Statutes of Nebraska, 1943, be amended to read as
21 follows:

22 32-829. Any voter meeting the criteria of
23 subdivision (2)(b), ~~or (2)(e), or (2)(g)~~ of section
24 32-828 who is not registered may register at any time
1 during the regular registration period by sending a
2 letter of request for registration forms to the county
3 clerk or election commissioner of the county of his or
4 her residence. Such request shall indicate the
5 political party of the person requesting the
6 registration forms. The letter of request may be sent
7 by United States mail or by any person acting on behalf
8 of the voter. Such voter may also register by
9 completing the duplicate set of registration forms
10 accompanying the absentee ballot or special absentee
11 voters' ballot as defined in section 32-848. The
12 registration forms received by such voter through the
13 United States mail or through the voter's agent shall be
14 completed and signed by the elector. Registration forms

15 shall be returned under separate cover to the county
16 clerk or election commissioner by the person's agent or
17 by United States mail.

18 Sec. 3. That section 32-831, Reissue Revised
19 Statutes of Nebraska, 1943, be amended to read as
20 follows:

21 32-831. Persons appearing at the office of
22 the county clerk or election commissioner after the
23 deadline for registering and prior to the election to
24 vote absentee shall not be permitted to register with
1 the absentee ballot.

2 Only those persons meeting the criteria of
3 subdivision (2)(b), ~~or (2)(e), or (2)(g)~~ of section
4 32-828 or of section 32-830 or 32-832 shall be permitted
5 to register by using the registration forms enclosed
6 with the absentee ballot or special absentee voters'
7 ballot as defined in section 32-848.

8 Sec. 4. That section 32-834, Reissue Revised
9 Statutes of Nebraska, 1943, be amended to read as
10 follows:

11 32-834. (1) Any voter meeting one or more of
12 the criteria of subsection (2) of section 32-828 may,
13 not more than ninety days before any election and not
14 later than 4:00 p.m. on the Friday preceding such
15 election except as provided in subsection (2) of this
16 section, request an absentee ballot to be mailed to a
17 specific address. Any such voter may, not more than
18 ninety days before any election and not later than 12:00
19 noon on the day of such election, request an absentee
20 ballot by appointing an agent to personally pick up the
21 ballot at the office of the county clerk or election
22 commissioner. A request for an absentee ballot shall be
23 in writing to the county clerk or election commissioner
24 in the county where the voter has established his or her
1 home and show his or her voter's registration address,
2 political party, telephone number if available, and
3 voting precinct if known. The application ~~must~~ shall be
4 signed by the voter, his or her spouse, parent, son, or
5 daughter, or any other person acting as an agent for him
6 or her. No candidate or any person serving on a
7 committee for a candidate shall act as agent for any
8 voter requesting a ballot pursuant to this section. The
9 county clerk or election commissioner shall include
10 duplicate registration forms with each set of ballots if
11 the voter has not previously registered. The county

12 clerk or election commissioner shall also include a
13 notice that only those persons meeting the criteria of
14 subdivision (2)(b), ~~or (2)(e), or (2)(g)~~ of section
15 32-828 or of section 32-830 or 32-832 may use the
16 enclosed forms to register. All other persons ~~must~~
17 shall register in the manner provided for other voters
18 in Chapter 32.

19 (2) Any voter meeting the criteria of
20 subdivision (2)(g) of section 32-828 may, at any time in
21 the same calendar year as an election but prior to such
22 election, request that absentee ballots or special
23 absentee voters' ballots as defined in section 32-848
24 for any elections still to be held in such year be
1 mailed to a specific address. Only the ballot for the
2 next election following receipt of the request shall be
3 sent unless the voter specifies that both the primary
4 and general election ballots are requested.

5 Sec. 5. That section 32-848, Reissue Revised
6 Statutes of Nebraska, 1943, be amended to read as
7 follows:

8 32-848. (1) Absentee voters' ballots,
9 applications, and all other supplies shall be provided
10 in like manner as other election supplies and furnished
11 without cost to the voter and shall be ready for
12 delivery to absent voters not less than thirty-five days
13 prior to each statewide primary or general election and
14 not less than fifteen days prior to all other elections
15 except as otherwise provided by law.

16 (2) Notwithstanding subsection (1) of this
17 section, upon request for a ballot, an absentee voters'
18 ballot shall be forwarded to each voter meeting the
19 criteria of subdivision (2)(g) of section 32-828 at
20 least forty-five days prior to any election. The
21 election commissioner or county clerk shall not forward
22 any absentee voters' ballot or special absentee voters'
23 ballot if the election to which such ballot pertains has
24 already been held. If the absentee voters' ballot has
1 not been printed in sufficient time to meet the
2 requirements of this subsection, the county clerk or
3 election commissioner shall issue a special absentee
4 voters' ballot to each voter meeting the criteria of
5 subdivision (2)(g) of section 32-828 who requested the
6 absentee voters' ballot. In addition, a special
7 absentee voters' ballot shall be forwarded to each voter
8 meeting the criteria of subdivision (2)(g) of section

9 32-828 at least fifty-seven days prior to an election
10 upon the written request by such voter requesting the
11 special absentee voters' ballot. A complete list of the
12 nominated candidates and issues to be voted upon by a
13 voter meeting the criteria of subdivision (2)(g) of
14 section 32-828 shall be included with the special
15 absentee voters' ballot by the election commissioner or
16 county clerk. A notice shall be sent with the primary
17 election ballot stating that the absentee voter must
18 request a general election ballot unless such voter has
19 requested both the primary and general election ballots.
20 If the voter has requested both ballots, a notice shall
21 be sent with the primary election ballot stating that
22 the general election ballot will be sent to the same
23 address unless otherwise notified.

24 (3) A special absentee voters' ballot shall
1 mean a ballot prescribed by the Secretary of State which
2 contains the titles of all offices being contested at
3 such election and shall permit the elector to vote by
4 writing in the names of the specific candidates or
5 decision on any issue.

6 Sec. 6. That original sections 32-828,
7 32-829, 32-831, 32-834, and 32-848, Reissue Revised
8 Statutes of Nebraska, 1943, are repealed.”.

The Landis amendment was adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Mrs. Higgins asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1143. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1143A. Mr. Landis offered the following V. Johnson amendment:

On page 2, after line 11, insert new language:

“Section 2. There is hereby appropriated (1) \$45,400 from the Management Services Revolving Fund for the period July 1, 1986, to June 30, 1987, and (2) \$45,210 from the Management Services Revolving Fund for the period July 1, 1987, to June 30, 1988, to the Department of Agriculture, for Program 056, to aid in carrying out the provisions of Legislative Bill 1143, Eighty-ninth Legislature, Second Session, 1986.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall exceed neither \$21,561 for the period July 1, 1986, to June 30, 1987, nor \$21,561 for the period July 1, 1987, to June 30, 1988."

Mr. Landis moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The V. Johnson amendment was adopted with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1242. E & R amendments, AM5379, found in the Journal on page 1548 for the Forty-Fifth Day were adopted.

Mr. Hoagland withdrew his pending amendment, AM2419, found in the Journal on page 1317.

Mr. Hoagland renewed his pending amendment, AM2791, found in the Journal on page 1938.

The Hoagland amendment was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 960. E & R amendments, AM5411, found in the Journal on page 1835 for the Fifty-First Day were adopted.

Mr. Hartnett renewed the pending Lamb amendment, AM2824, found in the Journal on page 1859.

The Lamb amendment was adopted with 25 ayes, 1 nay, 8 present and not voting, and 15 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Messrs. Hoagland, Eret, and Chambers asked unanimous consent to print the following amendment to LB 999 in the Journal. No objections. So ordered.

AM2860

(Amendments to AM2858)

1 1. Insert the following new sections:

2 "Sec. 7. It is the intent of the Legislature
3 that sections 40-101, 40-110, 76-1005, and 76-1012 and
4 sections 1 and 4 of this act shall apply to all existing
5 agricultural loan agreements when such application does
6 not represent an unconstitutional impairment of a
7 contract.

8 Sec. 9. Since an emergency exists, this act
9 shall be in full force and take effect, from and after
10 its passage and approval, according to law."

11 2. Renumber the remaining section
12 accordingly.

Messrs. Chambers, Hoagland, and Eret asked unanimous consent to print the following amendment to LB 999 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2858.)

Messrs. Rupp and Schmit asked unanimous consent to print the following amendment to LB 300 in the Journal. No objections. So ordered.

AM2921

1 1. Strike the original sections and all
2 amendments thereto and insert the following new section:

3 "Section 1. CXII-8 (1) No corporation or
4 syndicate shall acquire, or otherwise obtain an
5 interest, whether legal, beneficial, or otherwise, in
6 any title to real estate used for farming or ranching in
7 this state, or engage in farming or ranching.

8 Corporation shall mean any corporation
9 organized under the laws of any state of the United
10 States or any country or any partnership of which such
11 corporation is a partner.

12 Farming or ranching shall mean (i) the
13 cultivation of land for the production of agricultural
14 crops, fruit, or other horticultural products, or (ii)
15 the ownership, keeping or feeding of animals for the
16 production of livestock or livestock products.

17 Syndicate shall mean any limited partnership
18 organized under the laws of any state of the United
19 States or any country, other than limited partnerships

20 in which the partners are members of a family, or a
21 trust created for the benefit of a member of that
1 family, related to one another within the fourth degree
2 of kindred according to the rules of civil law, or their
3 spouses, at least one of whom is a person residing on or
4 actively engaged in the day to day labor and management
5 of the farm or ranch, and none of whom are nonresident
6 aliens. This shall not include general partnerships.

7 These restrictions shall not apply to:

8 (A) A family farm or ranch corporation.
9 Family farm or ranch corporation shall mean a
10 corporation engaged in farming or ranching or the
11 ownership of agricultural land, in which the majority of
12 the voting stock is held by members of a family, or a
13 trust created for the benefit of a member of that
14 family, related to one another within the fourth degree
15 of kindred according to the rules of civil law, or their
16 spouses, at least one of whom is a person residing on or
17 actively engaged in the day to day labor and management
18 of the farm or ranch and none of whose stockholders are
19 non-resident aliens and none of whose stockholders are
20 corporations or partnerships, unless all of the
21 stockholders or partners of such entities are persons
22 related within the fourth degree of kindred to the
23 majority of stockholders in the family farm corporation.

24 These restrictions shall not apply to:

1 (B) Non-profit corporations.

2 These restrictions shall not apply to:

3 (C) Nebraska Indian tribal corporations.

4 These restrictions shall not apply to:

5 (D) Agricultural land, which, as of the
6 effective date of this Act, is being farmed or ranched,
7 or which is owned or leased, or in which there is a
8 legal or beneficial interest in title directly or
9 indirectly owned, acquired, or obtained by a corporation
10 or syndicate, so long as such land or other interest in
11 title shall be held in continuous ownership or under
12 continuous lease by the same such corporation or
13 syndicate, and including such additional ownership or
14 leasehold as is reasonably necessary to meet the
15 requirements of pollution control regulations. For the
16 purposes of this exemption, land purchased on a contract
17 signed as of the effective date of this amendment, shall
18 be considered as owned on the effective date of this
19 amendment.

20 These restrictions shall not apply to:

21 (E) A farm or ranch operated for research or
22 experimental purposes, if any commercial sales from such
23 farm or ranch are only incidental to the research or
24 experimental objectives of the corporation or syndicate.

1 These restrictions shall not apply to:

2 (F) Agricultural land operated by a
3 corporation for the purpose of raising poultry for the
4 production of meat, eggs, or other poultry products or
5 byproducts.

6 These restrictions shall not apply to:

7 (G) Land leased by alfalfa processors for the
8 production of alfalfa.

9 These restrictions shall not apply to:

10 (H) Agricultural land operated for the purpose
11 of growing seed, nursery plants, or sod.

12 These restrictions shall not apply to:

13 (I) Mineral rights on agricultural land.

14 These restrictions shall not apply to:

15 (J) Agricultural land acquired or leased by a
16 corporation or syndicate for immediate or potential use
17 for nonfarming or nonranching purposes. A corporation
18 or syndicate may hold such agricultural land in such
19 acreage as may be necessary to its nonfarm or nonranch
20 business operation, but pending the development of such
21 agricultural land for nonfarm or nonranch purposes, not
22 to exceed a period of five years, such land may not be
23 used for farming or ranching except under lease to a
24 family farm or ranch corporation or a non-syndicate and
1 non-corporate farm or ranch.

2 These restrictions shall not apply to:

3 (K) Agricultural lands or livestock acquired
4 by a corporation or syndicate by process of law in the
5 collection of debts, or by any procedures for the
6 enforcement of a lien, encumbrance, or claim thereon,
7 whether created by mortgage or otherwise. Any lands so
8 acquired shall be disposed of within a period of five
9 years and shall not be used for farming or ranching
10 prior to being disposed of, except under a lease to a
11 family farm or ranch corporation or a non-syndicate and
12 non-corporate farm or ranch.

13 These restrictions shall not apply to:

14 (L) A bona fide encumbrance taken for purposes
15 of security.

16 These restrictions shall not apply to:

17 (M) Custom spraying, fertilizing, or

18 harvesting.

19 These restrictions shall not apply to:

20 (N) Livestock futures contracts, livestock
21 purchased for slaughter, or livestock purchased and
22 resold within two weeks.

23 These restrictions shall not apply to:

24 (O) Any activities by a trust company or trust
1 department of any financial institution that results in
2 nonbeneficial interest being held by such trust company
3 or financial institutions.

4 If a family farm corporation, which has
5 qualified under all the requirements of a family farm or
6 ranch corporation, ceases to meet the defined criteria,
7 it shall have fifty years, if the ownership of the
8 majority of the stock of such corporation continues to
9 be held by persons related to one another within the
10 fourth degree of kindred or their spouses, and their
11 landholdings are not increased, to either re-qualify as
12 a family farm corporation or dissolve and return to
13 personal ownership.

14 The Secretary of State shall monitor corporate
15 and syndicate agricultural land purchases and corporate
16 and syndicate farming and ranching operations, and
17 notify the Attorney General of any possible violations.
18 If the Attorney General has reason to believe that a
19 corporation or syndicate is violating this amendment, he
20 or she shall commence an action in district court to
21 enjoin any pending illegal land purchase, or livestock
22 operation, or to force divestiture of land held in
23 violation of this amendment. The court shall order any
24 land held in violation of this amendment to be divested
1 within two years. If land so ordered by the court has
2 not been divested within two years, the court shall
3 declare the land escheated to the State of Nebraska.

4 If the Secretary of State or Attorney General
5 fails to perform his or her duties as directed by this
6 amendment, Nebraska citizens and entities shall have
7 standing in district court to seek enforcement.

8 The Nebraska Legislature may enact, by general
9 law, further restrictions prohibiting certain
10 agricultural operations that the legislature deems
11 contrary to the intent of this section.”.

Mrs. Smith asked unanimous consent to print the following amendment to LB 1230 in the Journal. No objections. So ordered.

AM2910

(Amendments to AM2585)

1 1. Insert the following new sections:

2 "Sec. 33. That section 66-410, Revised
3 Statutes Supplement, 1985, be amended to read as
4 follows:

5 66-410. At the time of filing the statement
6 required by section 66-409 such dealer shall, in
7 addition to the tax imposed pursuant to sections 66-473,
8 66-477, and 66-478 and in addition to the other taxes
9 provided for by law, pay a tax of ten and one half cents
10 per gallon upon all motor vehicle fuels as shown by such
11 statement. Effective ~~January 1, 1978~~ July 1, 1985,
12 gasoline sold in Nebraska which contains a minimum of
13 ten per cent blend of an agricultural ethyl alcohol
14 whose purity shall be at least ninety-nine per cent
15 alcohol, excluding denaturant, produced from cereal
16 grains or domestic agricultural commodities shall be
17 subject to a state motor fuel tax which is ~~five~~ three
18 cents per gallon less than gasoline which does not
19 contain such a blend. Effective ~~July 1, 1985~~ January 1,
20 1987, gasoline which contains such a blend and is
1 produced from a facility having a design production
2 capacity of twenty million gallons or less of anhydrous
3 alcohol per year from each facility holding a valid
4 alcohol fuel permit issued under 26 U.S.C. 5181 with the
5 production capacity as reported each calendar year to
6 the United States Department of Treasury Bureau of
7 Alcohol, Tobacco, and Firearms shall be subject to a
8 state motor fuel tax rate which is three cents per
9 gallon less than gasoline which does not contain such a
10 blend. Product capacity reports of each facility shall
11 be filed with the Tax Commissioner by October 1 of each
12 year in order to sell such anhydrous alcohol for
13 purposes of blending with gasoline within the State of
14 Nebraska during the next calendar year. By December 1
15 of each year, the Department of Revenue shall furnish a
16 list of all approved sellers to all importing dealers
17 blending gasohol to be sold within the State of Nebraska
18 during the next calendar year. Effective January 1,
19 1993, gasoline which contains such a blend shall be
20 subject to the same state motor fuel tax rate as
21 gasoline which does not contain such a blend. Such
22 dealers shall remit such tax to the Tax Commissioner.

23 Sec. 34. That section 66-428, Revised
24 Statutes Supplement, 1985, be amended to read as
1 follows:

2 66-428. In addition to the tax imposed
3 pursuant to sections 66-473, 66-477, and 66-478, there
4 is hereby levied and imposed an excise tax of ten and
5 one half cents per gallon upon the use of all motor
6 vehicle fuels, as defined by section 66-401, used in
7 this state, and due the State of Nebraska under the
8 provisions of section 66-410 or Chapter 66, article 6,
9 except that such excise tax after ~~June 1, 1979~~ July 1,
10 1985, shall be ~~five~~ three cents per gallon less on motor
11 vehicle fuel containing a minimum of ten per cent blend
12 of agricultural ethyl alcohol produced from cereal
13 grains or domestic agricultural commodities whose purity
14 shall be at least ninety-nine per cent alcohol,
15 excluding denaturant, than on motor vehicle fuel which
16 does not contain such a blend. Effective ~~July 1, 1985~~
17 January 1, 1987, such excise tax shall be three cents
18 per gallon less on such motor vehicle fuel containing
19 such a blend and produced from a facility having a
20 design production capacity of twenty million gallons or
21 less of anhydrous alcohol per year from each facility
22 holding a valid alcohol fuel permit issued under 26
23 U.S.C. 5181 with the production capacity as reported
24 each calendar year to the United States Department of
1 Treasury Bureau of Alcohol, Tobacco, and Firearms than
2 on such motor vehicle fuel which does not contain such a
3 blend. Effective January 1, 1993, the excise tax on
4 such motor vehicle fuel containing such a blend shall be
5 the same as that on such motor vehicle fuel which does
6 not contain such a blend. Users of motor vehicle fuels
7 subject to taxation under this section shall be allowed
8 the same exemptions, deductions, and rights of
9 reimbursement as are authorized and permitted by
10 sections 66-413 and 66-414. For purposes of this
11 section and section 66-429, use shall mean the purchase
12 or consumption of motor vehicle fuels in this state.

13 Sec. 35. The alcohol used in blending
14 gasoline shall not be commingled with alcohol of lesser
15 quality or industrial grade or with alcohol from a
16 production facility having a capacity in excess of
17 twenty million anhydrous gallons annually.

18 Sec. 36. The Department of Revenue may audit
19 and inspect the records of importing dealers and

- 20 anhydrous alcohol sellers to ensure compliance with this
21 act. If the department finds that the anhydrous alcohol
22 seller has violated this act, the department shall
23 assess the ethanol seller an amount equal to thirty
24 cents per gallon of ethanol sold in violation of this
1 act in Nebraska during the immediately preceding three
2 years from the effective date of this act plus interest
3 at the rate prescribed by section 45-104.01, as such
4 rate may be changed from time to time by the
5 Legislature, from the date of sale.”.
6 2. On page 61, line 5, strike “section” and
7 insert “sections 66-410, 66-428, and”.
8 3. Renumber the remaining sections and
9 correct internal references accordingly.

Mr. Wesely asked unanimous consent to print the following amendment to LB 311 in the Journal. No objections. So ordered.

AM2914

(Amendments to Standing Committee amendments)

- 1 1. Insert the following new sections:
2 “Sec. 2. That section 23-2301, Revised
3 Statutes Supplement, 1985, be amended to read as
4 follows:
5 23-2301. As used in the County Employees
6 Retirement Act, unless the context otherwise requires:
7 (1) Employees shall mean all persons or
8 officers who are employed by a county of the State of
9 Nebraska devoting twenty or more hours per week to such
10 employment, all elected officers of a county, and such
11 other persons or officers as are classified from time to
12 time as permanent employees by the county board of the
13 county by whom they are employed, except that the term
14 shall not include judges, persons making contributions
15 to the School Retirement System of the State of
16 Nebraska, or nonelected employees and nonelected
17 officials of any county having a population in excess of
18 one hundred thousand inhabitants;
19 (2) Retirement shall mean qualifying for and
20 ~~accepting a~~ terminating employment after becoming
1 qualified to receive the retirement allowance granted
2 under the County Employees Retirement Act;
3 (3) Retirement board or board shall mean the
4 Public Employees Retirement Board;
5 (4) Retirement system shall mean the

6 Retirement System for Nebraska Counties;

7 (5) Required contribution shall mean the
8 deduction to be made from the salary of employees, as
9 provided in the County Employees Retirement Act;

10 (6) Service shall mean the actual total length
11 of employment as an employee and shall include leave of
12 absence because of disability or military service when
13 properly authorized by the retirement board, except that
14 service shall not include any period of disability for
15 which disability retirement benefits are received under
16 section 23-2315;

17 (7) Straight life annuity shall mean an
18 ordinary annuity, payable for the life of the primary
19 annuitant only, and terminating at his or her death
20 without refund or death benefit of any kind;

21 (8) Date of adoption of the retirement system
22 by each county shall mean the first day of the month
23 next following the date of approval of the retirement
24 system by the county board or January 1, 1987, whichever
1 is earlier;

2 (9) Prior service shall mean service prior to
3 the date of adoption of the retirement system;

4 (10) Future service shall mean service
5 following the date of adoption of the retirement system;

6 (11) Group annuity contract shall mean the
7 contract issued by one or more life insurance companies
8 to the board in order to provide the future service
9 benefits described in the County Employees Retirement
10 Act;

11 (12) Carrier shall mean the life insurance
12 company or trust company designated by the retirement
13 board as the administrator of the retirement system;

14 (13) Regular interest shall mean the rate of
15 interest earned each calendar year commencing January 1,
16 1975, as determined by the retirement board in
17 conformity with actual and expected earnings on its
18 investments;

19 (14) Disability shall mean an inability to
20 engage in a substantially gainful activity by reason of
21 any medically determinable physical or mental impairment
22 which can be expected to result in death or be of a long
23 and indefinite duration;

24 (15) Date of disability shall mean the date on
1 which a member is determined by the board to be
2 disabled;

(16) Guaranteed investment contract shall mean an investment contract which guarantees that the account maintained for any participant will not decrease in value, but will increase each year by the contribution allocated to the account and by investment earnings and will decrease by the amount of expenses reasonably determined to be allocated to the account; and

(17) Investment manager shall mean one or more insurance companies, bank trust departments, or independent investment advisors designated to invest any portion of the funds of the County Employees Retirement Act.

Sec. 4. That section 23-2317, Revised Statutes Supplement, 1985, be amended to read as follows:

23-2317. (1) The future service retirement benefit shall be an annuity, payable monthly with the first payment made as of the retirement date, which shall be the actuarial equivalent of the retirement value based on factors determined by the board, except that gender shall not be a factor when determining the amount of such payments pursuant to subsection (2) of this section. A retiring employee may elect to receive, in lieu of an annuity, a lump-sum settlement equal to the retirement value if the retirement value is less than eight thousand dollars. A copy of the contract shall be kept on file with the board.

At any time before the retirement date, the retiring employee may choose to receive his or her annuity either in the form of a straight life annuity or any optional form that is determined by the board. In lieu of the future service retirement annuity, a retiring employee may, upon application to the board, receive a retirement transition benefit which shall not exceed twenty-five per cent of the value of the member's employee account and an annuity which shall be equal to the actuarial equivalent of the remainder of the retirement value, and the employee may choose any form of such annuity as provided for by the board. In the alternative, a retiring employee may elect to receive the entire amount in his or her employee account, except that if he or she selects such alternative, he or she shall forfeit the accumulated sums in his or her employer account. In any case, the amount of the monthly payment shall be such that the annuity chosen

24 shall be the actuarial equivalent of the retirement
1 value, except as provided in this section.

2 The board shall provide to any state employee
3 who is eligible for retirement, prior to his or her
4 selecting any of the retirement options provided by this
5 section, information on the federal and state income tax
6 consequences of the various annuity or retirement
7 benefit options.

8 (2) The monthly income payable to a member
9 retiring on or after January 1, 1984, shall be as
10 follows:

11 He or she shall receive at retirement the
12 amount which may be purchased by the accumulated
13 contributions based on annuity rates in effect on the
14 date of purchase which do not utilize gender as a
15 factor, except that such amounts shall not be less than
16 the retirement income which can be provided by the sum
17 of the amounts derived pursuant to subdivisions (a) and
18 (b) of this subsection as follows:

19 (a) The income provided by the accumulated
20 contributions made prior to January 1, 1984, based on
21 male annuity purchase rates in effect on January 1,
22 1984, or male annuity purchase rates on the date of
23 purchase, if greater than those in effect on January 1,
24 1984; and

1 (b) The income provided by the accumulated
2 contributions made on and after January 1, 1984, based
3 on the annuity purchase rates in effect on the date of
4 purchase which do not use gender as a factor.

5 (3) Any amount, in excess of contributions,
6 which may be required in order to purchase the
7 retirement income specified in subsection (2) of this
8 section shall be withdrawn from the County Equal
9 Retirement Benefit Fund.

10 (4) Retirement benefits for persons who retire
11 prior to January 1, 1984, shall not be affected by
12 changes to this section which become operative on or
13 after January 1, 1984.”.

14 2. On page 4, line 3, strike “section
15 23-2312” and insert “sections 23-2301, 23-2312, and
16 23-2317”; and in line 4 strike “is” and insert “are”.

17 3. Renumber remaining sections accordingly.

Mr. Hoagland asked unanimous consent to print the following
amendment to LB 600 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2569.)

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 788, 813, 925, and 925A.

(Signed) Timothy Hall, Chairperson

UNANIMOUS CONSENT - Add Co-Introducers

Ms. Scofield asked unanimous consent to have her name added as co-introducer to LB 122. No objections. So ordered.

Mr. Baack asked unanimous consent to have his name added as co-introducer to LB 122. No objections. So ordered.

Mr. Hannibal asked unanimous consent to have his name added as co-introducer to LB 578. No objections. So ordered.

VISITORS

Visitors to the Chamber were 80 eighth grade students and teachers from C. L. Jones Middle School, Minden; Mr. A. J. Vohra, Undersecretary of the State of India, and Jim Danielson; Dale and Jeanne Kastens from Lodgepole; Senator Lynch's daughters, Julia Freeman, Marianne Lynch, Maureen Lynch, grandsons, John and Josh, and granddaughter, Katy O'Mara; 17 students and teacher from Perry Elementary School, Culbertson; and 12 high school students and teacher from Park West Christian School.

ADJOURNMENT

At 5:11 p.m., on a motion by Mr. L. Johnson, the Legislature adjourned until 8:30 a.m., Monday, April 7, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIFTH DAY - APRIL 7, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

FIFTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 7, 1986

Pursuant to adjournment, the Legislature met at 8:30 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Goll, Hall, R. Johnson, V. Johnson, Landis, McFarland, Peterson, Mesdames Labedz, Pirsch, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Fourth Day was approved.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 86044
April 4, 1986

To: Senator Rex Haberman

Subject: Constitutionality of LBs 516, 529, 153 and Amendment to LB 122

You have requested our opinion regarding the constitutionality of several bills currently pending before the Legislature. Initially, you ask whether either LBs 516, 529, or 153, in their present forms, would violate the requirement of Article III, Section 14 of the Nebraska Constitution, that the subject of a bill “shall be clearly expressed in the title”.

It is well-established that a court will not hold legislation in violation of the title provision of Article III, Section 14 if the title calls attention to the subject matter of the bill, and the portion of the bill challenged is germane to the purpose announced in the title. Blackledge v. Richards, 194 Neb. 188, 192, 231 N.W.2d 319, 323 (1975). The Nebraska Supreme Court has adopted a very liberal construction with respect to this constitutional requirement. For example, in Spier v. Thomas, 131 Neb. 579, 269 N.W. 61 (1936), the Court held a title providing for “An act relating to municipal courts” was sufficient to permit the inclusion of a section providing for the eligibility of judges of such courts.

The title to LB 516 expresses the bill relates “to courts”; that it amends Neb.Rev.Stat. §§25-1062.01, 25-1064, and 43-2,125 (Reissue 1979 and Reissue 1984); and, in addition, that the bill proposes “to change provisions relating to judicial vacancies”, and “to authorize temporary restraining orders without notice as prescribed”. You have requested us to consider whether the provisions of LB 516 regarding amending certain statutory provisions relating to temporary restraining orders, and the designation of district or county court judges to serve upon the absence of separate juvenile court judges, are in conformance with the title requirement of Article III, Section 14.

Sections 10 through 13 of LB 516, which provide for the amendment of §§25-1062.01 and 25-1064 pertaining to the issuance of temporary restraining orders and injunctive relief, are germane to the subject matter announced in the title. Section 15, which provides for the amendment of §43-2,125 relating to the appointment of a district or county court judge to serve during the absence of a separate juvenile court judge, is also within the subject matter, and is germane to the purpose announced in the title. Accordingly, we do not believe these provisions of LB 516 violate the title provision of Article III, Section 14.

You have also requested us to consider whether either LB 529 or LB 153 violate the title requirement of Article III, Section 14. Your request does not address which specific provisions of either bill you believe may fail to satisfy this requirement. Nevertheless, we have reviewed the contents of both bills, and, in our opinion, the provisions of each bill are sufficiently germane to the purpose

announced in each of their respective titles so as to satisfy the title provision of Article III, Section 14.

Finally, you have requested our opinion as to the constitutionality of a proposed amendment to LB 122. Generally, LB 122 would amend Neb.Rev.Stat. §39-6,181 (Reissue 1984), which relates to the issuance of certain special permits for the operation of motor vehicles exceeding maximum weight and length limitations. The proposed amendment to LB 122 would remove language providing for the granting of special permits for vehicles carrying "grain or other seasonally harvested products", and would instead limit this provision to vehicles carrying "sugar beets".

The principal constitutional issue raised by the proposed amendment to LB 122 is one of unreasonable classification. "A legislative classification will be upheld against constitutional attack if it bears some reasonable relationship to the legitimate purposes of the legislation." Pegasus of Omaha, Inc. v. State, 203 Neb. 755, 759, 280 N.W.2d 64, 67 (1979).

Upon examination of the proposed amendment to LB 122, we are unable to perceive any rational basis for limiting the granting of special permits to vehicles hauling only sugar beets under the conditions specified. There appears to be no reasonable basis for distinguishing between sugar beets and other harvested agricultural products in relation to the purpose of this legislation. Under these circumstances, it is our opinion that the proposed amendment to LB 122 would be held unconstitutional as establishing unreasonable class legislation, in violation of Article III, Section 18 of the Nebraska Constitution.

Very truly yours,
ROBERT M. SPIRE
Attorney General

(Signed) L. Jay Bartel
Assistant Attorney General

LJB:jem

cc: Patrick J. O'Donnell
Clerk of the Legislature

1/05

Opinion No. 86045
April 4, 1986

To: Senator Loran Schmit

Subject: Constitutionality of LB 835 -- Due Process and Article IV
Section 20 of the Nebraska Constitution

This is in response to your letter of March 31, 1986, in which you inquire about the constitutionality of LB 835 as amended by the adoption of AM 2536.

Your first concern deals with subsection 3 of section 3 of LB 835 as amended. This provision provides that the Public Service Commission shall hold a hearing for the review of local exchange rates if a complaint has been filed with the commission by the requisite number of subscribers within 60 days from the date of notice of the rate change. This provision requires that the commission shall "hold and complete a hearing" within 60 days after the filing of the petition, and further provides that "If the commission fails to enter any order within sixty days after the close of the hearing, the complaint shall be deemed denied and the rates and charges shall be deemed approved for all purposes including for purposes of appeal." Your specific question is whether "this severance of the customers' right to contest the rate increase because of the inaction of the Public Service Commission" is a violation of their rights to due process of law. We believe that it is.

The fundamental principle underlying the constitutional guarantee of due process of law is that "a party shall have his day in court." Brisbin v. E.L. Oliver Lodge No. 335, 134 Neb. 517 at 526, 279 N.W. 277 (1938). The indispensable elements of due process are a tribunal with jurisdiction, notice of a hearing to the proper parties, and an opportunity for a fair hearing according to applicable procedures. In Re Godden, 158 Neb. 246, 63 N.W.2d 151 (1954). A procedure which grants a party the right to be heard by a tribunal, and subsequently removes the authority of that tribunal to decide the issue because of the failure of that body to act within an arbitrary time limit, and furthermore automatically decides the issue in favor of the opposing party to the proceeding is most certainly a violation of due process of law and a failure to provide an opportunity for a fair hearing and the proper adjudication of the matter at issue.

"It is not enough that a person may have actually had notice and hearing; the statute must provide for it as a matter of right if a failure of due process is to be avoided." School District No. 8 of Sherman County v. State Board of Education, 176 Neb. 722 at 730, 127 N.W.2d 458 (1964). Here the statute would instead terminate that right through no fault of the party requesting the hearing.

Due process of law requires notice and an opportunity to be heard, as a matter of right and not by the let or leave of administrative officers or agencies, when the rights, duties, or privileges of interested parties are involved by an exercise of quasi-judicial power pursuant to the terms of a statute.

First Federal Savings and Loan Association v. Department of Banking, 187 Neb. 562 at 568, 192 N.W.2d 736 (1971), School District No. 8 of Sherman County v. State Board of Education, *supra*. This provision which terminates the right of one party to a decision on the issue by the designated tribunal, and in turn automatically decides the issue in favor of the other party, does not provide a fair hearing and does not meet fundamental due process requirements.

Arguably, the failure of the Public Service Commission to hold and complete a hearing within 60 days after the filing of the complaint, as required in the bill, would also have the same result of terminating the petitioners' right of due process. This being the case, the court would declare this provision unconstitutional as well, or in the alternative simply hold that this time requirement is only directory and not jurisdictional.

We should also point out that the rather limited period of time granted to the complainants to present their petition, 60 days from the date of the notice, and the limited period in which to prepare and present a case, within 60 days after filing, might also be construed as denials of due process. In the first case, because of the potential number of signatures required for a proper complaint under the bill, it may be extremely difficult if not impossible for the ratepayers to meet this narrow time constraint thus denying them the opportunity for a hearing on the matter. In addition, the short period of time in which to prepare for a hearing, particularly in view of the complex nature of a case involving telephone rates, the need to discover and analyze the information which is solely in the possession of the telephone company, and perhaps the need to employ experts to decipher this information, would also likely be construed as a denial of due process.

A fundamental requirement of due process is the right to be heard "meaningfully." Application of Cochrane, 434 F.Supp. 1207 (D.C. Nebr. 1977). If the complainants cannot present a proper case before the commission because of the extremely short time period in which a hearing is required to be held, or because of an inability to obtain and analyze in detail the necessary information in the possession of the telephone company in this time period, the complainants would not have the opportunity to be meaningfully heard in such a matter and thus would be denied their opportunity for a fair hearing and due process of law. This is true even though the initial burden of proof may be on the telephone company, since this initial showing by the company could possibly be overcome by a substantial showing on behalf of the complainants despite the tremendous advantages enjoyed by the phone companies in such a proceeding.

You also ask whether the state might be subject to a possible liability suit for the failure of the Public Service Commission to act in the required time period, thus cutting off the complainants' rights to due process, and what the possible measure of damages might be in such an action. Arguably, the state could be subject to such liability claims, but we deem the more likely scenario to be a declaration that these particular provisions are simply unconstitutional and of no force and effect. In any event it would be impossible for us to contemplate what might be the magnitude of any potential liability, including attorneys' fees, in such a situation.

Your second concern also deals with subsection 3 of section 3 of the bill, as amended, and in particular the provision that provides that "the telecommunications company shall have the burden of proof that such rates and charges are not substantially in excess of the actual economic cost of providing such services." Specifically, your question is whether the failure to define the terms, "substantially," and "actual economic cost," could result in a successful challenge to this law for vagueness.

The Nebraska Supreme Court has stated that:

{T}he due process clause of the fourteenth amendment of the Constitution of the United States requires that a statute's language must be sufficiently specific that persons of ordinary intelligence must not have to guess at its meaning. The statute must provide adequate notice of what conduct it requires or proscribes, as well as guidelines by which a violation of the statute may be fairly and nonarbitrarily determined.

State v. Mayhew Products Corp., 211 Neb. 300 at 304, 318 N.W.2d 280 (1982). "It is a basic principle of due process that an enactment is void for vagueness if its prohibitions are not clearly defined. Vague laws offend several important values." Id. at 305. Likewise, in Linn v. Linn, 205 Neb. 218 at 224, 286 N.W.2d 765 (1980), the court noted that "The statute must contain ascertainable standards by which it may be applied. This does not demand total absence of vagueness in a statute, but merely requires that a statute provide adequate notice of what conduct it requires or prescribes. . . ."

The word "substantially" is obviously not susceptible to any precise definition. We have likewise inquired as to the meaning of the term "actual economic cost" among members of the accounting, financial and regulatory professions, and find that not only does it not have any generally accepted definition, but most certainly is not a term of art or a phrase that is commonly understood or even used within the industry. Certainly, the word "cost" is susceptible to many different interpretations and applications from an accounting standpoint alone. In addition, the term "actual cost" has been held not to be a technical term having at all times the same meaning, but

a general or descriptive term which may have varying meanings according to circumstances in which it is used. Boston Molasses Company v. Molasses Distributors Corporation, 274 Mass. 589, 175 N.E. 150 at 152 (1931). Likewise, "actual cost" has no common law significance, and is without any well understood trade or technical meaning. State v. Northeast Poultry and Egg Company, 203 Minn. 438, 281 N.W. 753 at 755 (1938). The simple addition of the modifier "economic" to this term would not appear to establish any understandable meaning or definition to this phrase. Consequently, we are unable to ascertain any meaningful standard which could be applied by either the complainants, the telephone company, or the Public Service Commission under the language "substantially in excess of the actual economic cost." As it now reads, it would simply allow one to employ whatever accounting rationale or financial theory one could concoct to justify the increased rates.

Although you have not addressed the particular question, we would also point out that other terms in this subsection, may also be subject to challenges for vagueness and lack of definition, including the terms "affected subscribers," "proper complaint," and "proper notice." In addition, we would further note that although you have also not addressed this specific issue, the failure to provide refunds to successful complainants where excessive charges by the telephone company have been found by the commission under subsection 4 of section 3 of the bill, may well constitute a taking of property without due process of law. In this regard it is fundamental and long understood that the private property of a citizen cannot, by the exercise of legislative power in any form, be taken from him and given to another, or to a corporation. Such an act would be judicial, thus depriving the citizen of his property without the due process of law. Turner v. Althaus, 6 Neb. 54 (1877). Yet that is precisely the effect of this provision by allowing the phone company to retain the excessive charges billed to the customer. A similar argument could also be fashioned by the failure of the bill to grant interest on refunds of excessive charges under these provisions.

While the bill purports to divest the Public Service Commission of its rate regulation powers, it is not clear whether it also is intended to divest it of the duty imposed by the court "to see that the utility is not unjustly enriched by actions inimicable to public interest", Myers v. Blair Telephone Co., 194 Neb. 55 at 61, 230 N.W.2d (1975), assuming for the moment that is even constitutionally possible. See also Marquis v. Polk County Telephone Co., 100 Neb 140, 158 N.W. 927 (1916), and United Gas Improvement Co. v. Callery Properties, 382 U.S. 223 (1965). The failure to authorize the Public Service Commission to issue refunds and interest would certainly not be consistent with this constitutionally implied responsibility.

Your third concern is whether the action of the Legislature as set forth in LB 835 as amended, constitutes a violation of Article IV, Section 20 of the Nebraska Constitution. This is perhaps the most difficult issue to address. Article IV, Section 20 first establishes the existence of the Public Service Commission, and then provides that "The powers and duties of such commission shall include the regulation of rates, service and general control of common carriers as the Legislature may provide by law. But, in the absence of specific legislation, the commission shall exercise the powers and perform the duties enumerated in this provision." It is, of course, axiomatic that telephone companies are common carriers of communication services for hire and are subject to regulation by the commission. Block v. Lincoln Tel. and Tel., 170 Neb. 531, 103 N.W.2d 312 (1960).

In effect then, the Constitution grants certain powers to the commission, specifically as in this case the regulation of rates for common carriers, but also provides that the Legislature may limit those powers. The question that must be addressed here is the extent of the ability of the Legislature to limit the commission's constitutional powers. This was the issue that was thoroughly analyzed by the Nebraska Supreme Court in the case of State ex rel. State Railway Commission v. Ramsey, 151 Neb. 333, 37 N.W.2d 502 (1949), and it is clearly the pivotal decision in this regard. In that case the court examined the history of this constitutional provision and provided some rather specific guidelines and insights as to its meaning. The issue in that case was legislation which removed the commission's jurisdiction over common carriers by air and transferred it to another state agency.

At the outset we must apologize for the rather lengthy quotations from this case but they are essential to an understanding of the court's analysis and interpretation of the meaning of Article IV Section 20. The court first noted that:

The commission is a regulatory body of constitutional origin not amenable to legislative interruption or limitation of its status or powers except by specific legislation, and, since the amendment to the Constitution creating it is an independent one, it is not construed as other sections of the article to which it has been assigned by the compiler.

Id. at 337. In its analysis the court relied on the meaning of the amendment at the time of its adoption and considered the historical facts and background surrounding its adoption. Id. at 340-41. In so doing, the court noted as follows:

The desire and necessity for a strong, regulatory, constitutional body is indicated by the practically unanimous vote of the Legislature in submitting the proposal, the endorsement thereof by the platforms of the three principal political parties, the

thorough and favorable discussion of its merits throughout the state, and its adoption by a very large majority of the voters participating in the election. (Omission of citation) The pertinent legislative history confirms these views. The bill (Senate File 196) originally provided: "There shall be a State Railway Commission" and its "powers and duties * * * shall include such regulation of rates, service and general control of common carriers as the legislature shall provide * * *." (Emphasis supplied) The language was changed before final approval by substituting "the" for "such" before the word "regulation"; "may" for "shall" preceding the word "provide"; and by adding the sentence "but in the absence of specific legislation, the commission shall exercise the powers and perform the duties enumerated in this section." The substitutions and additions made clearly eliminate any conclusion that it was intended that the powers of the commission should include only such regulations and control as the Legislature shall provide or permit by law. The language finally adopted positively provides that the powers of the commission shall include the regulation of all the enumerated matters with the right of the Legislature to control the manner in which the commission shall perform its independent constitutional duties, or to enter the field itself to the extent of "specific legislation." The conclusion is logical, if not inescapable, that the Legislature would not have proposed, and the people would not knowingly have approved, an addition to the Constitution creating a commission with power only to regulate and control common carriers to the extent and for the time provided or permitted by the Legislature, in view of the history attesting that the attempts at regulation by it had been disappointing and ineffective, and that the people had rejected three proposals of the Legislature to amend the fundamental law to provide for executive officers to regulate and control common carriers only as prescribed by it. The legislative record of the bill shows the type of activity which was comprehended by the word "specific."

Id. at 343. (Emphasis added.)

The amendment provides that the commission shall have constitutional authority to regulate common carriers "as the Legislature may provide by law," and "in the absence of specific legislation" the commission may exercise all such duties and powers. The right to regulate "as" the Legislature may provide means the right to regulate in the manner in which the Legislature provides. The word "specific" in the phrase "in the absence of specific legislation" is synonymous with the word "particular." The term implies a definite restriction on the kind and extent of legislation over common carriers which is permissible by the

Legislature. . . . Although the term is a relative one, it is limited to a particular, definite or precise thing, and hence is the very opposite of "general." It was not intended by the use of these words to authorize unlimited, broad, general legislation in reference to the control and regulation of common carriers.

Id. at 344. (Emphasis added).

The court then noted that "There have been many instances of specific legislation on subjects within the jurisdiction of the commission directing the manner in which it may exercise its power."

Id. at 346. In any event the court determined here that the particular legislation at issue "undertakes to legislate completely and generally with reference to that entire class of carriers." Id. at 344.

The court went on to quote from the case of Rivett Lumber & Coal Company v. Chicago & Northwestern Railway Company, 102 Neb. 492, 167 N.W. 570 (1918), as follows:

While the Constitution authorizes the legislature to provide by law how these powers and duties of the commission shall be exercised, it was clearly not intended that the legislature should confer the general power to regulate rates, service or control generally of common carriers upon some other body or jurisdiction. If the legislature under the Constitution could confer jurisdiction upon the courts either to regulate rates or service or to control generally common carriers, it follows that it could confer jurisdiction to do all of the things enumerated in the railway commission statute, and the constitutional provision establishing a railway commission would then become nugatory. . . .

Id. at 346. Consequently, even though recognizing the presumption of constitutionality generally given to legislative acts, the court concluded in the Ramsey case that "The Legislature has no power to divest the State Railway Commission of its constitutional jurisdiction to regulate and control common carriers by air by transferring it to another body or jurisdiction." Id. at 347.

From this decision we can fairly conclude that while the Legislature may direct the manner in which the commission may conduct its regulation of common carriers, it cannot divest that jurisdiction which is specifically granted by the Constitution. This would be true whether the Legislature attempted to transfer that jurisdiction to another body as in the Ramsey case, or simply attempted to eliminate that jurisdiction altogether. Either result essentially renders the constitutional provision meaningless. In addition, the court noted that the Legislature may only direct the manner in which the commission conducts its regulation as provided by the Constitution through specific legislation, and not through "unlimited, broad, general legislation." Certainly the Legislature may provide parameters, guidelines, and specific limitations as to the

exercise of the commission's regulation but may not impose limitations of a wholesale, sweeping, and general nature.

These then are the questions that must be addressed in regard to LB 835, as amended. Does this legislation, in effect, divest the commission of its constitutionally granted jurisdiction to regulate the rates, in this case of telephone common carriers, and does it likewise do so by way of legislation which completely and generally governs this area of regulation, as opposed to specific legislation which simply directs the manner in which that regulatory control is to be exercised? On its face, the bill does in fact divest jurisdiction of rate regulation from the commission as noted in section 3 subsection 1 wherein it provides that "Telecommunications companies shall not, however, be subject to any rate regulation by the commission and shall not be subject to provisions as to rates and charges prescribed in Chapter 75, articles 1 and 6." (Emphasis supplied).

A further reading of the bill, however, discloses three instances or situations in which the commission appears to retain a modicum of authority or responsibility in regard to telephone rates. These specific situations, however, are triggered only upon the occurrence of an event initiated by another party, and may not be commenced by the commission on its own authority. The first of these is found in subsection 3(3) wherein the commission may hear a complaint generated by ratepayers as to increases only in local exchange rates, where the complainants have obtained the necessary signatures by a petition process and filed a proper complaint with the commission. The second provision is found in subsection 3(4) where a telecommunications company may at its own volition file an application with the commission requested it to prescribe fair and reasonable rates. The third such provision is found in subsection 3(7), wherein the commission may hold a hearing on its own motion, but only in the event that a telephone company has initiated a rate increase of more than 10 percent within any consecutive 12 month period. As indicated, the occurrence of these events are all beyond the control of the commission, and should they never occur, the commission simply has no authority under this bill in regard to the rates of telephone common carriers.

It should also be noted that subsections 3(3) and 3(7) apply only to local exchange rates, or the flat monthly charge for a telephone access line, as defined in the bill. All of the other many services and charges by the phone company, including intrastate interexchange and inter-LATA services, or toll calls, are completely removed from commission jurisdiction. Even subsection 3(4) which might arguably encompass more than just local exchange rates does not include any rates for toll calls. In addition, because of the specific language in the bill indicating that the commission shall have no authority to regulate

any rates, one must question the extent of the commission's powers in this regard under these three provisions. It would certainly appear under subsections 3(3) and 3(7) that the commission's function is solely to act as a hearing and fact finding body, and to implement those rates and charges which the company demonstrates are "not substantially in excess of the actual economic cost of providing such services," assuming such a standard can in the first place be determined. In short, even under these three provisions it would appear that the commission's authority to actually regulate rates has been effectively eliminated.

A strong argument can thus be made that, in effect, and as set forth in the bill itself, this legislation does in fact divest the Public Service Commission of its constitutionally granted authority to regulate the rates of telecommunications common carriers. This is particularly true when viewed from an historical perspective and the broad authority traditionally exercised by the commission in this area since its inception. Based on the court's analysis in the Ramsey case it appears that this type of regulation was the intention of the people when enacting this provision. Likewise, the broad sweeping provisions of this legislation concerning the regulation, or in actuality the absence of any regulation, of telephone rates does not appear to be the type of "specific" legislation which merely directs the manner in which the commission is to conduct its regulatory powers, as contemplated in the Ramsey case. To paraphrase that case, LB 835, as amended, "undertakes to legislate completely and generally with reference" to the entire area of rate regulation of telecommunications common carriers and goes beyond the mere provision of direction to the commission as to how it should exercise that authority. Taken in its entirety and under the principles set forth in the Ramsey case, we must therefore conclude, that LB 835, as amended, is an impermissible attempt by the Legislature to interfere with the constitutional authority granted to the commission by virtue of Article IV, Section 20 of the Nebraska Constitution.

Sincerely,
ROBERT M. SPIRE
Attorney General

(Signed) John Boehm
Assistant Attorney General

JB:bae

cc: Patrick J. O'Donnell
Clerk of the Legislature

GENERAL FILE

LEGISLATIVE BILL 926. Title read. Considered.

Standing Committee amendments, AM2000, printed separate from the Journal and referred to on page 723 for the Twenty-Second Day were considered.

Mr. Wesely renewed his pending amendment, AM2653, printed separate from the Journal and referred to on page 1649 to the Standing Committee amendments.

The Wesely amendment was adopted with 14 ayes, 0 nays, 25 present and not voting, and 10 excused and not voting.

The Standing Committee amendments, as amended, were adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Chronister renewed his pending amendment, AM2271, found in the Journal on page 1052.

The Chronister amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mr. Wesely offered the following amendment:
AM2318

- 1 1. On page 10, line 16, after "be" insert
- 2 "residents of the State of Nebraska and shall be" and
- 3 after "years" insert an underscored period; and in line
- 4 17 strike "and no", show as stricken, and insert "No".

The Wesely amendment was adopted with 26 ayes, 1 nay, 14 present and not voting, and 8 excused and not voting.

Mr. Lamb offered the following amendment:

1. Insert the following new section:

"Section 1. Beginning July 1, 1987, county or municipal clerks shall transfer to the Department of Health ledgers used to record birth and death certificates which are maintained at county seats."

Renumber the remaining sections accordingly.

Mr. Wesely requested a ruling of the Chair on whether the Lamb amendment is germane to the bill.

The Chair ruled the Lamb amendment is not germane to the bill.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1230A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 474, 474A, 318, 318A, 942, 829, 829A, 90, 768, 768A, 890, 894, 894A, 461, 1093, 1105, 1105A, 1190, 1080, 931, 807, 143, 1025, 1208, 991, 993, 994, 996, 1131, 881, 929, 930, 1063, 1160, 1056, 771, 959, 959A, 808, 765, 812, 878, 889, 885, 1203, 1008, 1241, 775A, 1184, 174, 68, 563, 963, 983, 1017, 1048, 1158, 1143, 1143A, and 1242.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 474

The following changes, required to be reported for publication in the Journal, have been made:

ER0197

1. In the Sieck amendment, AM2533, adopted April 2, 1986:
 - a. On page 1, line 5, "establishes" in" has been struck; and
 - b. On page 2, line 3, "(1)" has been inserted after the quotation mark; and in line 14 "(2)" has been inserted before "The".
2. In the E & R amendments, AM5338, adopted April 2, 1986:
 - a. On page 1, line 2 "parentheses" has been struck and "quotation marks" inserted; in line 10 "page 8, line 18;" and "page 11," have been struck; in line 11 "line 14;" has been struck; and lines 17 and 18 have been struck; and
 - b. On page 2, lines 4 and 5 have been struck; and the matter beginning with "line" in line 6 through "in" in line 7 has been struck.

3. In the Standing Committee amendment, AM1756, adopted February 27, 1986, on page 15, line 4, "unit farm" has been struck and "farm unit" inserted.

Enrollment and Review Change to LB 318

The following changes, required to be reported for publication in the Journal, have been made:

ER0203

1. In the E & R amendment, AM5343, adopted April 2, 1986, on page 3, the matter beginning with "lines" in line 8 through "and" in line 9 has been struck and "line" inserted.

2. In the Standing Committee amendments, AM1813:

a. On page 93, line 2, "shall present" has been struck and "presents" inserted; and

b. On page 94, in lines 2 and 3 "impersonate" has been struck and "impersonates" inserted.

3. On page 1, line 1, "cosmetology" has been struck and "public health" inserted.

Enrollment and Review Change to LB 942

The following changes, required to be reported for publication in the Journal, have been made:

ER0204

1. In AM2021, on page 6, line 1, "sections" has been struck, shown as stricken, and "section" inserted.

Enrollment and Review Change to LB 829

The following changes, required to be reported for publication in the Journal, have been made:

ER0193

1. In the Smith amendment, AM2561, adopted April 2, 1986:

a. On page 1, line 17, "or biennium" has been inserted after "year"; and

b. On page 2, lines 15 through 17 have been struck and in lieu thereof amendment 1 of the Smith amendment, AM1758, has been struck.

2. In the E & R amendments, AM5342, the matter beginning with the semicolon in line 13 through the last quotation marks in line 14 has been struck.

3. On page 1, line 4, ", Department on Aging," has been inserted after "Services"; and in line 7 "and" has been struck and "; and to create a fund" has been inserted after "reimbursement".

4. On page 3, the matter beginning with "over" in line 13 through "sixty-five" in line 14 has been struck and "age sixty-five and over" inserted.

Enrollment and Review Change to LB 90

The following changes, required to be reported for publication in the Journal, have been made:

ER0201

1. In the Scofield et al. amendment, AM2657, adopted April 2, 1986:

a. On page 1, line 15, an underscored comma has been inserted after "11"; and

b. On page 5, line 4, "child" has been struck and "a child's" inserted; and in line 16 an underscored comma has been inserted after "section".

2. E & R amendment 2 has been struck.

3. On page 1, the matter beginning with "29-1905" in line 2 through "depositions" in line 4 has been struck and "29-1917, Reissue Revised Statutes of Nebraska, 1943; to state intent; to authorize the taking of videotape depositions and in camera testimony of certain children as prescribed; to define a term; to provide for rules of procedure; to harmonize provisions" inserted.

Enrollment and Review Change to LB 768

The following changes, required to be reported for publication in the Journal, have been made:

ER0196

1. In the Haberman amendment, AM2758, adopted April 2, 1986, on page 1, line 10, after "Fund" an underscored comma has been inserted.

2. In the Warner amendment, AM2699, adopted April 2, 1986:

a. On page 1, line 4, "last" has been inserted after "the"; and

b. On page 2, line 15, "or" has been struck and ", and" inserted; and in line 20 "shall" has been inserted after "but".

3. In the E & R amendments, AM5347, adopted April 2, 1986, on page 1, line 6, "line 1," has been inserted after "1,,"; and the matter beginning with "line" in line 15 through line 16 has been struck.

4. In the Standing Committee amendments, AM2098, adopted March 11, 1986, on page 3, line 10, an underscored comma has been inserted after "application"; and in line 11 an underscored comma has been inserted after "fees".

Enrollment and Review Change to LB 890

The following changes, required to be reported for publication in the Journal, have been made:

ER0200

1. In the Sieck amendment, AM2558, adopted April 3, 1986, on page 1, lines 6 to 7, "sections 77-27,142 to 77-27,148" has been struck, shown as stricken, and "the Local Option Revenue Act" inserted; in lines 9 to 10 "sections 77-27,142 to 77-27,148" has been struck, shown as stricken, and "the act" inserted; and in line 12 the new matter has been struck and "under such act" inserted.

2. In the E & R amendments, AM5340, adopted on April 3, 1986, amendments 1 and 2 have been struck.

3. On page 1, lines 2 through 6 have been struck and "sections 77-27,142.03 and 77-27,143, Reissue Revised Statutes of Nebraska, 1943, and sections 77-27,142 and 77-27,142.02, Revised Statutes Supplement, 1985; to change provisions relating to the municipal sales and use tax; to authorize increases as prescribed; to provide for termination; to change provisions relating to elections; and to repeal the original sections." inserted.

Enrollment and Review Change to LB 894

The following changes, required to be reported for publication in the Journal, have been made:

ER0222

1. On page 1, line 9, after the semicolon, "to provide a penalty;" has been inserted.

2. On page 12, line 4, "director" has been struck and "Director of Environmental Control" has been inserted.

3. On page 17, lines 14 and 18, "and promulgated" has been inserted after "adopted".

4. On page 23, line 14, the comma has been struck and shown as stricken; and in line 17 an underscored comma has been inserted after "subdivisions".

5. On page 32, line 16, "and promulgate" has been inserted after "adopt".

Enrollment and Review Change to LB 894A

The following changes, required to be reported for publication in the Journal, have been made:

ER0198

1. On page 1, line 4, "; and to state intent relating to a report" has been inserted after "1986".

Enrollment and Review Change to LB 1093

The following changes, required to be reported for publication in the Journal, have been made:

ER0202

1. In the Warner amendment, AM2906, adopted April 4, 1986, on page 1, line 5, "Nebraska" has been inserted before both occurrences of "School"; and in line 14 "3" has been struck and "5" inserted.

2. On page 1, line 1, "special" has been struck; "reimbursement" in line 5 to "intent" in line 7 and all amendments thereto have been struck and "transportation reimbursement for special education; to provide for a salary adjustment for certain teachers of the deaf and visually handicapped as prescribed" has been inserted.

3. On page 2, line 6, "43-616.01" has been struck, shown as stricken, and "43-611.01" inserted; in line 15 "sections" has been struck, shown as stricken, and "section" inserted; and in line 16 "and 43-616.01" has been struck and shown as stricken.

Enrollment and Review Change to LB 1131

The following changes, required to be reported for publication in the Journal, have been made:

ER0228

1. On page 1, line 1, "county" has been struck; and in line 4 "incorporated associations of" has been inserted after "certain" and "for road maintenance" has been struck and "as prescribed" inserted.

2. On page 2, line 8, "(2)" has been inserted before "The"; and in line 20 "(2)" has been struck and "(3)" inserted.

Enrollment and Review Change to LB 930

The following changes, required to be reported for publication in the Journal, have been made:

ER0226

1. On page 1, line 7, "fund" has been struck and "funds" inserted.

2. On page 2, line 8, "and" has been struck, shown as stricken, and "or" inserted.

3. On page 5, line 1, an underscored comma has been inserted after "state".

Enrollment and Review Change to LB 1203

The following changes, required to be reported for publication in the Journal, have been made:

ER0229

1. On page 13, lines 5 and 6, an underscored comma has been inserted after "inspection".

Enrollment and Review Change to LB 68

The following changes, required to be reported for publication in the Journal, have been made:

ER0216

1. On page 1, line 1, "schools" has been struck and "child care" inserted; in line 2 " , and section 71-1910, Revised Statutes Supplement, 1984; to redefine a term" has been inserted after "1943"; and in line 5 "section" has been struck and "sections" inserted.

Enrollment and Review Change to LB 983

The following changes, required to be reported for publication in the Journal, have been made:

ER0224

1. In lieu of the Pappas amendment, AM2816, adopted on April 4, 1986, in the Pappas amendment, AM2815, adopted on April 4, 1986, on page 2, line 22, five has been struck, shown as stricken, and "three" inserted.

2. In the DeCamp, Schmit, Pappas amendment, Am2290, on page 1, line 14, "approved" has been struck and "accepted" inserted.

3. On page 1, line 3, " , and section 8-157, Revised Statutes Supplement, 1985; to authorize a bank to amortize loan losses in certain instances as prescribed" has been inserted after "1943"; in line 5 "and" has been struck and "to change provisions relating to the establishment of auxiliary offices;" inserted; and in line 6 "section" has been struck and "sections; and to declare an emergency" inserted.

Enrollment and Review Change to LB 1017

The following changes, required to be reported for publication in the Journal, have been made:

ER0208

1. In the Morehead amendment adopted on April 4, 1986, "Section 1 of this" has been struck and "This" inserted.

Enrollment and Review Change to LB 1048

The following changes, required to be reported for publication in the Journal, have been made:

ER0218

1. In the Chambers amendment, AM2912, adopted April 4, 1986:
 - a. Sections 2 to 5 have been renumbered as sections 1 to 4, respectively;
 - b. On page 1, line 9; page 2, line 4; and page 4 line 14, "5" has been struck and "4" inserted; and
 - c. On page 2, line 11, after the second comma "or" has been inserted; and in line 12 both commas have been struck and shown as stricken.
2. On page 1, line 1, "79-1051, Reissue Revised Statutes of Nebraska, 1943, and sections 79-1051.03, 79-1051.04, and" has been inserted after "section"; and in line 4 "to provide restrictions on certain investments; to harmonize provisions;" has been inserted after the semicolon and "section" has been struck and "sections" inserted.

Enrollment and Review Change to LB 1158

The following changes, required to be reported for publication in the Journal, have been made:
ER0213

1. In the Landis amendment, AM2918, adopted April 4, 1986, on page 8, line 4, "the" has been inserted after "or".
2. On page 1, line 2, "32-827, 32-835, and 32-849" has been struck and "32-828, 32-829, 32-831, 32-834, and 32-848" inserted; and the matter beginning with "to" in line 6 through the semicolon in line 8 has been struck.

Enrollment and Review Change to LB 1143

The following changes, required to be reported for publication in the Journal, have been made:
ER0227

1. In the Standing Committee amendments, AM2028, adopted March 6, 1986, on page 1, line 3, "(e)" has been struck and "(5)" inserted.
2. On page 2, line 25; and page 3, line 8, "its" has been struck.
3. On page 3, line 11, "(1)" has been struck; in line 19 "(a)" has been struck and "(1)" inserted; and in line 22 "(b)" has been struck and "(2)" inserted.
4. On page 4, line 1, "(c)" has been struck and "(3)" inserted and "such" has been struck and "the measuring" inserted; in lines 2 and 6 "laboratory" has been inserted before "apparatus"; in line 5 "(d)" has been struck and "(4)" inserted; in line 8 "measuring" has been struck; and in line 19 the comma has been struck.
5. On page 5, line 21, "vehicle fuels and special" has been struck.

6. On page 5, line 25; and page 6, line 2, "year" has been struck and "biennium" inserted.

Enrollment and Review Change to LB 1143A

The following changes, required to be reported for publication in the Journal, have been made:

ER0209

1. In the V. Johnson amendment adopted April 4, 1986, "Expense" has been inserted after both occurrences of "Services".

Enrollment and Review Change to LB 1242

The following changes, required to be reported for publication in the Journal, have been made:

ER0230

1. In the Hoagland amendment, AM2791, on page 1, lines 7 and 12, an underscored comma has been inserted after "If".

(Signed) Mary E. Sommermeyer
E & R Attorney

LEGISLATIVE BILL 1007. Placed on Select File as amended.
E & R amendments to LB 1007:

AM5426

- 1 1. In the Schmit amendment, AM2879, adopted
- 2 April 3, 1986, on page 2, line 8, strike "is" and insert
- 3 "shall be"; in line 9 after "nearest" insert "one" and
- 4 strike "It includes" and insert "Dockage shall include";
- 5 in line 14 strike "are" and insert "shall be"; in line
- 6 15 after "grades" insert "shall"; in line 17 after
- 7 "limits" insert "shall"; and in line 18 strike "are" and
- 8 insert "shall be".
- 9 2. On page 1, line 1, strike "Grain Buyer Act"
- 10 and insert "grain"; and in line 3 after the semicolon
- 11 insert "to define terms; to provide for inspections; to
- 12 provide for fees;".

LEGISLATIVE BILL 911. Placed on Select File as amended.
(E & R amendments printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM5425.)

LEGISLATIVE BILL 833. Placed on Select File as amended.
E & R amendments to LB 833:
AM5427

- 1 1. In the Standing Committee amendments,
- 2 AM2020:
- 3 a. On page 1, line 2 strike "Sec. 2" and
- 4 insert "Section 1"; in line 6 after "Patrol" insert an
- 5 underscored comma; in line 7 strike "their", show as
- 6 stricken, and insert "its"; and in line 11 strike the
- 7 comma and show as stricken;
- 8 b. On page 3, line 16, strike the semicolon
- 9 and show as stricken; and in line 18 strike the first
- 10 "or" and show as stricken;
- 11 c. On page 4, line 1, strike the comma and
- 12 show as stricken; and
- 13 d. On page 6, line 10, strike "16" and insert
- 14 "17"; in line 11 strike "load" and insert "39-6,180";
- 15 and in line 20 strike "section" and insert "sections".
- 16 2. On page 1, line 2, strike "section" and
- 17 insert "sections 39-6,181 and"; in line 4 after the
- 18 semicolon insert "to harmonize provisions;"; and in line
- 19 5 strike "section" and insert "sections".

(Signed) Timothy Hall, Chairperson

MOTION - Return LB 529 to Select File

Mr. Schmit moved to return LB 529 to Select File for the following specific amendment:

Strike enacting clause

Mr. Schmit withdrew his pending motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 529. With Emergency.

A BILL FOR AN ACT relating to courts; to amend sections 8-1401, 24-507 to 24-509, 24-511, 24-520, 24-589, 25-217, 25-1901, 29-2249, 29-2250, 29-2251, 29-2257, 29-2258, 29-2265, 29-2270, 29-2275, 30-2218, 30-2402, 43-2,106, 44-1627, 48-182, 48-185, and 81-1401, Reissue Revised Statutes of Nebraska, 1943, sections 24-513, 24-517, 24-541.01 to 24-541.05, 24-709, 24-709.02, 25-1912, 25-1916, 29-103, 29-403, 29-611, 29-812, 29-1804.14, 29-2246, 29-2249.04, 29-2252, 29-2253, 29-2259, and 84-1301, Revised Statutes Supplement, 1984, sections 24-519 and 24-532.01, Revised Statutes Supplement, 1985,

section 43-2,113, Revised Statutes Supplement, 1985, as amended by section 64, Legislative Bill 7, Eighty-ninth Legislature, Second Special Session, 1985, section 24-701, Revised Statutes Supplement, 1984, as amended by section 1, Legislative Bill 92, Eighty-ninth Legislature, Second Session, 1986, and section 24-703, Revised Statutes Supplement, 1984, as amended by section 2, Legislative Bill 92, Eighty-ninth Legislature, Second Session, 1986; to change provisions relating to disclosure of certain information; to provide for clerk magistrates rather than associate county judges; to provide duties for clerk magistrates; to eliminate pro tempore associate county judges; to eliminate a provision relating to county clerks as ex officio clerks of the county court; to change provisions relating to civil and criminal procedure; to provide for rules of the Supreme Court; to change provisions relating to the commencement of actions; to change provisions relating to the jurisdiction of the county court and investments by county court clerks; to change provisions relating to the Nebraska Probation Administration Act; to eliminate the Field Probation Service; to establish the Nebraska Probation System; to provide powers and duties for the Supreme Court; to provide a termination date for the Nebraska Probation System Committee; to change provisions relating to certain appeals; to change provisions relating to proceedings for the termination of parental rights; to provide for the payment of certain expenses; to eliminate provisions relating to the transfer of certain actions; to eliminate certain provisions relating to the trial of minor criminal offenses; to eliminate provisions relating to complaints to keep the peace; to eliminate certain provisions relating to probation; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections, and also sections 24-510, 24-513.01, 24-518, 25-225, 25-404, 25-405, 25-407 to 25-409, 29-302, 29-302.03 to 29-312, 29-612, 29-2249.01, and 29-2255.01, Reissue Revised Statutes of Nebraska, 1943, and sections 25-406, 29-301, 29-302.01, 29-302.02, 29-613, 29-614, 29-2249.02, and 29-2249.03, Revised Statutes Supplement, 1984; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 38:

Abboud	Carsten	DeCamp	Hannibal	Hoagland
Baack	Chizek	Goll	Harris	Johnson, L.
Barrett	Chronister	Goodrich	Hartnett	Johnson, V.
Beyer	Conway	Hall	Hefner	Labeledz

Lamb	Marsh	Nichol	Sieck	Warner
Landis	McFarland	Pirsch	Smith	Wesely
Lundy	Morehead	Rupp	Vickers	Withem
Lynch	Nelson	Scofield		

Voting in the negative, 7:

Eret	Higgins	Pappas	Remmers	Schmit
Haberman	Johnson, R.			

Present and not voting, 3:

Chambers	Miller	Rogers
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Excused and not voting, 1:

Peterson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 491. With Emergency.

A BILL FOR AN ACT relating to environmental protection; to adopt the Low-level Radioactive Waste Disposal Act; to eliminate a provision relating to control of air pollution by a political subdivision; to repeal section 81-1528.01, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud	DeCamp	Hefner	Lundy	Remmers
Baack	Eret	Higgins	Marsh	Rogers
Barrett	Goll	Hoagland	McFarland	Rupp
Beyer	Goodrich	Johnson, L.	Miller	Schmit
Carsten	Haberman	Johnson, R.	Morehead	Sieck
Chambers	Hall	Johnson, V.	Nelson	Smith
Chizek	Hannibal	Labedz	Nichol	Vickers
Chronister	Harris	Lamb	Pappas	Warner
Conway	Hartnett	Landis	Pirsch	Wesely

Withem

Voting in the negative, 0.

Present and not voting, 2:

Lynch Scofield

Excused and not voting, 1:

Peterson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 516.

A BILL FOR AN ACT relating to courts; to amend sections 24-312, 24-503, 24-516, 24-810, 25-1062.01, 25-1064, 42-357, and 43-2,125, Reissue Revised Statutes of Nebraska, 1943, and section 5-105, Revised Statutes Supplement, 1985; to change provisions relating to the number of judges in judicial and county judge districts; to authorize the designation and appointment of judges to serve in additional circumstances as prescribed; to create a commission; to provide for terms and expenses; to provide for designation of primary service locations; to change provisions relating to judicial vacancies; to authorize certain temporary restraining orders without notice as prescribed; to change provisions relating to ex parte orders as prescribed; to eliminate certain provisions relating to injunctions; to provide severability; and to repeal the original sections, and also sections 25-1065 and 25-1066, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 30:

Baack	Chronister	Harris	Labedz	Miller
Barrett	Goll	Hefner	Landis	Nichol
Beyer	Goodrich	Hoagland	Lundy	Pappas
Carsten	Hall	Johnson, L.	Marsh	Remmers
Chizek	Hannibal	Johnson, V.	McFarland	Rogers

Rupp	Sieck	Vickers	Warner	Wesely
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Voting in the negative, 15:

Abboud	Haberman	Johnson, R.	Nelson	Scofield
Conway	Hartnett	Lamb	Pirsch	Smith
Eret	Higgins	Morehead	Schmit	Withem

Present and not voting, 3:

Chambers	DeCamp	Lynch
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Excused and not voting, 1:

Peterson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 105.

A BILL FOR AN ACT relating to infants; to provide for grandparent visitation as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Abboud	Goodrich	Hoagland	McFarland	Rogers
Barrett	Haberman	Johnson, L.	Miller	Rupp
Carsten	Hall	Johnson, R.	Morehead	Schmit
Chizek	Hannibal	Johnson, V.	Nichol	Smith
Chronister	Harris	Labeledz	Pappas	Warner
DeCamp	Hartnett	Lynch	Pirsch	Wesely
Goll	Higgins	Marsh	Remmers	Withem

Voting in the negative, 12:

Baack	Eret	Landis	Nelson	Sieck
Beyer	Hefner	Lundy	Scofield	Vickers
Chambers	Lamb			

Present and not voting, 1:

Conway

Excused and not voting, 1:

Peterson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 267.

A BILL FOR AN ACT relating to dentistry; to define the term dental assistant.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Goll	Johnson, L.	McFarland	Rupp
Baack	Goodrich	Johnson, R.	Miller	Schmit
Barrett	Haberman	Johnson, V.	Morehead	Scofield
Beyer	Hall	Labedz	Nelson	Sieck
Carsten	Hannibal	Lamb	Nichol	Smith
Chizek	Harris	Landis	Pappas	Vickers
Chronister	Hartnett	Lundy	Pirsch	Warner
Conway	Hefner	Lynch	Remmers	Wesely
DeCamp	Higgins	Marsh	Rogers	Withem
Eret	Hoagland			

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Peterson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 438.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Dental Anesthesia Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Goll	Hoagland	McFarland	Rupp
Baack	Goodrich	Johnson, L.	Miller	Schmit
Barrett	Haberman	Johnson, R.	Morehead	Scofield
Beyer	Hall	Johnson, V.	Nelson	Sieck
Carsten	Hannibal	Labeledz	Nichol	Smith
Chizek	Harris	Lamb	Pappas	Vickers
Chronister	Hartnett	Landis	Pirsch	Warner
Conway	Hefner	Lundy	Remmers	Wesely
DeCamp	Higgins	Marsh	Rogers	Withem
Eret				

Voting in the negative, 0.

Present and not voting, 2:

Chambers Lynch

Excused and not voting, 1:

Peterson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 438A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 438, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Goodrich	Johnson, L.	McFarland	Rupp
Baack	Haberman	Johnson, R.	Miller	Schmit
Barrett	Hall	Johnson, V.	Morehead	Scofield
Beyer	Hannibal	Labedz	Nelson	Sieck
Carsten	Harris	Lamb	Nichol	Smith
Chizek	Hartnett	Landis	Pappas	Vickers
Chronister	Hefner	Lundy	Pirsch	Warner
DeCamp	Higgins	Lynch	Remmers	Wesely
Eret	Hoagland	Marsh	Rogers	Withem
Goll				

Voting in the negative, 0.

Present and not voting, 2:

Chambers Conway

Excused and not voting, 1:

Peterson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 701.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-4701 to 71-4704, 71-4706 to 71-4709, 71-4711, 71-4712, 71-4714, and 71-4715, Reissue Revised Statutes of Nebraska, 1943; to redefine terms; to rename a board; to change provisions relating to hearing aids; to change provisions relating to dispensers and fitters of hearing aids; to eliminate a grace period for renewal of licenses; to provide a fee for examination; to change provisions relating to licenses, permits, and fees; to eliminate a power and duty of the Department of Health; to eliminate a provision relating to issuing a license without examination; to harmonize provisions; and to repeal the original sections, and also section 71-4705, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Goodrich	Johnson, L.	McFarland	Rupp
Baack	Haberman	Johnson, R.	Miller	Schmit
Barrett	Hall	Johnson, V.	Morehead	Scofield
Beyer	Hannibal	Labedz	Nelson	Sieck
Carsten	Harris	Lamb	Nichol	Smith
Chizek	Hartnett	Landis	Pappas	Vickers
Chronister	Hefner	Lundy	Pirsch	Warner
Eret	Higgins	Lynch	Remmers	Wesely
Goll	Hoagland	Marsh	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 3:

Chambers Conway DeCamp

Excused and not voting, 1:

Peterson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1229. With Emergency.

A BILL FOR AN ACT relating to courts; to amend section 24-517, Revised Statutes Supplement, 1984; to provide the county courts with concurrent jurisdiction over all misdemeanors and infractions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Abboud	Conway	Hannibal	Johnson, R.	McFarland
Baack	DeCamp	Harris	Johnson, V.	Miller
Barrett	Eret	Hartnett	Labedz	Morehead
Beyer	Goll	Hefner	Lamb	Nelson
Carsten	Goodrich	Higgins	Landis	Nichol
Chizek	Haberman	Hoagland	Lynch	Pappas
Chronister	Hall	Johnson, L.	Marsh	Pirsch

Remmers	Schmit	Sieck	Vickers	Wesely
Rogers	Scofield	Smith	Warner	Withem
Rupp				

Voting in the negative, 0.

Present and not voting, 2:

Chambers Lundy

Excused and not voting, 1:

Peterson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 153 to Select File

Mr. Haberman moved to return LB 153 to Select File for the following specific amendment:

AM2935

(Amendments to Second Final Reading Copy)

- 1 1. On page 11, line 2, strike "ten" and
- 2 insert "fifteen".
- 3 2. On page 17, line 3, strike "ten" and
- 4 insert "fifteen".
- 5 3. On page 18, line 25, strike "ten" and
- 6 insert "fifteen".
- 7 4. On page 20, line 18, strike "one year",
- 8 show as stricken, and insert "six months"; and in line
- 9 23 strike "one-year" and insert "six-month".

The Haberman motion to return prevailed with 25 ayes, 3 nays, 20 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 153. The Haberman specific amendment, AM2935, found in this day's Journal was considered.

Mr. Lamb requested a ruling of the Chair on whether the Haberman amendment is germane to the bill.

The Chair ruled the Haberman amendment is germane to the bill.

The Haberman specific amendment was adopted with 29 ayes, 6 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 325 to Select File

Messrs. V. Johnson and Wesely moved to return LB 325 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

The V. Johnson-Wesely motion to return lost with 18 ayes, 25 nays, 5 present and not voting, and 1 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 325. With Emergency.

A BILL FOR AN ACT relating to retirement; to amend sections 79-1514, 79-1522, 79-1528, 79-1529, 79-1565, 81-1325, and 84-1322, Reissue Revised Statutes of Nebraska, 1943, sections 79-1522.02, 79-1533, 84-1301, 84-1307, 84-1317, 84-1319, 84-1320, 84-1321, and 84-1332, Revised Statutes Supplement, 1984, sections 79-1501 and 79-1531, Revised Statutes Supplement, 1985, and section 79-1522.01, Revised Statutes Supplement, 1984, as amended by section 2, Legislative Bill 546, Eighty-ninth Legislature, Second Session, 1986; to change provisions relating to the school retirement system; to change provisions of the State Employees Retirement Act; to eliminate a restriction on certain employees; to provide powers and duties for the Public Employees Retirement Board; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 31:

Abboud	DeCamp	Hartnett	Morehead	Rupp
Baack	Eret	Hoagland	Nelson	Schmit
Beyer	Goll	Johnson, L.	Nichol	Sieck
Carsten	Goodrich	Johnson, R.	Pappas	Smith
Chizek	Haberman	Marsh	Remmers	Vickers
Chronister	Harris	McFarland	Rogers	Withem
Conway				

Voting in the negative, 15:

Barrett	Hefner	Labeledz	Lundy	Scofield
Hall	Higgins	Lamb	Miller	Warner
Hannibal	Johnson, V.	Landis	Pirsch	Wesely

Present and not voting, 2:

Chambers Lynch

Excused and not voting, 1:

Peterson

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 31:

Abboud	DeCamp	Hartnett	Morehead	Rupp
Baack	Eret	Hoagland	Nelson	Schmit
Beyer	Goll	Johnson, R.	Nichol	Sieck
Carsten	Goodrich	Lynch	Pappas	Smith
Chizek	Haberman	Marsh	Pirsch	Vickers
Chronister	Harris	McFarland	Remmers	Withem
Conway				

Voting in the negative, 13:

Barrett	Higgins	Lamb	Miller	Warner
Hall	Johnson, V.	Landis	Scofield	Wesely
Hannibal	Labeledz	Lundy		

Present and not voting, 4:

Chambers Hefner Johnson, L. Rogers

Excused and not voting, 1:

Peterson

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 325A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 325, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 36:

Abboud	DeCamp	Hoagland	Morehead	Rupp
Baack	Eret	Johnson, L.	Nelson	Scofield
Barrett	Goll	Johnson, R.	Nichol	Sieck
Beyer	Goodrich	Johnson, V.	Pappas	Smith
Carsten	Haberman	Labedz	Pirsch	Vickers
Chizek	Harris	Marsh	Remmers	Warner
Chronister	Hartnett	McFarland	Rogers	Withem
Conway				

Voting in the negative, 7:

Hall	Higgins	Landis	Lundy	Wesely
Hefner	Lamb			

Present and not voting, 5:

Chambers	Hannibal	Lynch	Miller	Schmit
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Excused and not voting, 1:

Peterson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 437.

A BILL FOR AN ACT relating to rules of the road; to amend section 39-629, Reissue Revised Statutes of Nebraska, 1943; to provide restrictions on following distances; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Eret	Hoagland	Marsh	Rupp
Baack	Goll	Johnson, L.	McFarland	Schmit
Barrett	Goodrich	Johnson, R.	Morehead	Scofield
Beyer	Haberman	Johnson, V.	Nelson	Sieck
Carsten	Hall	Labeledz	Nichol	Smith
Chizek	Hannibal	Lamb	Pappas	Warner
Chronister	Harris	Landis	Pirsch	Wesely
Conway	Hefner	Lundy	Remmers	Withem
DeCamp	Higgins	Lynch	Rogers	

Voting in the negative, 1:

Vickers

Present and not voting, 3:

Chambers Hartnett Miller

Excused and not voting, 1:

Peterson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MR. CARSTEN PRESIDING

LEGISLATIVE BILL 774.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 21-17,126, Reissue Revised Statutes of Nebraska, 1943, sections 77-2734.04 and 77-2734.06, Revised Statutes Supplement, 1984, and section 77-2716, Revised Statutes Supplement, 1985; to define and redefine terms; to authorize the implementation of a tax on financial institutions as prescribed; to provide for computation of the tax; to provide procedures; to provide the Tax Commissioner with certain powers and duties; to eliminate a tax on credit unions; to change provisions relating to income tax adjustments; to change provisions relating to apportionment of income; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Abboud	Goll	Hoagland	McFarland	Rupp
Baack	Goodrich	Johnson, L.	Miller	Schmit
Barrett	Haberman	Johnson, R.	Morehead	Scofield
Beyer	Hall	Johnson, V.	Nelson	Sieck
Carsten	Hannibal	Labeledz	Nichol	Smith
Chizek	Harris	Landis	Pappas	Vickers
Chronister	Hartnett	Lundy	Pirsch	Warner
Conway	Hefner	Lynch	Remmers	Wesely
DeCamp	Higgins	Marsh	Rogers	Withem
Eret				

Voting in the negative, 0.

Present and not voting, 2:

Chambers Lamb

Excused and not voting, 1:

Peterson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 774A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 774, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Abboud	Eret	Higgins	Marsh	Schmit
Baack	Goll	Hoagland	McFarland	Scofield
Barrett	Goodrich	Johnson, L.	Miller	Sieck
Beyer	Haberman	Johnson, R.	Morehead	Smith
Carsten	Hall	Johnson, V.	Nelson	Vickers
Chizek	Hannibal	Labeledz	Nichol	Warner
Chronister	Harris	Landis	Remmers	Wesely
Conway	Hartnett	Lundy	Rogers	Withem
DeCamp	Hefner	Lynch	Rupp	

Voting in the negative, 1:

Pirsch

Present and not voting, 2:

Chambers Lamb

Excused and not voting, 2:

Pappas Peterson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 804. With Emergency.

A BILL FOR AN ACT relating to health; to create the Alzheimer's Disease Task Force; to state intent; to provide powers and duties; to provide for termination of the task force; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

Abboud	Eret	Hoagland	McFarland	Rupp
Baack	Goll	Johnson, L.	Miller	Schmit
Barrett	Goodrich	Johnson, R.	Morehead	Scofield
Beyer	Haberman	Johnson, V.	Nelson	Sieck
Carsten	Hall	Labeledz	Nichol	Smith
Chambers	Hannibal	Landis	Pappas	Vickers
Chizek	Harris	Lundy	Pirsch	Warner
Chronister	Hartnett	Lynch	Remmers	Wesely
Conway	Hefner	Marsh	Rogers	Withem
DeCamp	Higgins			

Voting in the negative, 0.

Present and not voting, 1:

Lamb

Excused and not voting, 1:

Peterson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 804A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 804, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Abboud	Barrett	Carsten	Chizek	Conway
Baack	Beyer	Chambers	Chronister	DeCamp

Eret	Hefner	Landis	Nichol	Scofield
Goll	Higgins	Lundy	Pappas	Sieck
Goodrich	Hoagland	Lynch	Pirsch	Smith
Haberman	Johnson, L.	Marsh	Remmers	Vickers
Hall	Johnson, R.	McFarland	Rogers	Warner
Hannibal	Johnson, V.	Morehead	Rupp	Wesely
Harris	Labeledz	Nelson	Schmit	Withem
Hartnett	Lamb			

Voting in the negative, 0.

Present and not voting, 1:

Miller

Excused and not voting, 1:

Peterson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 899 to Select File

Mr. R. Johnson moved to return LB 899 to Select File for the following specific amendment:

AM2236

1. Insert the following new section:
- “Sec. 2. That section 81-2,147.01, Revised Statutes Supplement, 1985, be amended to read as follows:
- 81-2,147.01. As used in the Nebraska Seed Law, unless the context otherwise requires:
- (1) Person shall include any individual, partnership, corporation, company, society, or association;
- (2) Agricultural seed shall include the seeds of grass, forage, cereal, fiber crops, lawn seeds and mixtures of such seeds, and any other kinds of seed commonly recognized within this state as agricultural seeds, and may include seed of any plant that is being used as an agricultural crop when the Director of Agriculture determines that such seed is being used as agricultural seed;
- (3) Vegetable seed shall include the seeds of

19 those crops which are grown in gardens and on truck
20 farms and are generally known and sold under the name of
21 vegetable seeds in this state;

1 (4) Weed seed shall include the seeds of any
2 plant commonly known as a weed. At the discretion of
3 the Director of Agriculture, any exotic or native plant
4 that interferes with or threatens crop production may be
5 classified as a weed;

6 (5) Screenings shall include chaff, sterile
7 florets, immature seed, weed seed, inert matter, and
8 other materials removed in any way from any agricultural
9 seed in any kind of cleaning process;

10 (6) Noxious weed seeds are divided into two
11 classes, prohibited noxious weed seed and restricted
12 noxious weed seed as defined in subdivisions (a) and (b)
13 of this subdivision, except that the Director of
14 Agriculture may add to or subtract from the list of seed
15 included under either definition whenever he or she
16 finds after public hearing, that such additions or
17 subtractions are within the respective definitions:

18 (a) Prohibited noxious weed seeds are the
19 seeds of plants such as not only reproduce by seed but
20 may also spread by underground roots, stems, and other
21 reproductive parts and which, when well established, are
22 highly destructive and difficult to control in this
23 state by ordinary good cultural practice, as well as
24 certain weeds, specifically including field bindweed
1 (Convolvulus arvensis), leafy spurge (Euphorbia esula),
2 Canada thistle (Cirsium arvense), hoary cress (Cardaria
3 draba), Russian knapweed (Centaurea repens),
4 johnsongrass (Sorghum halepense), musk thistle (Carduus
5 nutans), plumeless thistle (Carduus acanthoides), Scotch
6 thistle (Onopordum acanthium), morning glory (Ipomoea
7 purpurea) when found in field crop seeds, skeleton-leaf
8 bursage (Franseria discolor), woollyleaf bursage
9 (Franseria tomentosa), and puncturevine (Tribulus
10 terrestris); and

11 (b) Restricted noxious weed seeds are the
12 seeds of such plants as are very objectionable in
13 fields, lawns, and gardens of this state, but can be
14 controlled by good cultural practices, and include
15 dodder (Cuscuta spp.), wild mustard (Brassica spp.),
16 dock (Rumex spp.), quackgrass (Agropyron repens),
17 pennycress (Thlaspi arvense), and horsenettle (Solanum
18 carolinense);

19 (7) Labeling shall include all labels and
20 other written, printed, or graphic representations, in
21 any form whatsoever, accompanying or pertaining to any
22 seed, whether in bulk or in containers, and includes
23 representations on invoices;

24 (8) Advertisement shall mean all
1 representations, other than those on the label,
2 disseminated in any manner or by any means relating to
3 seed, including farm grain represented as suitable for
4 seed, within the scope of the Nebraska Seed Law;

5 (9) Record shall include all information
6 relating to the shipment or shipments involved and
7 includes a file sample of each lot of seed;

8 (10) Stop sale shall mean an administrative
9 order, provided by law, restraining the sale, use,
10 disposition, and movement of a definite amount or lot of
11 seed;

12 (11) Seizure shall mean a legal process
13 carried out by court order against a definite amount or
14 lot of seed;

15 (12) Kind shall mean one or more related
16 species or subspecies which singly or collectively is
17 known by one common name, such as corn, oats, alfalfa,
18 and timothy;

19 (13) Variety shall mean a subdivision of a
20 kind characterized by growth, yield, plant, fruit, seed,
21 or other characteristics, by which it can be
22 differentiated from other plants of the same kind;

23 (14) Lot shall mean a definite quantity of
24 seed in bag or bulk identified by a lot number or other
1 mark, every portion of which is uniform within
2 recognized tolerances for the factors that appear in the
3 labeling;

4 (15) Hybrid shall mean the first generation
5 seed of a cross produced by controlling the pollination
6 and by combining (a) two or more inbred lines; (b) one
7 inbred or a single cross with an open-pollinated
8 variety; or (c) two selected clones, seed lines,
9 varieties, or species. The second generation and
10 subsequent generations from such crosses shall not be
11 regarded as hybrids. Hybrid designations shall be
12 treated as variety names;

13 (16) Pure seed, germination, and other seed
14 labeling and testing terms in common usage shall be
15 defined as in the current rules for seed testing

16 published by the Association of Official Seed Analysts,
17 except as provided by subdivision (2)(i) of section
18 81-2,147.02;

19 (17) Treated shall mean given an application
20 of a substance or subjected to a process designed to
21 reduce, control, or repel disease organisms, insects, or
22 other pests which attack seeds or seedlings growing
23 therefrom;

24 (18) A private hearing may consist of a
1 discussion of facts between the person charged and the
2 enforcement officer;

3 (19) Certifying agency shall mean (a) an
4 agency authorized under the laws of a state, territory,
5 or possession of the United States to officially certify
6 seed, or (b) an agency of a foreign country which is
7 determined by the United States Secretary of Agriculture
8 to adhere to procedure and standards for seed
9 certification comparable to those adhered to generally
10 by seed certifying agencies under subdivision (a) of
11 this subdivision;

12 (20) Hard seed shall mean seeds which remain
13 hard at the end of the prescribed test period because
14 they have not absorbed water due to an impermeable seed
15 coat;

16 (21) Dormant seed shall mean viable seeds,
17 other than hard seeds, which fail to germinate when
18 provided the specified germination conditions for the
19 kind of seed in question. Viability of ungerminated
20 seeds may be determined by any appropriate method or
21 combination of methods, such as a cutting test,
22 tetrazolium test, scarification, and application of
23 germination-promoting chemicals;

24 (22) Tetrazolium test shall mean a type of
1 test in which chemicals are used to produce differential
2 staining of strong, weak, and dead tissues, which is
3 indicative of the potential viability of seeds; ~~and~~

4 (23) Mixture shall mean seeds consisting of
5 more than one kind or variety, each present in excess of
6 five per cent of the whole; ~~and~~

7 (24) Gross annual dollar volume sales shall
8 mean the total annual dollar volume of all agricultural
9 seed sales, vegetable seed sales, or both, less all cash
10 discounts and commissions not subject to withholding
11 under section 3401 of the Internal Revenue Code.”.

12 2. On page 3, line 5, strike “2 and 3” and

13 insert "3 and 4".

14 3. On page 4, line 3, strike "seven dollars"
15 and insert "one dollar and fifty cents"; and strike
16 beginning with the underscored comma in line 10 through
17 "dollars" in line 12 and insert ". Any permit holder who
18 has less than five hundred thousand dollars of gross
19 annual dollar volume sales of agricultural seed,
20 vegetable seed, or both, shall not be required to pay
21 any inspection fee".

22 4. On page 5, line 10, after "submit" insert
23 "inspection".

24 5. On page 10, line 9, after "fee" insert an
1 underscored period and strike "of fifteen dollars.",
2 show as stricken, and insert "The registration fee shall
3 be determined based on the gross annual dollar volume
4 sales for the previous reporting year, using the
5 schedule provided in this subsection.

Gross Annual Dollar Volume Sales	Registration Fee
In Dollars	In Dollars
<u>Less than 100,000.00</u>	<u>30</u>
<u>100,000 to 499,999.99</u>	<u>100</u>
<u>500,000 to 999,999.99</u>	<u>200</u>
<u>1,000,000 to 1,999,999.99</u>	<u>500</u>
<u>2,000,000 to 4,999,999.99</u>	<u>1,000</u>
<u>5,000,000 to 9,999,999.99</u>	<u>2,500</u>
<u>10,000,000 or greater</u>	<u>4,000</u> ";

15 in line 20 after "both" insert an underscored comma and
16 strike "intended for lawn or turf purposes" and show as
17 stricken; and in line 23 strike "3" and insert "4".

18 6. On page 11, after line 20, insert the
19 following new subsection:

20 "(5) If a person required to have a seed
21 permit fails to submit the registration fees required by
22 this section by September 30 of each year, he or she
23 shall pay, in addition to the fees due, a penalty of ten
24 per cent per month of the fees due for each month or
1 portion of a month that the fees remain unpaid, except
2 that such penalty shall not exceed twenty per cent of
3 the total fees due."; and in line 23 after the second
4 comma insert "81-2,147.01,".

5 7. Renumber remaining sections accordingly.

Mr. R. Johnson requested a roll call vote on his motion to return to Select File.

Voting in the affirmative, 24:

Beyer	Hall	Marsh	Pirsch	Sieck
Carsten	Hoagland	McFarland	Remmers	Smith
Chambers	Johnson, R.	Miller	Rogers	Vickers
Chizek	Lamb	Morehead	Rupp	Wesely
Eret	Landis	Nelson	Schmit	

Voting in the negative, 21:

Abboud	DeCamp	Hefner	Labeledz	Pappas
Baack	Goll	Higgins	Lundy	Scofield
Barrett	Haberman	Johnson, L.	Lynch	Warner
Chronister	Hartnett	Johnson, V.	Nichol	Withem
Conway				

Present and not voting, 3:

Goodrich Hannibal Harris

Excused and not voting, 1:

Peterson

The R. Johnson motion to return lost with 24 ayes, 21 nays, 3 present and not voting, and 1 excused and not voting.

Mr. R. Johnson asked unanimous consent to pass over LB 899. No objections. So ordered.

WITHDRAW - Motion to LB 1129

Mr. Pappas withdrew his pending motion found in the Journal on page 1810 to return LB 1129 to Select File for his specific amendment.

MOTION - Return LB 1129 to Select File

Mr. Hefner moved to return LB 1129 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Hefner withdrew his pending motion to return.

UNANIMOUS CONSENT - Member Excused

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1129.

A BILL FOR AN ACT relating to retirement; to adopt the Legislators' Retirement Act; and to make an appropriation.

Mr. Chambers requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 25:

Chambers	Goodrich	Labeledz	McFarland	Rupp
Chizek	Haberman	Landis	Nelson	Schmit
Chronister	Hall	Lundy	Nichol	Scofield
Conway	Harris	Lynch	Pappas	Warner
DeCamp	Johnson, R.	Marsh	Rogers	Wesely

Voting in the negative, 22:

Abboud	Eret	Hoagland	Miller	Sieck
Baack	Goll	Johnson, L.	Morehead	Smith
Barrett	Hannibal	Johnson, V.	Pirsch	Vickers
Beyer	Hefner	Lamb	Remmers	Withem
Carsten	Higgins			

Present and not voting, 1:

Hartnett

Excused and not voting, 1:

Peterson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Bracket LB 1054

Mr. Lamb asked unanimous consent to bracket LB 1054 on E & R Engrossment. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Lamb asked unanimous consent to print the following amendment to LB 525 in the Journal. No objections. So ordered.

AM2927

- 1 1. Insert the following new section:
- 2 "Section 1. Beginning July 1, 1987, county or
- 3 municipal clerks shall transfer to the Department of
- 4 Health ledgers used to record birth and death
- 5 certificates which are maintained at county seats."
- 6 2. On page 1, line 1, strike "marriage" and
- 7 insert "governmental clerks"; and in line 4 after the
- 8 semicolon insert "to provide for the transfer of certain
- 9 records;"
- 10 3. Renumber the remaining sections
- 11 accordingly.

Mr. Landis asked unanimous consent to print the following amendment to LB 43 in the Journal. No objections. So ordered.

AM2936

- 1 1. Strike the original sections and all
- 2 amendments thereto and insert the following new
- 3 sections:
- 4 "Section 1. That section 24-201.01, Revised
- 5 Statutes Supplement, 1984, be amended to read as
- 6 follows:
- 7 24-201.01. On January 8, 1981, the salary of
- 8 the Chief Justice and Judges of the Supreme Court shall
- 9 be forty-eight thousand three hundred fourteen dollars
- 10 and eighty cents. As soon as the same may be legally
- 11 paid under the Constitution of Nebraska, the salary
- 12 shall be increased to an amount equal to five per cent
- 13 over the base salary. For the purposes of this section,
- 14 base salary shall mean the amount derived by increasing
- 15 forty-eight thousand three hundred fourteen dollars and

16 eighty cents by five per cent. On January 5, 1984, the
17 salary shall be increased by five per cent of the salary
18 received immediately prior to such date. On January 3,
19 1985, the salary shall be increased by five per cent of
20 the salary received immediately prior to such date. On
21 January 1, 1986, the salary shall be increased by five
1 per cent of the salary received immediately prior to
2 such date. ~~The Governor shall receive an annual salary~~
3 ~~of forty thousand dollars.~~ The Chief Justice and the
4 Judges of the Supreme Court shall hold no other public
5 office of profit or trust during their terms of office
6 nor accept any public appointment or employment under
7 the authority of the government of the United States for
8 which they receive compensation for their services.
9 Such salaries shall be payable in equal monthly
10 installments.

11 Sec. 2. The Governor shall receive an annual
12 salary of forty thousand dollars. Commencing January 8,
13 1987, the salary of the Governor shall be fifty-eight
14 thousand dollars. Such salary shall be payable in equal
15 monthly installments.

16 Sec. 3. That section 75-104, Revised Statutes
17 Supplement, 1984, be amended to read as follows:

18 75-104. As soon after July 1, 1985, as the
19 same may be payable under the Constitution of Nebraska,
20 each of the commissioners shall receive an annual salary
21 of twenty-seven thousand dollars, payable in the same
22 manner that the salaries of other state officers are
23 paid. Commencing January 8, 1987, the salary of each
24 commissioner shall be thirty-five thousand dollars. In
1 addition thereto, the commissioners, secretary, clerks,
2 and other employees of the commission shall be entitled
3 to receive from the state their actual necessary
4 traveling expenses, which shall include the cost of
5 transportation while traveling on the business of the
6 commission, to be paid in the same manner as other
7 claims against the state. In computing the cost of
8 transportation for commissioners, secretary, clerks, and
9 other employees, no mileage or other traveling expense
10 shall be claimed or allowed unless ~~the provisions of~~
11 ~~sections 84-306 to 84-306.05~~ are strictly complied with.

12 Sec. 4. That section 84-201.01, Reissue
13 Revised Statutes of Nebraska, 1943, be amended to read
14 as follows:

15 84-201.01. ~~Until the first Thursday after the~~

16 ~~first Tuesday in January 1979, there shall be paid as~~
17 ~~salary to the Attorney General, the sum of thirty-two~~
18 ~~thousand five hundred dollars. Commencing the first~~
19 ~~Thursday after the first Tuesday in January 1979, there~~
20 ~~shall be paid as salary to the Attorney General; the sum~~
21 ~~of thirty-nine thousand five hundred dollars. The~~
22 ~~salary of the Attorney General shall be payable in equal~~
23 ~~monthly installments. Commencing January 8, 1987, the~~
24 ~~salary of the Attorney General shall be fifty-seven~~
1 ~~thousand five hundred dollars.~~

2 Sec. 5. That section 84-721, Reissue Revised
3 Statutes of Nebraska, 1943, be amended to read as
4 follows:

5 84-721. ~~Until the first Thursday after the~~
6 ~~first Tuesday in January 1979, there shall be paid as~~
7 ~~salaries to certain constitutional officers, as follows:~~
8 ~~Secretary of State, the sum of twenty-five thousand~~
9 ~~dollars per annum; Auditor of Public Accounts, the sum~~
10 ~~of twenty-five thousand dollars per annum; State~~
11 ~~Treasurer, the sum of twenty-five thousand dollars per~~
12 ~~annum; and the Lieutenant Governor, the sum of~~
13 ~~twenty-five thousand dollars per annum. From and after~~
14 Commencing the first Thursday after the first Tuesday in
15 January 1979, there shall be paid as salaries to certain
16 constitutional officers; as follows: Secretary of
17 State, the sum of thirty-two thousand dollars per annum;
18 Auditor of Public Accounts, the sum of thirty-two
19 thousand dollars per annum; State Treasurer, the sum of
20 thirty-two thousand dollars per annum; and the
21 Lieutenant Governor, the sum of thirty-two thousand
22 dollars per annum. Beginning January 8, 1987, there
23 shall be paid as salaries to certain constitutional
24 officers as follows: Secretary of State, the sum of
1 forty thousand dollars per annum; Auditor of Public
2 Accounts, the sum of thirty-five thousand dollars per
3 annum; State Treasurer, the sum of thirty-five thousand
4 dollars per annum; and the Lieutenant Governor, the sum
5 of forty thousand dollars per annum. Such salaries
6 shall be payable in equal monthly installments.

7 Sec. 6. That original sections 84-201.01 and
8 84-721, Reissue Revised Statutes of Nebraska, 1943, and
9 sections 24-201.01 and 75-104, Revised Statutes
10 Supplement, 1984, are repealed.”.

Messrs. Warner and Rupp moved the passage of LB 778 notwithstanding the objections of the Governor.

Laid over.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 325.

(Signed) Timothy Hall, Chairperson

SELECT FILE

LEGISLATIVE BILL 1258. E & R amendments, AM5422, found in the Journal on page 1979 for the Fifty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1258A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1259. E & R amendments, AM5424, found in the Journal on page 1979 for the Fifty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

VISITORS

Visitors to the Chamber were 27 fourth grade students and teacher from Bennington Elementary School; 33 sixth grade students and sponsors from Central City; and 24 tenth grade students and teacher from Newcastle High School.

RECESS

At 12:04 p.m., on a motion by Mr. Hall, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Hannibal, Landis, Peterson, Schmit, Mesdames Labedz, and Pirsch who were excused until they arrive.

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 1258 in the Journal. No objections. So ordered.

AM2715

- 1 1. On page 4, line 17, strike "under" and
2 insert "as described in subsection (1) of".
- 3 2. On page 6, line 3, strike "under" and
4 insert "as described in subsection (1) of".
- 5 3. On page 7, line 23 after "(1)" insert "For
6 the tax year 1986, it shall be the duty of each claimant
7 who wants a homestead exemption provided in section
8 77-3509 or subdivision (1)(b), (c), (d), or (e) of
9 section 77-3508 to file an application therefore with
10 the county assessor on or before June 16, 1986, and
11 failure to do so shall constitute a waiver of the
12 exemption for such year.
13 (2)".
- 14 4. On page 8, line 15, strike "(2)", show as
15 stricken, and insert "(3)".
- 16 5. On page 9, lines 19 and 23, after "the"
17 insert "the second Monday in July for 1986 and the" and
18 after "each" insert "other".
- 19 6. On page 10, line 7, reinstate "the first
20 Monday in July", after the stricken "1980," insert
21 "1986", and reinstate "and on or before"; and in line 8
1 strike the new matter and reinstate the stricken matter
2 and before the second "the" insert an underscored comma.
- 3 7. Insert the following new sections:
4 "Sec. 5. That section 77-3511, Revised
5 Statutes Supplement, 1984, be amended to read as
6 follows:
7 77-3511. The application for homestead
8 exemption or for transfer of homestead exemption shall
9 be signed by the owner of the property who qualifies for
10 exemption under sections 77-3501 to 77-3529, unless the
11 owner is an incompetent or unable to make such
12 application, in which case it shall be signed by the

13 guardian. If an owner who in all respects qualifies for
14 a homestead exemption under such sections dies after
15 January 1 and before April 1 and before applying for a
16 homestead exemption, his or her personal representative
17 may file the application for exemption on or before
18 April 1 of that year. For tax year 1986, if an owner
19 who in all respects qualifies for a homestead exemption
20 under such sections dies after January 1 and before June
21 16 and before applying for a homestead exemption, his or
22 her personal representative may file the application for
23 exemption on or before June 16, 1986. Any exemption
24 granted as a result of such application signed by a
1 personal representative shall be in effect for only the
2 year in which the owner died.

3 Sec. 14. Since an emergency exists, this act
4 shall be in full force and take effect, from and after
5 its passage and approval, according to law.”.

6 8. On page 14, line 9, after the second comma
7 insert “77-3511.”.

8 9. Renumber remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 1230A. Placed on Select File.

(Signed) Timothy Hall, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 529, 491, 516, 105, 267, 438, 438A, 701, 1229, 325A, 437, 774, 774A, 804, 804A, 325, and 1129.

MOTION - Return LB 757 to Select File

Mr. Landis moved to return LB 757 to Select File for his specific amendment, AM2820, found in the Journal on page 1870.

Mr. Landis withdrew his pending motion to return to Select File.

Mr. Landis withdrew his pending amendment, AM2820, found in the Journal on page 1870.

Mr. Warner moved to return LB 757 to Select File for the following specific amendment:

AM2947

(Amendments to Final Reading Copy)

1 1. On page 1, line 3, strike "and"; in line 4
2 after "1984" insert ", section 79-4,119, Revised
3 Statutes Supplement, 1972, as amended by Laws 1973, LB
4 358, section 4, and section 79-4,118, Reissue Revised
5 Statutes of Nebraska, 1943, as amended by Laws 1973, LB
6 358, section 3, and Laws 1983, LB 203, section 1"; and
7 in line 8 after the semicolon insert "to change
8 provisions relating to textbooks as prescribed;".

9 2. Insert the following new sections:
10 "Section 1. That section 79-4,118, Reissue
11 Revised Statutes of Nebraska, 1943, as amended by Laws
12 1973, LB 358, section 3, and Laws 1983, LB 203, section
13 1, be amended to read as follows:

14 79-4,118. (1) School boards and boards of
15 education of all classes shall purchase all textbooks,
16 equipment, and supplies necessary for the schools of
17 such district. The duty to make such purchases may be
18 delegated to employees of the school district.

19 (2) Boards of education shall have the power
20 and duty to purchase and to loan textbooks to all
1 children who are enrolled in kindergarten to grade
2 twelve of a public school and, upon individual request,
3 to children who are enrolled in kindergarten to grade
4 twelve of a private school which is approved for
5 continued legal operation under rules and regulations
6 established by the State Board of Education pursuant to
7 subdivision (5)(c) of section 79-328. The Legislature
8 may appropriate funds to carry out the provisions of
9 this subsection. A school district shall not be
10 obligated to spend any money for the purchase and loan
11 of textbooks to children enrolled in private schools
12 other than funds specifically appropriated by the
13 Legislature to be distributed by the State Department of
14 Education for the purpose of purchasing and loaning
15 textbooks as provided in this subsection. Textbooks
16 loaned to children enrolled in kindergarten to grade
17 twelve of such private schools shall be textbooks which
18 are designated for use in the public schools of the
19 school district. Such textbooks are to be loaned free
20 to such children subject to such rules and regulations
21 as are or may be prescribed by such boards of education.

22 The State Department of Education shall adopt and
23 promulgate rules and regulations to carry out the
24 provisions of this section. The rules and regulations
1 shall include provisions for the distribution of funds
2 appropriated for textbooks. The rules and regulations
3 shall include a deadline for applications from school
4 districts for distribution of funds. If funds are not
5 appropriated to cover the entire cost of applications, a
6 pro rata reduction shall be made.

7 Sec. 2. That section 79-4,119, Revised
8 Statutes Supplement, 1972, as amended by Laws 1973, LB
9 358, section 4, be amended to read as follows:

10 79-4,119. For the purpose of paying for
11 school books, equipment, and supplies, the school
12 district officers may draw an order on the district
13 treasurer for the amount of school books, equipment, and
14 supplies ordered.

15 ~~Each school district, in addition to the~~
16 ~~financial support received under the provisions of~~
17 ~~section 79-1334, shall receive from the School~~
18 ~~Foundation and Equalization Fund an amount equal to the~~
19 ~~cost of textbooks purchased and loaned by the district,~~
20 ~~but in no case shall the district receive for this~~
21 ~~purpose in excess of an average of fifteen dollars per~~
22 ~~pupil enrolled in kindergarten to grade twelve in the~~
23 ~~public and private schools located in such district for~~
24 ~~each of the school years 1972-1973, 1973-1974 and~~
1 ~~1974-1975, and in excess of an average of ten dollars~~
2 ~~per pupil enrolled in kindergarten to grade twelve for~~
3 ~~each subsequent school year.~~

4 Sec. 6. If any section in this act or any
5 part of any section shall be declared invalid or
6 unconstitutional, such declaration shall not affect the
7 validity or constitutionality of the remaining portions
8 thereof.”.

9 3. On page 8, line 19, strike “and”; and
10 after the third comma insert “section 79-4,119, Revised
11 Statutes Supplement, 1972, as amended by Laws 1973, LB
12 358, section 4, and section 79-4,118, Reissue Revised
13 Statutes of Nebraska, 1943, as amended by Laws 1973, LB
14 358, section 3, and Laws 1983, LB 203, section 1,”.

15 4. Renumber remaining sections accordingly.

The Warner motion to return prevailed with 26 ayes, 0 nays, 16
present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 757. The Warner specific amendment, AM2947, found in this day's Journal was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 757A to Select File

Mr. Warner moved to return LB 757A to Select File for the following specific amendment:

AM2946

(Amendments to Final Reading Copy)

- 1 1. Insert the following new section:
- 2 "Sec. 2. There is hereby appropriated (1)
- 3 \$100 from the General Fund for the period July 1, 1986,
- 4 to June 30, 1987, and (2) \$100 from the General Fund for
- 5 the period July 1, 1987, to June 30, 1988, to the State
- 6 Department of Education, for Program 508, to aid in
- 7 carrying out the provisions of subsection (2) of section
- 8 1 of Legislative Bill 757, Eighty-ninth Legislature,
- 9 Second Session, 1986.
- 10 No expenditures for permanent and temporary
- 11 salaries and per diems for state employees shall be made
- 12 from funds appropriated in this section."

The Warner motion to return prevailed with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 757A. The Warner specific amendment, AM2946, found in this day's Journal was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LB 999 in the Journal. No objections. So ordered.

AM2661

(Amendments to AM2584)

- 1 1. On page 1, line 6, after the comma insert
- 2 "or land used in a trade or business".
- 3 2. On page 9, line 2, after the comma insert
- 4 "or land used in a trade or business".
- 5 3. On page 11, line 3, after "77-1360" insert
- 6 "or land used in a trade or business".

Mr. Lynch asked unanimous consent to print the following amendment to LB 1258 in the Journal. No objections. So ordered.

AM2884

- 1 1. On page 4, line 25, strike "8,400" and
- 2 insert "15,000".
- 3 2. On page 5, line 1, strike "8,401 through
- 4 8,900" and insert "15,001 through 16,000"; in line 2
- 5 strike "8,901 through 9,400" and insert "16,001 through
- 6 17,000"; in line 3 strike "9,401 through 9,900" and
- 7 insert "17,001 through 18,000"; and in line 4 strike
- 8 "9,901 through 10,400" and insert "18,001 through
- 9 19,000".

SELECT FILE

LEGISLATIVE BILL 782. E & R amendments, AM5387, found in the Journal on page 1625 for the Forty-Seventh Day were adopted.

Mr. Wesely renewed his pending amendment, AM2618, found in the Journal on page 1622.

Mr. Lundy moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Wesely amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 849. E & R amendments, AM5390, found in the Journal on page 1630 for the Forty-Seventh Day were adopted.

Mr. R. Johnson renewed his pending amendment, AM2727, found in the Journal on page 1726.

Mr. Vickers requested a division of the question of the R. Johnson amendment.

The Chair sustained the division of the question.

The first R. Johnson amendment is as follows:

(1)

- 1 1. On page 18, line 12, after "servicing"
- 2 insert ". All loans purchased or guaranteed by the
- 3 authority shall meet prudent underwriting standards, and
- 4 any bond or security issued by the authority shall be
- 5 investment grade quality and shall be rated A or better
- 6 by at least one national rating service".

The first R. Johnson amendment was adopted with 25 ayes, 2 nays, 18 present and not voting, and 4 excused and not voting.

The second R. Johnson amendment is as follows:

(2)

- 7 2. On page 33, line 21, after "Governor"
- 8 insert "and the Legislature"; and in line 24 after the
- 9 period insert "The Governor shall include such sum, if
- 10 any, in his or her budget recommendation for the ensuing
- 11 fiscal year as required by Article IV, section 7, of the
- 12 Constitution of the State of Nebraska."

PRESIDENT MCGINLEY PRESIDING

Mr. R. Johnson moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. R. Johnson requested a roll call vote on his second amendment.

Voting in the affirmative, 29:

Abboud	Eret	Johnson, R.	Nichol	Sieck
Baack	Goll	Lamb	Pappas	Smith
Barrett	Goodrich	Landis	Rogers	Vickers
Chronister	Haberman	Marsh	Rupp	Warner
Conway	Hefner	Morehead	Schmit	Wesely
DeCamp	Hoagland	Nelson	Scofield	

Voting in the negative, 8:

Chizek	Hall	Hartnett	Johnson, L.	Johnson, V.
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Present and not voting, 9:

Beyer	Harris	Lundy	McFarland	Withem
Carsten	Higgins	Lynch	Miller	

Absent and not voting, 1:

Chambers

Excused and not voting, 2:

Hannibal Peterson

The second R. Johnson amendment was adopted with 29 ayes, 8 nays, 9 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mrs. Marsh asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. V. Johnson offered the following amendment:

A. Strike "the state" on line 15, page 24.

B. Strike "any money appropriated and made available by the state for the purposes of such funds," on lines 2 & 3, page 31.

C. Strike subsection (4) on page 33.

The V. Johnson amendment was adopted with 26 ayes, 8 nays, 12 present and not voting, and 3 excused and not voting.

Mr. R. Johnson asked unanimous consent to pass over LB 849. No objections. So ordered.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 309, 419, 635, 850, 850A, 900, 900A, 1005, 1051, and 1051A.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 309

The following changes, required to be reported for publication in the Journal, have been made:

ER0214

1. In the Vickers-Schmit amendment, AM2328, adopted April 4, 1986, on page 1, line 2, "3" has been struck and "2" inserted.

2. In the E & R amendments, AM5274, adopted April 4, 1986, on page 1, the matter beginning with "the" in line 9 through "Act" in line 10 has been struck and "ground water" inserted; in line 10, "46-289," has been inserted after "sections"; in line 13 "to change a provision relating to certain fees;" has been inserted after the first semicolon and "to change a provision relating to the approval of an application involving an interbasin transfer;" has been inserted after the second semicolon; and in line 14 "involving industrial ground water" has been inserted after "permit".

3. In the Standing Committee amendments, AM1681, adopted February 21, 1986:

a. On page 3, line 25, "2" has been struck and "3" inserted; and

b. On page 4, lines 20 and 23; and page 5, line 10, "2" has been struck and "3" inserted.

Enrollment and Review Change to LB 419

The following changes, required to be reported for publication in the Journal, have been made:

ER0215

1. On page 1, line 3, ", and section 79-1333.01, Revised Statutes Supplement, 1984" has been inserted after "1943"; and in line 4 after the semicolon "to change provisions relating to financial support for school districts;" has been inserted.

2. In the Standing Committee amendments, AM0825, adopted February 21, 1986, on page 1, line 9, "resides" has been struck and "reside" inserted; in line 19, "attends" has been struck and "attend" inserted; and in line 22 "or students" has been inserted after "student".

Enrollment and Review Change to LB 635

The following changes, required to be reported for publication in the Journal, have been made:

ER0207

1. In the Landis amendment, AM2380, adopted April 4, 1986, on page 1, line 10, the stricken comma has been reinstated.

2. On page 1, line 1, "section" has been struck and "sections" inserted and "and 44-371" has been inserted after "44-320"; and in line 5 "to change provisions relating to the exemption of certain proceeds and benefits as prescribed;" has been inserted before "to" and "section" has been struck and "sections; and to declare an emergency" has been inserted.

Enrollment and Review Change to LB 850

The following changes, required to be reported for publication in the Journal, have been made:

ER0211

1. In the Wesely-Morehead amendment, AM2838, adopted April 2, 1986, on page 1, line 2, "35" has been struck and "40" inserted.

2. In the Morehead amendment, AM2565, adopted April 2, 1986:

a. On page 1, line 10, the comma has been struck;

b. On page 4, line 16, "Nebraska" has been struck;

c. On page 6, line 1, "investment" has been struck; line 2 has been struck; in line 9 "of" has been inserted after "purchase"; in line 16 "and" has been inserted after the semicolon; in line 20 the semicolon has been struck and a period inserted; and lines 21 through 24 have been struck;

d. On page 7, lines 1 and 2 have been struck;

e. On page 8, lines 8, 9, and 11, "to" has been struck and "for" inserted;

f. On page 26, line 19, a comma has been inserted after "authority";

g. On page 28, line 21, a comma has been inserted after "property"; in line 22 a comma has been inserted after "bonds"; in line 23 the comma has been struck; and in line 24 the first comma has been struck;

h. On page 31, line 8, "and" has been inserted after the semicolon; in line 16 the colon has been struck; in line 17 "(i) That" has been struck and "that" inserted; in line 19 the semicolon has been struck and after "either" a colon has been inserted; in line 20 "(ii)" has been struck and "(i)" inserted; and in line 24 "(iii)" has been struck and "(ii)" inserted;

i. On page 36, line 12, "as" has been inserted after "authority";

j. On page 37, line 15, a comma has been inserted after "enterprise"; and in line 17 the first comma has been struck; and

k. On page 41, line 12, "industry" has been struck and "industries" inserted.

3. On page 1, line 2, "to" has been struck and "and to declare an emergency." inserted; and lines 3 through 6 have been struck.

Enrollment and Review Change to LB 900

The following changes, required to be reported for publication in the Journal, have been made:

ER0223

1. In the R. Johnson amendment, AM2886, adopted April 4, 1986:
 - a. On page 3, line 5, the first comma has been struck and shown as stricken; and
 - b. On page 8, line 7, the first stricken "to" has been reinstated and the comma has been struck and shown as stricken.
2. On page 1, line 1, "2-3901 to 2-3906, 2-3908 to 2-3912," has been inserted after "sections"; and in line 5 "to harmonize internal references in the Nebraska Pasteurized Milk Law; to change a provision relating to the restriction of the sale of milk and milk products; to change a provision relating to regulatory functions performed by political subdivisions;" has been inserted after the first semicolon.

Enrollment and Review Change to LB 1005

The following changes, required to be reported for publication in the Journal, have been made:

ER0210

1. In the E & R amendments, AM5359, amendment 2 has been stricken.
2. On page 1, line 2, "44-2831," has been struck; and in line 7 "surcharges" has been struck and "liability limits; to provide for the legal defense of a fund; to provide operative dates" inserted.

Enrollment and Review Change to LB 1051

The following changes, required to be reported for publication in the Journal, have been made:

ER0212

1. In the Chizek amendment, AM2196:
 - a. On page 2, the matter beginning with the semicolon in line 2 through the second quotation mark in line 3 has been struck; and the matter beginning with "line" in line 6 through "in" in line 7 has been struck; and
 - b. On page 3, lines 1 and 10, and on page 4, line 12, "renewal of" has been struck and "to renew" inserted.
2. In the E & R amendments, AM5316, on page 1, line 1, "first" has been inserted after "the"; and in line 3 "expire" has been struck and "expires" inserted.

3. On page 1, line 7, "and" has been struck and after "penalties",
"; and to provide for notice and a hearing" has been inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

RESOLUTION

LEGISLATIVE RESOLUTION 414.

Introduced by Lundy, 36th District; Barrett, 39th District.

WHEREAS, Stephanie Crandall is a page for this Legislature; and
WHEREAS, Ms. Crandall, a junior interpersonal communication
major from Overton, has been elected president of the Nebraska
Wesleyan University Student Affairs Senate; and

WHEREAS, Ms. Crandall's election is symbolic of her active
interest in public affairs and the political process.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS
OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA,
SECOND SESSION:

1. That the Legislature extends congratulations to Stephanie
Crandall upon her selection as president of the Nebraska Wesleyan
University Student Affairs Senate.

2. That a copy of this resolution be presented to Ms. Crandall
together with the best wishes of the Legislature.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following
amendment to LB 201A in the Journal. No objections. So ordered.

AM2631

- 1 1. Strike original section 1 and all
- 2 amendments thereto and insert the following new section:
- 3 "Section 1. There is hereby appropriated (1)
- 4 \$137,709 from the General Fund for the period July 1,
- 5 1986, to June 30, 1987, and (2) \$450,309 from the
- 6 General Fund for the period July 1, 1987, to June 30,
- 7 1988, to the Department of Health, for Program 514, to
- 8 aid in carrying out the provisions of Legislative Bill
- 9 201, Eighty-ninth Legislature, Second Session, 1986.
- 10 Total expenditures for permanent and temporary

11 salaries and per diems from funds appropriated in this
12 section shall neither exceed \$20,188 for the period July
13 1, 1986, to June 30, 1987, nor \$20,188 for the period
14 July 1, 1987, to June 30, 1988.”.

Mr. Goll asked unanimous consent to print the following amendment to LB 355A in the Journal. No objections. So ordered.

AM2904

1 1. On page 2 strike beginning with “(1)” in
2 line 1 through “\$2,550” in line 5 and all amendments
3 thereto and insert “\$4,100 from the Athletic Trainer
4 Fund and \$5,963”; and strike beginning with “exceed” in
5 line 12 through “\$4,905” in line 13 and insert “not
6 exceed \$9,011”.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 7, 1986, at 2:20 p.m., were the following bills: 529, 491, 516, 105, 267, 438, 438A, 701, 1229, 325, 325A, 437, 774, 774A, 804, 804A, and 1129.

(Signed) Pam Moravec, Enrolling Clerk

SELECT FILE

LEGISLATIVE BILL 300. E & R amendments, AM5256, found in the Journal on page 993 for the Thirty-First Day were adopted.

Passed over.

GENERAL FILE

LEGISLATIVE RESOLUTION 16CA. Considered.

Mr. DeCamp asked unanimous consent to bracket LR 16CA.

Mr. Chambers objected.

Mr. DeCamp moved to bracket LR 16CA.

Mr. DeCamp moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

The DeCamp motion to bracket LR 16CA prevailed with 36 ayes, 6 nays, 4 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 600. E & R amendments, AM5179, found in the Journal on page 2475 for the Eighty-Fifth Day, First Session, were adopted.

Mrs. Higgins withdrew her pending amendment, AM1550, found in the Journal on page 2541, First Session.

Mr. Hoagland withdrew his pending amendments, AM1565, found in the Journal on page 2553, First Session, and AM1612, found in the Journal on page 2591, First Session.

Mr. Hoagland renewed his pending amendment, AM2569, printed separate from the Journal and referred to on page 2017.

Mr. Chronister asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

The Hoagland amendment was adopted with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

Mr. Abboud offered the following amendment:
AM2426

- 1 1. Strike the original sections and all
- 2 amendments thereto, and insert the following new
- 3 sections:
- 4 "Section 1. That section 1, Legislative Bill
- 5 7, Eighty-ninth Legislature, Second Special Session,
- 6 1985, be amended to read as follows:
- 7 Section 1. The Legislature finds that matters
- 8 relating to visitation, paternity, and the support of
- 9 children, whether directly in the form of child support,
- 10 indirectly in the form of support for a spouse or former
- 11 spouse, or otherwise, should be handled by the courts in
- 12 an expeditious manner so that parties may obtain needed
- 13 orders and other actions as quickly as possible. The
- 14 Supreme Court shall by rule determine whether child
- 15 support referees are necessary in any county in order to

16 meet the requirements relating to case progression
17 standards established by Public Law 98-378. No child
18 support referees shall be appointed unless a showing of
19 the inability of the existing judicial resources to
20 accommodate the case progression standards established
21 by Public Law 98-378 is made to the Supreme Court. If
1 the Supreme Court determines that a child support
2 referee is necessary to serve any county, the district
3 court in such county shall appoint, based upon its local
4 court rules, an attorney in good standing to serve as
5 referee subject to the confirmation by the Supreme
6 Court. If directed by the Supreme Court, a referee so
7 appointed may serve any county of the state on a
8 temporary basis in order to comply with case progression
9 standards established by Public Law 98-378. The child
10 support referee so appointed may be removed by either
11 the district court or Supreme Court. The Supreme Court
12 shall by rule determine whether child support referees
13 are necessary in counties with a population of more than
14 sixty thousand inhabitants to meet requirements relating
15 to case progression standards established by Public Law
16 98-378. If the Supreme Court determines that a child
17 support referee is necessary in such a county, the
18 district court in such county shall appoint no more than
19 one attorney in good standing to serve as a referee
20 subject to confirmation by the Supreme Court. The child
21 support referee may be removed by either the district
22 court or Supreme Court. In the remaining counties of
23 the state no child support referees shall be appointed
24 unless (1) a showing of the inability of the existing
1 judicial resources to accommodate the case progression
2 standards established by Public Law 98-378 is made and
3 (2) specific statutory authorization is granted by the
4 Legislature.

5 In any county, the Supreme Court may appoint
6 without approval of the Legislature, county judges to
7 act as child support referees. The Supreme Court may by
8 rule prioritize classes of cases in order to assure that
9 matters relating to child support and spousal support,
10 paternity, and visitation shall meet the case
11 progression standards established by Public Law 98-378.

12 Sec. 2. That section 42-364, Revised Statutes
13 Supplement, 1985, as amended by section 16, Legislative
14 Bill 7, Eighty-ninth Legislature, Second Special
15 Session, 1985, be amended to read as follows:

16 42-364. ~~When dissolution of a marriage or~~
17 ~~legal separation is decreed, the court may include such~~
18 ~~orders in relation to any minor children and their~~
19 ~~maintenance as shall be justified, including placing the~~
20 ~~minor children in the custody of the court or third~~
21 ~~parties or terminating parental rights pursuant to~~
22 ~~subdivision (5) of this section if the welfare of the~~
23 ~~children so requires. Custody and visitation of minor~~
24 ~~children shall be determined on the basis of their best~~
1 ~~interests. Subsequent changes may be made by the court~~
2 ~~after hearing on such notice as prescribed by the court.~~

3 (1) ~~In determining with which of the parents~~
4 ~~the children or any of them shall remain, the court~~
5 ~~shall consider the best interests of the children, which~~
6 ~~shall include, but not be limited to:~~

7 (a) ~~The relationship of the children to each~~
8 ~~parent prior to the commencement of the action or any~~
9 ~~subsequent hearing;~~

10 (b) ~~The desires and wishes of the children if~~
11 ~~of an age of comprehension regardless of their~~
12 ~~chronological age, when such desires and wishes are~~
13 ~~based on sound reasoning; and~~

14 (c) ~~The general health, welfare, and social~~
15 ~~behavior of the children.~~

16 (2) ~~In determining with which of the parents~~
17 ~~the children or any of them shall remain, the court~~
18 ~~shall not give preference to either parent based on the~~
19 ~~sex of the parent, and no presumption shall exist that~~
20 ~~either parent is more fit to have custody of the~~
21 ~~children than the other.~~

22 (3) ~~The court may place the custody of a child~~
23 ~~with both parents on a shared or joint custody basis~~
24 ~~when both parents agree to such an arrangement. In that~~
1 ~~event, the parents shall have equal rights to make~~
2 ~~decisions in the best interests of the child in their~~
3 ~~custody. The court shall not place a child in joint~~
4 ~~custody without conducting a hearing in open court and~~
5 ~~specifically finding that joint custody is in the best~~
6 ~~interest of the child regardless of any parental~~
7 ~~agreement or consent.~~

8 (4) ~~In determining the amount of child support~~
9 ~~to be paid by a parent, the court shall consider the~~
10 ~~earning capacity of each parent and the guidelines~~
11 ~~provided by the Supreme Court Nebraska District Judges~~

12 ~~Association pursuant to section 18 of this act for the~~
13 ~~establishment of child support obligations. Upon~~
14 ~~application, hearing, and presentation of evidence of an~~
15 ~~abusive disregard of the use of child support money paid~~
16 ~~by one party to the other, the court may require the~~
17 ~~party receiving such payment to file a verified report~~
18 ~~with the court as often as the court shall require~~
19 ~~stating the manner in which such money is used. Child~~
20 ~~support paid to the party having custody of the child~~
21 ~~shall be the property of such party. The clerk of the~~
22 ~~district court shall maintain a record, separate from~~
23 ~~all other judgment dockets, of all decrees and orders in~~
24 ~~which the payment of child support or spousal support~~
1 ~~has been ordered, whether ordered by a district court,~~
2 ~~separate juvenile court, or county court sitting as a~~
3 ~~juvenile court.~~

4 (5) ~~Whenever termination of parental rights is~~
5 ~~placed in issue by the pleadings or evidence, the court~~
6 ~~shall transfer jurisdiction to a juvenile court~~
7 ~~established pursuant to the Nebraska Juvenile Code~~
8 ~~unless a showing is made that the district court is a~~
9 ~~more appropriate forum. In making such determination,~~
10 ~~the court may consider such factors as cost to the~~
11 ~~parties, undue delay, congestion of dockets, and~~
12 ~~relative resources available for investigative and~~
13 ~~supervisory assistance. A determination that the~~
14 ~~district court is a more appropriate forum shall not be~~
15 ~~a final order for the purpose of enabling an appeal. If~~
16 ~~no such transfer is made, the court shall forthwith~~
17 ~~appoint an attorney as guardian ad litem to protect the~~
18 ~~interests of any minor children. The court may~~
19 ~~terminate the parental rights of one or both parents~~
20 ~~after notice and hearing when the court finds such~~
21 ~~action to be in the best interests of the children and~~
22 ~~it appears by the evidence that one or more of the~~
23 ~~following conditions exist:~~

24 (a) ~~Such children have been abandoned by one~~
1 ~~or both parents;~~

2 (b) ~~One or both parents have substantially and~~
3 ~~continuously or repeatedly neglected the children and~~
4 ~~have refused to give such children necessary parental~~
5 ~~care and protection;~~

6 (c) ~~One or both parents are unfit by reason of~~
7 ~~debauchery, habitual use of intoxicating liquor or~~

8 ~~narcotic drugs, or repeated lewd and lascivious~~
9 ~~behavior, which conduct is found by the court to be~~
10 ~~seriously detrimental to the health, morals, or~~
11 ~~well-being of the children; or~~

12 ~~(d) One or both parents are unable to~~
13 ~~discharge parental responsibilities because of mental~~
14 ~~illness or mental deficiency, and there are reasonable~~
15 ~~grounds to believe that such condition will continue for~~
16 ~~a prolonged indeterminate period.~~

17 ~~Whenever termination of parental rights is~~
18 ~~placed in issue, the court shall forthwith inform a~~
19 ~~parent who does not have legal counsel of that parent's~~
20 ~~right to retain counsel and shall further inform such~~
21 ~~parent of the parent's right to retain legal counsel at~~
22 ~~county expense if such parent is unable to afford legal~~
23 ~~counsel. If such parent is unable to afford legal~~
24 ~~counsel and requests the court to appoint legal counsel,~~
1 ~~the court shall immediately appoint an attorney to~~
2 ~~represent the parent in the termination proceedings.~~
3 ~~The court shall order the county to pay the attorney's~~
4 ~~fee and all reasonable expenses incurred by the attorney~~
5 ~~in protecting the rights of the parent. At such~~
6 ~~hearing, the guardian ad litem shall take all action~~
7 ~~necessary to protect the interests of the minor~~
8 ~~children. The court shall fix the fee and expenses of~~
9 ~~the guardian ad litem and tax the same as costs, but may~~
10 ~~order the county to pay on finding the responsible party~~
11 ~~indigent and unable to pay.~~

12 ~~Sec. 3. That section 18, Legislative Bill 7,~~
13 ~~Eighty-ninth Legislature, Second Special Session, 1985,~~
14 ~~be amended to read as follows:~~

15 ~~Sec. 18. The Supreme Court Nebraska District~~
16 ~~Judges Association shall provide by court rule, as a~~
17 ~~rebuttable presumption, guidelines for the establishment~~
18 ~~of all child support obligations. Child support shall~~
19 ~~be established in accordance with such guidelines unless~~
20 ~~the court finds that one or both parties have produced~~
21 ~~sufficient evidence to rebut the presumption that the~~
22 ~~application of the guidelines will result in a fair and~~
23 ~~equitable child support order.~~

24 ~~Sec. 4. That original section 42-364, Revised~~
1 ~~Statutes Supplement, 1985, as amended by section 16,~~
2 ~~Legislative Bill 7, Eighty-ninth Legislature, Second~~
3 ~~Special Session, 1985, and sections 1 and 18,~~
4 ~~Legislative Bill 7, Eighty-ninth Legislature, Second~~

5 ~~Special Session, 1985, are repealed."~~

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

The Abboud amendment lost with 3 ayes, 14 nays, 27 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

WITHDRAW - Amendment to LB 600A

Mr. Hoagland withdrew his pending amendment, AM1599, found in the Journal on page 2553, First Session, to LB 600A.

UNANIMOUS CONSENT - Bracket LB 600A

Mr. Hoagland asked unanimous consent to bracket LB 600A. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 217. E & R amendments, AM5202, found in the Journal on page 415 for the Ninth Day were adopted.

Mr. Vickers renewed his pending amendment, AM1794, found in the Journal on page 481.

Messrs. DeCamp, Pappas, Mesdames Nelson, and Smith asked unanimous consent to be excused until they return. No objections. So ordered.

The Vickers amendment lost with 4 ayes, 17 nays, 19 present and not voting, and 9 excused and not voting.

Messrs. R. Johnson and Miller asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Vickers withdrew his pending amendment, AM1749, found in the Journal on page 482.

Mr. Landis withdrew the pending Beutler amendments, AM1885, found in the Journal on page 654, and AM2004, found in the Journal on page 654.

Mr. Landis withdrew his pending amendment, AM1882, found in the Journal on page 1662.

Mr. Landis renewed his pending amendment, AM2778, found in the Journal on page 1842.

The Landis amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Harris offered the following amendment:

To amend LB 217 by striking the word "a daily" on page 7, line 11 of the bill, and inserting the word "an."

The Harris amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 217A. E & R amendments, AM5203, found in the Journal on page 416 for the Ninth Day were adopted.

Mr. Barrett asked unanimous consent to be excused. No objections. So ordered.

Mr. Landis offered the following amendment:
AM2089

- 1 1. Strike the original sections and insert
- 2 the following new sections:
- 3 "Section 1. The State Treasurer is hereby
- 4 directed to transfer (1) \$29,088 from the Petroleum
- 5 Products and Hazardous Substances Storage and Handling
- 6 Fund to the State Fire Marshall Cash Fund for the period
- 7 July 1, 1986, to June 30, 1987, and (2) \$30,600 from the
- 8 Petroleum Products and Hazardous Substances Storage and
- 9 Handling Fund to the State Fire Marshal Cash Fund for
- 10 the period July 1, 1987, to June 30, 1988, to the State
- 11 Fire Marshal, for Program 193, to aid in carrying out
- 12 the provisions of Legislative Bill 217, Eighty-ninth
- 13 Legislature, Second Session, 1986.
- 14 Sec. 2. There is hereby appropriated (1)
- 15 \$104,088 from the State Fire Marshal Cash Fund for the
- 16 period July 1, 1986, to June 30, 1987, and (2) \$180,600
- 17 from the State Fire Marshal Cash Fund for the period
- 18 July 1, 1987, to June 30, 1988, to the State Fire
- 19 Marshal, for Program 193, to aid in carrying out the

20 provisions of Legislative Bill 217, Eighty-ninth
21 Legislature, Second Session, 1986.

1 Total expenditures for permanent and temporary
2 salaries and per diems from funds appropriated in this
3 section shall exceed neither \$62,250 for the period July
4 1, 1986, to June 30, 1987, nor \$124,500 for the period
5 July 1, 1987, to June 30, 1988.

6 Sec. 3. There is hereby appropriated (1)
7 \$85,018 from the Petroleum Products and Hazardous
8 Substances Storage and Handling Fund for the period July
9 1, 1986, to June 30, 1987, and (2) \$130,437 from the
10 Petroleum Products and Hazardous Substances Storage and
11 Handling Fund for the period July 1, 1987, to June 30,
12 1988, to the Department of Environmental Control, for
13 Program 513, to aid in carrying out the provisions of
14 Legislative Bill 217, Eighty-ninth Legislature, Second
15 Session, 1986.

16 Total expenditures for permanent and temporary
17 salaries and per diems from funds appropriated in this
18 section shall exceed neither \$44,711 for the period July
19 1, 1986, to June 30, 1987, nor \$91,685 for the period
20 July 1, 1986, to June 30, 1988.

21 Sec. 4. There is hereby appropriated (1)
22 \$460,894 from the Petroleum Products and Hazardous
23 Substances Storage and Handling Fund for the period July
24 1, 1986, to June 30, 1987, and (2) \$238,963 from the
1 Petroleum Products and Hazardous Substances Storage and
2 Handling Fund for the period July 1, 1987, to June 30,
3 1988, to the Department of Environmental Control, for
4 Program 513, to aid in carrying out the provisions of
5 Legislative Bill 217, Eighty-ninth Legislature, Second
6 Session, 1986.

7 No expenditures for permanent and temporary
8 salaries and per diems for state employees shall be made
9 from funds appropriated in this section.

10 There is included in the appropriation (1)
11 \$460,894 Cash Funds for the period July 1, 1986, to June
12 30, 1987, and (2) \$238,963 Cash Funds for the period
13 July 1, 1987, to June 30, 1988, for state aid which
14 shall only be used for such purposes.”.

The Landis amendment was adopted with 26 ayes, 0 nays, 12 present
and not voting, and 11 excused and not voting.

Advanced to E & R for Engrossment.

RESOLUTION**LEGISLATIVE RESOLUTION 415.**

Introduced by Vickers, 38th District.

Whereas, the National Arbor Day Foundation in Cooperation with the Nebraska Forestry Service sponsor the annual Tree City USA Award; and,

Whereas, the Tree City USA Award is given to a community for outstanding work in developing an Urban Forestry program; and,

Whereas, the City of McCook will be awarded a Tree City USA Award by Governor Bob Kerrey on April 8, 1986;

THEREFORE BE IT RESOLVED BY THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature Commends and Congratulates the City of McCook on winning one of this year's Tree City USA Awards and recognizes the efforts the city has made in improving the urban environment.

2. That a copy of this resolution be sent to the City of McCook in care of Mayor Gary V. Rothmeyer for the citizens of McCook in honor of a job well done.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 539 in the Journal. No objections. So ordered.

AM2948

- 1 1. Strike the original sections and all
- 2 amendments thereto and insert the following new
- 3 sections:
- 4 "Section 1. That section 77-2701.01, Revised
- 5 Statutes Supplement, 1984, as amended by section 1,
- 6 Legislative Bill 35, Eighty-ninth Legislature, Second
- 7 Special Session, 1985, be amended to read as follows:
- 8 77-2701.01. Pursuant to section 77-2715.01,
- 9 the rate of the income tax imposed by section 77-2715
- 10 shall be ~~nineteen~~ twenty per cent. ~~, except that for~~
- 11 ~~taxable years beginning or deemed to begin on or after~~
- 12 ~~January 1, 1985, and on or before December 31, 1985, the~~
- 13 ~~rate shall be twenty per cent.~~

14 Sec. 2. This act shall become operative for
15 all taxable years beginning or deemed to begin on or
16 after January 1, 1986.

17 Sec. 3. That original section 77-2701.01,
18 Revised Statutes Supplement, 1984, as amended by section
19 1, Legislative Bill 35, Eighty-ninth Legislature, Second
20 Special Session, 1986, is repealed.”.

Mr. Warner and Mrs. Smith asked unanimous consent to print the following amendment to LB 539 in the Journal. No objections. So ordered.

AM2933

1 1. On page 2, line 10, strike “three and one
2 half”, show as stricken, and insert “four”.

3 2. Insert the following new sections:

4 “Sec. 3. This act shall become operative on
5 July 1, 1986, or the first day of the first month
6 following the effective date of this act, whichever
7 occurs last.

8 Sec. 5. Since an emergency exists, this act
9 shall be in full force and take effect, from and after
10 its passage and approval, according to law.”.

11 3. Renumber remaining section accordingly.

Mr. Beyer asked unanimous consent to print the following amendment to LB 645A in the Journal. No objections. So ordered.

RE: Insert the following new language in LB 645A.

“There is hereby appropriated \$320,000 from the General Fund for the period July 1, 1986, to June 30, 1987, to the University of Nebraska-Lincoln Institute of Agriculture and Natural Resources for the Nebraska Forest Service. It is the intent of the Legislature that a) the total General Fund allocation for the Nebraska Forest Service shall be \$470,000 for fiscal year 1986-87 and b) \$307,869 from various fund sources shall be used for the operation of the rural fire program.”

UNANIMOUS CONSENT - Add Co-Introducer

Mr. L. Johnson asked unanimous consent to have his name added as co-introducer to LB 911. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 310. E & R amendments, AM5349, found in the Journal on page 1416 for the Forty-Second Day were adopted.

Mr. Lundy renewed his pending amendment, AM2402, found in the Journal on page 1225.

The Lundy amendment was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Mr. Schmit renewed his pending amendment, AM2456, found in the Journal on page 1322.

The Schmit amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Rupp and Mrs. Morehead asked unanimous consent to be excused. No objections. So ordered.

Mr. Schmit renewed his pending amendment found in the Journal on page 1903.

The Schmit amendment was adopted with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 310A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1004. E & R amendments, AM5394, found in the Journal on page 1655 for the Forty-Eighth Day were adopted.

Mr. Beyer withdrew his pending amendments, AM2615, found in the Journal on page 1518, and AM2538, found in the Journal on page 1469.

Mr. Hoagland withdrew his pending amendments, AM2531, found in the Journal on page 1454, AM2436, found in the Journal on page 1366, and AM2514, found in the Journal on page 1366.

Mr. Eret asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1004A. E & R amendment, AM5395, found in the Journal on page 1656 for the Forty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 799. E & R amendment, AM5364, found in the Journal on page 1534 for the Forty-Fifty Day was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Wesely asked unanimous consent to print the following amendment to LB 921 in the Journal. No objections. So ordered.

AM2943

- 1 1. In AM1998:
- 2 a. Insert the following new sections:
- 3 "Sec. 2. That section 71-2017.02, Revised
- 4 Statutes Supplement, 1984, be amended to read as
- 5 follows:
- 6 71-2017.02. Nothing contained in sections
- 7 71-2017 to 71-2029 and 81-604.01 shall prohibit the
- 8 licensee, as a convenience, from administering to or
- 9 assisting a resident of a domiciliary facility,
- 10 residential care facility, mental health center, or
- 11 center for the developmentally disabled in taking
- 12 routine oral or external medications prescribed for the
- 13 resident by a licensed physician and dispensed by a
- 14 licensed pharmacist; or from providing storage and
- 15 handling of such medication as long as there is such
- 16 supervision as is determined necessary by the resident's
- 17 physician. This service shall be permitted only
- 18 pursuant to rules and regulations adopted and
- 19 promulgated by the Department of Health which (1)
- 20 approve existing training courses in a domiciliary
- 21 facility, residential care facility, mental health
- 1 center, or center for the developmentally disabled, (2)
- 2 provide for establishment of new training courses and
- 3 their content, length of training, and requirements for
- 4 ~~certification~~ approval for facility staff administering
- 5 medications, and (3) insure proper storage, handling,
- 6 and disposal of controlled substances and all other
- 7 drugs. Such rules and regulations shall conform to all
- 8 state and federal statutes, rules and regulations, and

9 standards regarding the dispensing, prescribing, and
10 storage of controlled substances and all other drugs.
11 No unlicensed member of the staff of such a care
12 facility shall provide the service of administering
13 medications unless ~~certified~~ approved by the Department
14 of Health to do so. Such ~~certification~~ approval may be
15 denied or revoked by the department for violation of
16 sections 71-2017 to 71-2029; or 81-604.01; or the rules
17 and regulations of the department or for other due
18 cause.

19 Sec. 4. That section 71-6030, Revised
20 Statutes Supplement, 1984, be amended to read as
21 follows:

22 71-6030. The director shall assign a
23 representative of the department, other than the
24 inspector upon whose inspection the contested citation
1 is based, to hold an informal conference with the
2 licensee of the nursing home within ~~ten~~ fifteen working
3 days after receipt of a request made pursuant to
4 subdivision (2) of section 71-6029. Within ~~five~~ seven
5 working days of the conclusion of such conference the
6 representative shall affirm, modify, or dismiss the
7 citation. The representative shall state in writing the
8 specific reasons for affirming, modifying, or dismissing
9 the citation and shall immediately transmit copies of
10 the statement to the director and the nursing home. The
11 nursing home's copy of such statement shall be
12 transmitted by certified mail. If the nursing home does
13 not desire to further contest an affirmed or modified
14 citation, it shall, within five working days after the
15 receipt of the written explanation of the
16 representative, comply with subdivision (1) of section
17 71-6029.

18 Sec. 5. That section 71-6039, Revised
19 Statutes Supplement, 1984, be amended to read as
20 follows:

21 71-6039. No person shall act as a nursing
22 assistant in a nursing home, unless such person:

23 (1) Is at least sixteen years of age and has
24 not been convicted of a crime involving moral turpitude;

1 (2) Is able to speak and understand the
2 English language or a language understood by a
3 substantial portion of the nursing home's residents;

4 (3) Has successfully completed a ~~current~~
5 course of training approved by the department for

6 nursing assistants not later than January 1, 1984, or
7 within one hundred twenty days of initial employment in
8 the capacity of a nursing assistant at any nursing home
9 if employment begins after January 1, 1984. The
10 department may prescribe a curriculum for training
11 nursing assistants and may adopt and promulgate rules
12 and regulations for such courses of training. The
13 department may also approve courses of training
14 developed by associations, educational institutions,
15 health care facilities, or other entities so long as
16 such courses of training meet the criteria set out in
17 the rules and regulations adopted and promulgated by the
18 Department of Health. Such courses of training shall
19 include instruction on the responsibility of each
20 nursing assistant to report suspected abuse or neglect
21 pursuant to section 28-711. Such rules and regulations
22 shall include procedures for nursing homes to carry out
23 approved courses of training within the nursing home.
24 Such rules and regulations shall provide that the
1 prescribed training be administered by a registered
2 nurse. Such courses of instruction shall be no less
3 than twenty hours in duration; and shall include at
4 least fifteen hours of basic personal care training and
5 five hours of basic therapeutic and emergency procedure
6 training. This section shall not prohibit any facility
7 from exceeding the minimum hourly or training
8 requirements.”; and

9 b. On page 2, line 9, strike “71-2024,” and
10 insert “71-2017.02, 71-2024, 71-6030, and 71-6039,”; and
11 in line 3 strike “is” and insert “are”.

12 2. In E & R AM5378, on page 1, line 2, strike
13 “section 71-2024,” and insert “sections 71-2017.02,
14 71-2024, 71-6030, and 71-6039,”; in line 4 after the
15 semicolon insert “to change provisions relating to the
16 administration of certain medication by the staff of a
17 health care facility;” in line 6 after the semicolon
18 insert “to change a provision relating to informal
19 conferences as prescribed; to change a training course
20 provision for nursing assistants;” and in line 7 strike
21 “section” and insert “sections”.

22 3. Renumber the remaining sections
23 accordingly.

Messrs. Lundy, Chronister, and Lamb asked unanimous consent to print the following amendment to LR 318 in the Journal. No objections. So ordered.

AM2952

1 1. Strike original sections 1 and 2 and all
2 amendments thereto and insert the following new
3 sections:

4 "Section 1. That at the general election in
5 November 1986 there shall be submitted to the electors
6 of the State of Nebraska for approval the following
7 amendment to Article I, section 1, of the Constitution
8 of Nebraska, which is hereby proposed by the
9 Legislature:

10 CI-1 'All persons are by nature free and
11 independent, and have certain inherent and inalienable
12 rights; among these are life, liberty, ~~and~~ the pursuit
13 of happiness, and the right to keep and bear arms for
14 the defense of their persons, families, and property and
15 the state and for lawful hunting and recreational and
16 other lawful purposes. Such rights shall not be
17 abridged by the state or any subdivision thereof. To
18 secure these rights, and the protection of property,
19 governments are instituted among people, deriving their
20 just powers from the consent of the governed.'

21 Sec. 2. The proposed amendment shall be
1 submitted to the electors in the manner prescribed by
2 Article XVI, section 1, of the Constitution of Nebraska.
3 The proposition for the submission of the proposed
4 amendment shall be placed upon the ballot in the
5 following form:

6 'A constitutional amendment to give all
7 persons in this state the right to keep and
8 bear arms for their personal defense and other
9 lawful purposes.

10 For
11 Against'."

12 2. On page 1, line 2, strike "Article III,
13 sections 2 and 3" and insert "Article I, section 1".

UNANIMOUS CONSENT - Bracket LB 1247

Mr. Hoagland asked unanimous consent to bracket LB 1247 on E & R Final. No objections. So ordered.

ADJOURNMENT

At 4:52 p.m., on a motion by Mrs. Higgins, the Legislature adjourned until 9:00 a.m., Tuesday, April 8, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SIXTH DAY - APRIL 8, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

FIFTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 8, 1986

Pursuant to adjournment, the Legislature met at 9:05 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Rev. Donn Rosenauer, Sheridan Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Carsten, Hoagland, Rupp, Schmit, Mesdames Higgins, and Labeledz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Fifth Day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 153.

Correctly Engrossed

The following bills were correctly engrossed: 528, 799, 817, and 960.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 528

The following changes, required to be reported for publication in the Journal, have been made:

ER0220

1. In the Landis amendment, AM2877, adopted on April 4, 1986:

a. On page 1, line 7, "by an offender" has been inserted after "performed"; and in line 13 an underscored comma has been inserted after "community";

b. On page 2, line 13, "a" has been inserted after "of";

c. On page 9, in lines 16, 19, and 20, the comma has been struck; in lines 16 and 20 an underscored comma has been inserted after "probation"; in line 18 an underscored comma has been inserted after "body"; and in line 19 an underscored comma has been inserted after "act";

d. On page 11, lines 7 and 12, the stricken matter has been reinstated;

e. On page 12, lines 11 and 15; page 13, line 19; and page 16, line 18, the new matter has been struck and the stricken matter reinstated;

f. On page 13, line 17, "compensation" has been inserted after the second "the";

g. On page 16, lines 4 and 8, an underscored comma has been inserted after "probation"; in line 7 "or" has been inserted after the first underscored comma, "as defined in section 1 of this act" has been inserted after "agency", and "or" has been struck; in line 8 "organization" has been struck; in line 9 "as defined in section 1 of this act" has been inserted after "service"; and in line 17 the period has been struck.

2. On page 1, lines 1 through 6 and all amendments thereto have been struck and "FOR AN ACT relating to violations; to amend sections 29-2262, 29-2412, 48-115, 48-126.01, and 79-211, Reissue Revised Statutes of Nebraska, 1943; to define terms; to provide for community service as a sentencing alternative; to provide the length of community service required; to authorize an additional condition for probation; to change provisions relating to nonpayment of fines; to provide for workers' compensation benefits in certain situations; to change provisions relating to the reporting of nonattendance at school; and to repeal the original sections." has been inserted.

Enrollment and Review Change to LB 817

The following changes, required to be reported for publication in the Journal, have been made:

ER0217

1. In the E and R amendments, AM5287, on page 1, line 7, the second "and" has been struck and a comma inserted; and in line 8 "and reappraisal contracts" has been inserted after "valuations".

2. On page 6, line 18, "section" has been struck and "sections" inserted; and in line 24 "subdivisions" has been struck and "subsections" inserted.

3. On page 17, line 8, "subsection" has been struck, shown as stricken, and "subdivision" inserted.

Enrollment and Review Change to LB 960

The following changes, required to be reported for publication in the Journal, have been made:

ER0225

1. In the E & R amendments, on page 1, line 2, "notice" has been struck and "printing requirements" inserted; and line 9 has been struck.

2. On page 1, line 7, "32-708," has been inserted after "32-550,,"; in line 12 "of certain notices" has been inserted after "publication"; and in line 13 "to change numbering requirements of certain measures;" has been inserted after the semicolon.

3. On page 8, line 9, an underscored comma has been inserted after "located" and the comma has been struck; and in line 10 the comma has been struck.

4. On page 12, line 11, "recorded" has been struck, shown as stricken, and "record" inserted.

5. On page 13, line 9, the old matter has been reinstated and the new matter struck.

6. On page 40, line 7, "of" has been inserted after "clerk"; and in lines 17 and 20 "the" has been inserted after "after".

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Member Excused

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 415. Read. Considered.

LR 415 was adopted with 25 ayes, 0 nays, and 24 not voting.

SELECT FILE

LEGISLATIVE BILL 1255. E & R amendments, AM5420, found in the Journal on page 1934 for the Fifty-Third Day were adopted.

Mr. Barrett offered the following amendment:
AM2961

- 1 1. On page 4, after line 3 insert the
- 2 following:
- 3 "Claim No. 016, against the Department of
- 4 Correctional Services, pay to Jeffrey J.
- 5 Treu, c/o Murry Shaeffer, 850 Stuart
- 6 Building, Lincoln, Nebraska, 68508,
- 7 out of the General Fund 12,500.00

The Barrett amendment was adopted with 25 ayes, 4 nays, 12 present and not voting, and 8 excused and not voting.

Mr. Pappas offered the following amendment:

1. On page 4 after line 3 insert the following:
Claim No. 074, against the Military Department, pay to Patrick D. Flynn, Box 2, North Platte, Nebraska, 69101, out of the General Fund, 123.33

The Pappas amendment was adopted with 25 ayes, 4 nays, 13 present and not voting, and 7 excused and not voting.

Mr. Chambers offered the following amendment:

Add Claim of \$1,200,000 to compensate UNL football players

Mrs. Marsh requested a ruling of the Chair on whether the Chambers amendment is germane to the bill.

The Chair ruled the Chambers amendment is not germane to the bill.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1256. E & R amendments, AM5421, found in the Journal on page 1934 for the Fifty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1142. E & R amendments, AM5423, found in the Journal on page 1979 for the Fifty-Fourth Day were adopted.

Messrs. V. Johnson and Warner offered the following amendment:
AM2957

- 1 1. On page 3, line 11, after "rate" and
2 insert "change necessary".
- 3 2. On page 4, line 19, after "requiring"
4 insert "consideration of".
- 5 3. Strike original section 6 and insert the
6 following new section:
7 "Sec. 7. That section 77-2734.02 Revised
8 Statutes Supplement, 1984, be amended to read as
9 follows:
10 77-2734.02. (1) A tax is hereby imposed for
11 each taxable year on the taxable income of every
12 corporate taxpayer that is doing business in this state
13 at a rate equal to twenty-five per cent of the rate
14 imposed on individuals under section 77-2715 and
15 adjusted pursuant to sections 1 to 5 of this act on the
16 first fifty thousand dollars of taxable income and at
17 the rate of thirty-five per cent of such rate on all
18 taxable income in excess of fifty thousand dollars,
19 except that for taxable years beginning or deemed to
20 begin before January 1, 1987, any adjustment to the
21 individual income tax rate made pursuant to sections 1
1 to 5 of this act shall not change the corporate tax rate
2 prescribed in this section.
3 (a) For corporate taxpayers with a fiscal year
4 that does not coincide with the calendar year, the
5 individual rate used for subsection (1) of this section
6 shall be the rate in effect on the first day, or the day
7 deemed to be the first day, of the taxable year.
8 (b) For fiscal years beginning before January
9 1, 1968, the rate initially set shall apply for the
10 period from January 1, 1968, to the end of that fiscal
11 year.
12 (2) For a corporate taxpayer that is subject
13 to tax in another state, its taxable income shall be the
14 portion of the taxpayer's federal taxable income, as
15 adjusted, that is determined to be connected with the
16 taxpayer's operations in this state pursuant to sections
17 77-2734.05 to 77-2734.15.
18 (3) Each corporate taxpayer shall file only
19 one income tax return for each taxable year."
20 4. On page 6, line 6, after "section" insert
21 "77-2734.02, Revised Statutes Supplement, 1984, and
22 section"; and strike beginning with "and" in line 7

23 through the last comma in line 10.

24 5. In the Standing Committee amendments,
1 AM2281, on page 1, line 6, after “cent” insert “to
2 reflect the calculation made in accordance with this
3 section”.

Mr. DeCamp offered the following amendment to the pending V. Johnson-Warner amendment:

On pg 1, line 20 change “before” to “after” and change “1987” to “1986”

The DeCamp amendment lost with 7 ayes, 12 nays, 29 present and not voting, and 1 excused and not voting.

The V. Johnson-Warner amendment was adopted with 26 ayes, 7 nays, 15 present and not voting, and 1 excused and not voting.

Messrs. Hefner and DeCamp moved to indefinitely postpone LB 1142.

Messrs. Hannibal and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Harris moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Haberman requested a record vote on the Hefner-DeCamp motion to indefinitely postpone.

Mr. DeCamp moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. DeCamp requested a roll call vote on the Hefner-DeCamp motion to indefinitely postpone.

Voting in the affirmative, 22:

Abboud	DeCamp	Johnson, R.	Pappas	Rogers
Baack	Goodrich	Labeledz	Peterson	Rupp
Barrett	Haberman	Lamb	Pirsch	Schmit
Beyer	Hefner	Nichol	Remmers	Withem
Chronister	Johnson, L.			

Voting in the negative, 23:

Carsten	Hannibal	Johnson, V.	Morehead	Smith
Chambers	Harris	Lundy	Nelson	Vickers
Chizek	Hartnett	Marsh	Scofield	Warner
Conway	Higgins	McFarland	Sieck	Wesely
Goll	Hoagland	Miller		

Present and not voting, 1:

Eret

Absent and not voting, 2:

Hall Landis

Excused and not voting, 1:

Lynch

The Hefner-DeCamp motion to indefinitely postpone lost with 22 ayes, 23 nays, 1 present and not voting, 2 absent and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Goodrich offered the following amendment:

Pg 2, Line 1, after Commissioner, insert "With the approval of the Governor"

The Goodrich amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Advanced to E & R for Engrossment with 25 ayes, 18 nays, 5 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Hannibal asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 757 and 757A.

Correctly Engrossed

The following bills were correctly engrossed: 835 and 949.

(Signed) Timothy Hall, Chairperson

**Enrollment and Review Change to LB 757
(Final Reading Copy)**

The following changes, required to be reported for publication in the Journal, have been made:

ER0233

1. In the Warner amendment, AM2947, adopted April 7, 1986, on page 1, the matter beginning with the quotation marks in line 6 through the quotation marks in line 7 has been struck and a semicolon inserted; and in line 8 the semicolon has been struck.
2. On page 1, line 8, "to provide severability;" has been inserted after the semicolon.

Enrollment and Review Change to LB 835

The following changes, required to be reported for publication in the Journal, have been made:

ER0219

1. In the Smith amendment found on page 1981 of the Journal adopted April 4, 1986, on page 1, before line 1 "(Amendments to AM5418)" has been inserted; in line 6 "section" has been struck and "sections" inserted; in line 10 an underscored comma has been inserted after "distance"; and in line 12 "(9)" has been struck and "(11)" inserted.
2. In the Hoagland-Landis amendment found on page 1975 of the Journal adopted April 4, 1986, "AM2536" has been struck and "AM5418" inserted.
3. Internal references and section numbers have been change to reflect the striking of section 11 by the Hoagland-Landis amendment found on page 1975 of the Journal adopted April 4, 1986.
4. In the DeCamp amendment, AM2915, adopted April 4, 1986, on page 2, line 1, the matter beginning with the semicolon through the last quotation marks has been struck; in line 11 "lines 19 and" has been struck and "line" inserted; in line 14 "(8)" has been struck

and “(9)” inserted; in line 18, “(9)” has been struck and “(10)” inserted; in line 21 “(2)” has been struck and “(3)” inserted; and the matter beginning with the semicolon in line 21 through the final quotation marks in line 22 has been struck.

5. In the E & R amendment, AM5418, adopted April 4, 1986:

a. On page 8, line 24, “and regulations” has been inserted after “rules”;

b. On page 9, line 7, “through” has been struck and “to” inserted; and

c. On page 16, line 23, “of this act” has been struck.

6. On page 1, line 5, “to provide powers and duties as prescribed;” has been inserted after the second semicolon; in line 8 “to limit jurisdiction as prescribed; to provide preemption; to provide for the billing of certain taxes and fees;” has been inserted after the semicolon and “to limit” has been struck; in line 9 “liability as prescribed;” has been struck; and in line 10 “to provide severability;” has been inserted before “and”.

Enrollment and Review Change to LB 949

The following changes, required to be reported for publication in the Journal, have been made:

ER0199

1. In lieu of the Vickers amendment found on page 1892 of the Journal adopted April 2, 1986, in the Smith amendment, AM2648, adopted April 2, 1986:

a. On page 1, line 11, the comma has been struck; in line 13 “or is eligible to serve as provided in sections 70-604.03 and 70-610” has been inserted after “district”; in line 17 “or is eligible to serve as provided in sections 70-604.03 and 70-610.” has been inserted after “district”; and in line 18 “or is eligible to serve” has been inserted after “resident”;

b. On page 1, lines 5, 7, 9 to 10, 11, 13, 17, and 20; and page 2, line 6, “public power” has been struck.

c. On page 2, line 3 “and is not eligible to serve as provided in sections 70-604.03 and 70-610” has been inserted after “district”.

2. In the E & R amendment, AM5369, adopted April 2, 1986, on page 1, lines 10 to 11 “; and page 26, line 11” has been struck.

3. On page 3, line 5, “which” has been struck and “of the”; in line 6 “has” has been struck; in line 7 “also” has been inserted after “but”; and in line 16 an underscored comma has been inserted after “act”.

4. On page 4, line 3, the first comma has been struck and “or” inserted and the second comma has been struck and “of a public power district” inserted.

5. On page 5, lines 11 and 12, the new matter has been struck and the stricken matter has been reinstated.

6. On page 6, line 19, both commas have been struck and shown as stricken.

7. On page 10, line 24, the comma has been struck.

8. On page 12, line 4, the stricken comma has been reinstated.

9. On page 17, line 16, the new matter has been struck.

10. On page 29, line 8, an underscored comma has been inserted after "district".

(Signed) Mary E. Sommermeyer
E & R Attorney

RESOLUTIONS

LEGISLATIVE RESOLUTION 416.

Introduced by Marsh, 29th District

WHEREAS, Professor Jack R. Snider is retiring from the University of Nebraska-Lincoln School of Music in May, 1986; and

WHEREAS, Professor Snider has been with the university since 1952 and has served as Director of the University of Nebraska Marching Band and Director of Bands; and

WHEREAS, Professor Snider was cofounder of the Nebraska State Bandmaster's Association and of the Nebraska High School Marching Band Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Legislature commends Professor Jack R. Snider for his accomplishments and recognizes his contributions to music in the State of Nebraska.

2. That a copy of this resolution be sent to Professor Snider.

Laid over.

LEGISLATIVE RESOLUTION 417.

Introduced by Harris, 27th District; Vickers, 38th District.

WHEREAS, today is the 50th anniversary of the marriage of John T. and Eleanor Harris, formerly of McCook, Nebraska; and

WHEREAS, the aforesaid John T. and Eleanor Harris have rendered invaluable service to the State of Nebraska, including the following:

John T. Harris, Sr. served on the Nebraska Aeronautics Commission, the Board of Directors of the Omaha branch of the Federal Reserve Bank of Kansas City, was President of the McCook Chamber of Commerce, was President of the Nebraska Retailers Association, received the Silver Beaver Award from the Boy Scouts of America, and served on the Board of Directors of the Nebraska Environmental Protection Agency; and

Eleanor Harris served on the Nebraska Arts Council, the Mid-America Arts Alliance, was President of the High Plains History Society of McCook and was co-founder of that organization; and

WHEREAS, the work and contributions of said individuals are both meritorious and appreciated;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION, that the Legislature extends its congratulations to John T. and Eleanor Harris on the occasion of their 50th wedding anniversary and extends its thanks for their service to the people of the State.

Laid over.

SELECT FILE

LEGISLATIVE BILL 539. Considered.

Mr. Warner and Mrs. Smith withdrew their pending amendment, AM2804, found in the Journal on page 1849.

Mr. V. Johnson withdrew his pending amendment, AM2948, found in the Journal on page 2089.

Mr. Warner and Mrs. Smith renewed their pending amendment, AM2933, found in the Journal on page 2090.

Mrs. Nelson asked unanimous consent to be excused until she returns. No objections. So ordered.

MR. CARSTEN PRESIDING

Mrs. Labeledz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Warner-Smith amendment was adopted with 28 ayes, 9 nays, 11 present and not voting, 1 excused and not voting.

Mr. V. Johnson offered the following amendment:
AM2835

1. Insert the following new sections:
 2. "Section 1. That section 77-27,132, Revised Statutes Supplement, 1984, be amended to read as follows:
 - 77-27,132. (1) There is hereby created a fund to be designated Tax Refund Fund which shall be set apart and maintained by the State Treasurer for prompt payments of all tax refunds under the provisions of sections 66-461 and 77-2106 and the Nebraska Revenue Act of 1967 and transfers to the Nongame and Endangered Species Conservation Fund pursuant to sections 37-439 and 77-27,119.01. Such fund shall be in such amount as the State Treasurer, with the advice of the Tax Commissioner, shall determine is necessary to meet current refunding requirements under the provisions of sections 66-461 and 77-2106 and the Nebraska Revenue Act of 1967. Any money in the Tax Refund Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.
 - (2) The Tax Commissioner shall pay to a depository bank designated by the State Treasurer all amounts collected under the Nebraska Revenue Act of 1967. The Tax Commissioner shall present to the State Treasurer bank receipts showing amounts so deposited in the aforementioned bank and of the amounts so deposited the State Treasurer shall (a) first credit to the Tax Refund Fund such amounts as are necessary to maintain such Tax Refund Fund at the level required by subsection (1) of this section, and (b) then, commencing with all amounts credited on or after July 1, 1986, credit to the Highway Allocation Fund the portion ~~all~~ of the proceeds of the sales and use taxes derived from motor vehicles, trailers, and semitrailers which is attributable to a sales and use tax rate of three and one half per cent. The balance of the amounts so paid shall be credited to the General Fund.
2. Sec. 2. That original section 77-27,132, Revised Statutes Supplement, 1984, is repealed."

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Barrett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. Rogers asked unanimous consent to be excused until he returns. No objections. So ordered.

The V. Johnson amendment was adopted with 25 ayes, 18 nays, 3 present and not voting, and 3 excused and not voting.

Pending.

VISITORS

Visitors to the Chamber were 35 fourth grade students and teachers from Jefferson Elementary School, Grand Island; 6 fourth grade students and teacher from Bethany Christian School, Omaha; Mr. and Mrs. Orville Bergman from Johnson; 42 fourth grade students and teachers from West Point Elementary; and 8 members of the Nebraska Audubon Society.

MOTION - Recess

Mr. Haberman moved to recess until 1:45 p.m. The motion prevailed with 32 ayes, 1 nay, and 16 not voting, and at 12:13 p.m., on a motion by Mr. Haberman, the Legislature recessed until 1:45 p.m.

AFTER RECESS

The Legislature reconvened at 1:50 p.m., President McGinley presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Hannibal, Schmit, Mesdames Higgins, and Labeledz who were excused until they arrive.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Withem asked unanimous consent to have his name added as co-introducer to LB 965. No objections. So ordered.

Mr. Conway asked unanimous consent to have his name added as co-introducer to LB 1124. No objections. So ordered.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 415.

SELECT FILE

LEGISLATIVE BILL 1016. E & R amendments, AM5370, found in the Journal on page 1536 for the Forty-Fifth Day were adopted.

Mr. Miller renewed his pending amendment, AM2813, found in the Journal on page 1842.

The Miller amendment was adopted with 25 ayes, 8 nays, 11 present and not voting, and 5 excused and not voting.

Mr. R. Johnson offered the following amendment:
AM2708

- 1 1. Strike the original sections and all
- 2 amendments thereto and insert the following new section:
- 3 "Section 1. (1) The Department of Agriculture
- 4 may compile a list of persons who grow or raise organic
- 5 food and adopt and promulgate rules and regulations
- 6 including a provision for standards for organic food and
- 7 marketing practices.
- 8 (2) In adopting and promulgating rules and
- 9 regulations which provide standards for organic food and
- 10 marketing practices, the department may utilize, but
- 11 shall not be limited to, the following criteria:
- 12 (a) No synthetic fertilizers, pesticides,
- 13 hormones, antibiotics, growth stimulants, or arsenicals
- 14 may be used in the growing or raising of the food
- 15 product or in the growing or raising of any ingredients
- 16 of which the food product is composed. Natural
- 17 substances such as diatomaceous earth, soaps, elemental
- 18 sulfur, lime sulfur, and basic copper sulfate may be
- 19 used;
- 20 (b) Treated seed may be used in growing a food
- 21 product or ingredient only when untreated seed is not
- 1 available;
- 2 (c) The food product or ingredient may be

3 grown or raised only on soil which is free of synthetic
 4 fertilizers, pesticides, hormones, antibiotics, growth
 5 stimulants, and arsenicals (i) through March 31, 1988,
 6 for one year, (ii) after March 31, 1988, and through
 7 March 31, 1989, for two years, and (iii) after March 31,
 8 1989, for three years; and

9 (d) If fumigation is needed, only diatomaceous
 10 earth or inert gas may be used.

11 Such food products or ingredients may be
 12 stored in a regular, cold, or controlled atmosphere.”.

The R. Johnson amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Sieck renewed his pending amendment, AM2840, found in the Journal on page 1957.

Mr. Sieck moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Sieck requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Beyer	Hall	Labeledz	Pirsch	Smith
Chizek	Hefner	Lynch	Remmers	Warner
Chronister	Hoagland	Marsh	Rupp	Wesely
Conway	Johnson, V.	Peterson	Sieck	Withem
Eret				

Voting in the negative, 19:

Abboud	DeCamp	Johnson, R.	Miller	Pappas
Baack	Goll	Lamb	Morehead	Rogers
Barrett	Haberman	Landis	Nelson	Scofield
Carsten	Johnson, L.	Lundy	Nichol	

Present and not voting, 7:

Chambers	Hannibal	Hartnett	Schmit	Vickers
Goodrich	Harris			

Absent and not voting, 1:

McFarland

Excused and not voting, 1:

Higgins

The Sieck amendment lost with 21 ayes, 19 nays, 7 present and not voting, 1 absent and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. R. Johnson offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM2951.)

The R. Johnson amendment was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

Mr. Miller offered the following amendment:
AM2986

(Amendments to AM2708)

- 1 1. Insert the following new sections:
- 2 "Sec. 2. That section 2-4011, Reissue Revised
- 3 Statutes of Nebraska, 1943, be amended to read as
- 4 follows:
- 5 2-4011. The duties and responsibilities of
- 6 the board shall be to implement and carry out the grain
- 7 sorghum program and to the extent applicable shall
- 8 include the following:
- 9 (1) To develop and direct any grain sorghum
- 10 development, utilization, and marketing program. Such
- 11 program may include a program to make grants and enter
- 12 into contracts for research, accumulation of data, and
- 13 prototype development for the production of alcohol;
- 14 (2) To prepare and approve a budget consistent
- 15 with limited receipts and the scope of the grain sorghum
- 16 commodity program;
- 17 (3) To adopt and promulgate reasonable rules
- 18 and regulations;
- 19 (4) To procure and evaluate data and
- 20 information necessary for the proper administration and
- 1 operation of the grain sorghum commodity program;
- 2 (5) To employ personnel and contract for
- 3 services which are necessary for the proper operation of
- 4 the program;
- 5 (6) To establish a means whereby any grower of

6 grain sorghum has the opportunity at least annually to
7 offer his or her ideas and suggestions relative to board
8 policy for the coming year;

9 (7) To authorize the expenditure of funds and
10 contracting for expenditures to conduct proper
11 activities of the program;

12 (8) To bond the treasurer and such other
13 persons necessary to insure adequate protection of
14 funds;

15 (9) To keep minutes of its meetings, and other
16 books and records which will clearly reflect all of the
17 acts and transactions of the board, and to keep these
18 records open to examination by any grower-participant
19 during normal business hours;

20 (10) To prohibit any funds collected by the
21 board from being expended directly or indirectly to
22 promote or oppose any candidate for public office or to
23 influence state legislation. The board shall not expend
24 more than twenty-five per cent of its annual budget to
1 influence federal legislation; and

2 (11) To make refunds for overpayments of fees
3 according to rules and regulations which may be adopted
4 and promulgated by the Director of Agriculture pursuant
5 to this section.

6 Sec. 3. That original section 2-4011, Reissue
7 Revised Statutes of Nebraska, 1943, is repealed.”.

The Miller amendment was adopted with 26 ayes, 1 nay, 21 present and not voting, and 1 excused and not voting.

Mrs. Morehead asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Sieck offered the following amendment:
INSERT THE FOLLOWING NEW SECTIONS:

SECTION 2

FOR PURPOSES OF THIS ACT, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- 1) Department shall mean the Department of Agriculture;
- 2) Food product shall mean any grain, meat, dairy product, beverage, or similar product which is grown or raised and any product which is composed of ingredients which are grown or raised; and
- 3) Organic food shall mean any food product which is grown or raised, or the ingredients of which are grown or raised.

SECTION 3

Persons who grow or raise food products or the ingredients for food products shall provide the department, upon demand, with relevant information and records as the department deems necessary to carry out its duties under this act.

The Sieck amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Schmit offered the following amendment:
AM2990

(Amendments to AM2951)

- 1 1. On page 6, after line 14, insert the
- 2 following new section:
- 3 "Sec. 32. That section 54-2112, Reissue
- 4 Revised Statutes of Nebraska, 1943, be amended to read
- 5 as follows:
- 6 54-2112. The duties of the board shall be:
- 7 (1) To develop, implement, and direct any beef
- 8 industry development program consistent with the general
- 9 purpose of section 54-2103;
- 10 (2) To diligently pursue overseas markets for
- 11 Nebraska-produced beef through foreign market
- 12 development programs actually conducted in any country;
- 13 (3) To expand domestic markets for
- 14 Nebraska-produced beef through market development and
- 15 domestic promotion projects;
- 16 (4) To correct or alleviate transportation
- 17 problems and other trade impediments which serve to
- 18 limit markets for Nebraska-produced beef;
- 19 (5) To procure and evaluate data and
- 20 information necessary for the proper administration and
- 1 operation of the beef industry development program;
- 2 (6) To prepare and approve a budget consistent
- 3 with limited receipts and the scope of the beef industry
- 4 development program;
- 5 (7) To adopt and promulgate rules and
- 6 regulations;
- 7 (8) To employ personnel and contract for
- 8 services which are necessary for the proper operation of
- 9 the program;
- 10 (9) To establish a means whereby a producer of
- 11 beef has the opportunity at least annually to offer his
- 12 or her ideas and suggestions relative to board policy
- 13 for the coming year;

14 (10) To authorize the expenditure of funds and
 15 contracting of expenditures to conduct proper activities
 16 of the program;

17 (11) To authorize the expenditure of funds not
 18 to exceed twenty-five per cent of its annual budget to
 19 influence federal legislation;

20 ~~(11)~~ (12) To bond the executive director and
 21 such other persons necessary to insure adequate
 22 protection of funds;

23 (12) (13) To prohibit any funds collected by
 24 the board from being expended directly or indirectly to
 1 promote or oppose any candidate for public office or to
 2 influence legislation;

3 ~~(13)~~ (14) To make refunds for overpayments of
 4 fees according to rules and regulations which may be
 5 adopted by the board pursuant to this section; and

6 ~~(14)~~ (15) To exercise all incidental powers
 7 necessary to carry out the provisions of sections
 8 ~~54-2101 to 54-2119~~ Nebraska Beef Industry Development
 9 Act.”

10 2. Correct internal references, section
 11 numbering, and the repealer.

The Schmit amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1177. E & R amendments, AM5358, found in the Journal on page 1467 for the Forty-Third Day were adopted.

Mr. Sieck offered the following amendment:
 AM2662

1 1. On page 19, line 4, strike the first and
 2 second “the”, show as stricken, and insert “a”; and
 3 strike beginning with “provided” in line 5 through
 4 “83-221” in line 6, show as stricken, and insert “of
 5 such person”.

6 2. On page 21, strike beginning with
 7 “Educable” in line 9 through “(5)” in line 16 and show
 8 as stricken.

9 3. On page 22, line 10, strike “(6)”, show as
 10 stricken, and insert “(5)”; and in line 16 strike “(7)”,
 11 show as stricken, and insert “(6)”.

12 4. On page 23, line 2, strike “(8)”, show as

- 13 stricken, and insert “(7)”; and in line 11 strike “(9)”,
14 show as stricken, and insert “(8)”.
- 15 5. Strike original section 21.
- 16 6. On page 50, line 17, strike “or trainable”
17 and show as stricken; strike beginning with “children”
18 in line 18 through the comma in line 19 and show the old
19 matter as stricken; and in line 20 strike beginning with
20 the first comma through the second comma and show as
21 stricken.
- 1 7. On page 72, line 15, strike “43-616.02.”;
2 and in line 25 after the last comma insert “and also
3 section 43-616.02, Reissue Revised Statutes of Nebraska,
4 1943.”.
- 5 8. Renumber remaining sections accordingly.

The Sieck amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

Mr. Barrett asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORT

Rules

The Rules Committee met on Tuesday, April 8, 1986, and in lieu of the Morehead proposed rule change, page 1827 of the Journal, acted favorably on the attached proposed rule change.

VOTE: For: Senators Morehead, Chizek, L. Johnson, Vickers.
Against: None. Present and Not Voting: None. Absent: Senator McFarland.

PROPOSED RULE CHANGE

Strike the original section of Rule 1, Section 1(b)(i) and 1(b)(iii) and insert the following new section:

Rule 1, Section 1(b). In the event a vacancy occurs on the Executive Board, the following shall apply:

“Rule 1, Section 1(b)(i). Upon the resignation or death of the Chairperson of the Executive Board during the session, a Chairperson shall immediately be nominated from the floor and elected by secret ballot for the balance of the term.”

During the interim, the Vice Chairperson shall serve as acting Chairperson upon the resignation or death of the Chairperson until the commencing of the next regular or special session of the Legislature. The Legislature shall nominate from the floor and elect by secret ballot a Chairperson of the Executive Board for the balance of the original term."

(ii) Upon the resignation or death of the Speaker, during the interim, said position shall remain vacant until the next regular session or special session the Legislature convenes, at which time a Speaker shall be nominated from the floor and elected by secret ballot for the balance of the original term.

Upon the resignation or death of the Speaker during the session, a Speaker shall immediately be nominated from the floor and elected by secret ballot for the balance of the term.

(iii) In the event there is a vacancy in the office of the Vice-Chairperson during the session, a Vice-Chairperson shall immediately be nominated from the floor and elected by secret ballot for the balance of the term.

In the event there is a vacancy in the office of the Vice-Chairperson of the Executive Board during the interim, said vacancy shall remain unfilled until the commencing of the next regular or special session of the Legislature. The Legislature shall nominate from the floor and elect by secret ballot a Vice-Chairperson of the Executive Board for the balance of the original term.

(iv) During session, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Legislature. The individual so selected shall serve for the balance of the original term.

During the interim, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Executive Board. The individual so selected shall serve for the balance of the original term.

(Signed) Patricia Morehead, Chairperson

UNANIMOUS CONSENT - Print in Journal

The Appropriations Committee asked unanimous consent to print the following amendment to LB 645A in the Journal. No objections. So ordered.

AM2950

1

1. Strike the original section and all

2 amendments thereto and insert the following new
3 sections:

4 "Section 1. Expenditures for permanent and
5 temporary salaries provided for fiscal year 1985-86 for
6 the Department of Motor Vehicles, Program 644, Highway
7 Safety, shall be increased by \$500.

8 Sec. 2. Title XX funds designated in Laws
9 1985, Second Special Session, LB 1, section 21, for the
10 Department of Public Institutions, Program 424,
11 Community Mental Retardation, for mental retardation
12 regions shall be reduced if federal funds are reduced.
13 The reduction shall be made in the same proportion as
14 the reduction in such federal funds.

15 Sec. 3. Title XX funds designated in
16 Legislative Bill 839, Eighty-ninth Legislature, Second
17 Session, 1986, section 16, for the Department of Social
18 Services, Program 347, Public Assistance, shall be
19 reduced if federal funds are reduced. The reduction
20 shall be made in the same proportion as the reduction in
21 such federal funds.

1 Sec. 4. There is hereby appropriated \$46,885
2 from the General Fund to the Nebraska Liquor Control
3 Commission, Program 73, Enforcement and Regulation, for
4 the period July 1, 1985, to June 30, 1986. Expenditures
5 for permanent and temporary salaries for fiscal year
6 1985-86 shall be increased by \$46,885.

7 The appropriation provided by this section
8 shall only be used for the purpose of paying accrued
9 vacation and sick leave benefits to liquor control
10 inspectors who may elect to retire or terminate
11 employment prior to June 30, 1986.

12 Sec. 5. Since an emergency exists, this act
13 shall be in full force and take effect, from and after
14 its passage and approval, according to law."

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 782, 1258, 1258A, and 1259.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 782

The following changes, required to be reported for publication in the Journal, have been made:

ER0237

1. In lieu of the Wesely amendment, AM2618, adopted April 7, 1986, in the E & R amendment 5387:

a. Section 3 has been struck;

b. On page 1, line 11, "after the effective date of this act" has been inserted after "year"; and

c. The remaining sections have been renumbered.

2. In the E & R amendment, AM5387, on page 5, lines 11 and 15, "to 3" has been struck and "and 2" inserted; and in line 22 "the second" has been inserted after "with" and "7" has been struck and "6" inserted.

Enrollment and Review Change to LB 1258

The following changes, required to be reported for publication in the Journal, have been made:

ER0234

1. In E & R amendment, AM5422, on page 1, line 5, "provide for" has been struck and "change provisions relating to" inserted.

Enrollment and Review Change to LB 1258A

The following changes, required to be reported for publication in the Journal, have been made:

ER0239

1. On page 2, line 2, "period" has been inserted after the second "the".

(Signed) Mary E. Sommermeyer
E & R Attorney

SELECT FILE

LEGISLATIVE BILL 783. E & R amendments, AM5396, found in the Journal on page 1654 for the Forty-Eighth Day were adopted.

Mr. Beyer offered the following amendment:

Amend LB 783 by adding the following new section:

Since an emergency exists, this act shall be in full force and take effect from and after its passage and approval, according to law.

The Beyer amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 311. E & R amendments, AM5392, found in the Journal on page 1657 for the Forty-Eighth Day were adopted.

Mr. Harris offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM2829.)

The Harris amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Wesely offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM2590.)

The Wesely amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Wesely renewed his pending amendment, AM2914, found in the Journal on page 2014.

Mr. Wesely offered the following amendment to the pending Wesely amendment:

On page 6, line 2 strike "state" and insert "county"

The Wesely amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

The Wesely amendment, as amended, was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Abboud offered the following amendment:
AM2942

(Amendments to Standing Committee Amendments)

- 1 1. Insert the following new section:
- 2 "Sec. 4. That section 79-1522, Reissue
- 3 Revised Statutes of Nebraska, 1943, be amended to read
- 4 as follows:
- 5 79-1522. (1) Upon retirement under the
- 6 provisions of sections 79-1520 and 79-1521, if he or she
- 7 has five or more years of creditable service, a member
- 8 or emeritus member shall receive a school retirement
- 9 allowance which shall consist of the sum of: (a) A

10 savings annuity which shall be the actuarial equivalent,
11 as determined by the retirement board, of the member's
12 accumulated contributions at the time of his or her
13 retirement; or, in the case of an emeritus member, the
14 savings annuity fixed by the retirement board at the
15 time of his or her original retirement; and (b) a
16 service annuity to be paid by the State of Nebraska.
17 The amount of any individual service annuity for a
18 full-time school employee or emeritus member shall be
19 three dollars and fifty cents per month for each year of
20 service commencing with his or her retirement on or
1 after May 19, 1981. Each school employee or emeritus
2 member who retired before July 1, 1973, and who is
3 receiving a service annuity as of that date shall have
4 such service annuity adjusted by the increase in the
5 cost of living as determined by the difference between
6 the Consumers Price Index for Urban Wage Earners and
7 Clerical Workers from the date the service annuity
8 commenced and July 1, 1973, except that such annuity
9 shall not exceed three dollars and fifty cents monthly
10 per year of service, based on the same number of years
11 of service that is currently being used to determine his
12 or her service annuity. Such increased service annuity
13 shall commence on July 1, 1973.

14 (2) Under such rules and regulations as the
15 board may prescribe, an employee, upon rejoining the
16 system or first becoming a member, may receive credit
17 for not to exceed ten years of creditable teaching
18 service rendered in public schools in another state or
19 schools in this state covered by the school retirement
20 system established pursuant to section 79-1033 if such
21 member shall have paid into the school retirement system
22 of the State of Nebraska an amount equal to the required
23 deposits he or she would have paid had he or she been
24 employed in this state, ~~with such required deposits to~~
1 ~~be paid as the board may direct~~ plus the interest which
2 would have accrued on such amount, within three years
3 after membership or reinstatement in the retirement
4 system begins.

5 (3) A member who retires as a school employee
6 of this state shall not receive credit for time in
7 service outside of this state or in a school in this
8 state covered by the school retirement system
9 established pursuant to section 79-1033 in excess of the
10 time he or she has been in service as a school employee

11 in this state. In order to receive such out-of-state
12 credit such member must be employed as a school employee
13 in this state at the time of his or her retirement.

14 (4) For a beneficiary who is employed as a
15 public school substitute employee for more than ninety
16 days in any school year, the state service annuity shall
17 be reduced by fifty per cent. A ; ~~PROVIDED~~, a person
18 receiving a retirement benefit may waive the payments
19 and return to regular employment in a public school of
20 this state if the beneficiary shall notify the
21 retirement board in advance of the time and place of
22 such employment. This notice shall be in writing upon
23 forms prescribed by the retirement board. Any person
24 collecting retirement payments without filing such
1 notice shall be subject to a withholding of future
2 retirement benefits equal to twice the amount collected
3 after being regularly employed. The amount of
4 individual service annuity for a part-time employee
5 shall be determined on a proportional basis.

6 (5) Under such rules and regulations as the
7 board may prescribe, any member who was away from his or
8 her position while on a leave of absence from such
9 position authorized by the school board or board of
10 education of the school district by which he or she was
11 employed at the time of such leave of absence or
12 pursuant to any contractual agreement entered into by
13 such school district may receive credit for such time as
14 he or she was on leave of absence. Such credit shall
15 increase the benefits provided by the retirement system
16 and shall be included in creditable service when
17 determining eligibility for death, disability,
18 termination, and retirement benefits. The member who
19 receives the credit shall earn benefits during the leave
20 based on salary at the level received immediately prior
21 to the leave of absence. Such credit shall be allowed
22 if such member shall have paid into the system an amount
23 equal to the sum of the deductions from his or her
24 salary and any contribution which the school district
1 would have been required to make had he or she continued
2 to receive salary at the level received immediately
3 prior to the leave of absence, with such deposits to be
4 paid as the board may direct within three years of the
5 termination of his or her leave of absence. Leave of
6 absence shall be construed to include, but not be
7 limited to, sabbaticals, maternity leave, exchange

8 teaching programs, full-time leave as an elected
9 official of a professional association or
10 collective-bargaining unit, or leave of absence to
11 pursue further education or study. A leave of absence
12 granted pursuant to this subsection shall not exceed
13 four years in length and in order to receive credit for
14 the leave of absence the member must return to
15 employment with a school district, other than a Class V
16 school district, in the state within one year after
17 termination of the leave of absence.

18 (6) From January 1, 1987, to June 30, 1988,
19 any person who was a school employee in (a) another
20 state or (b) a school in this state covered by the
21 school retirement system established pursuant to section
22 79-1033 prior to the operative date of this act and has
23 joined or rejoined the school retirement system of the
24 State of Nebraska may elect to pay the retirement system
1 for up to ten years of service which he or she
2 accumulated in such other state or retirement system.
3 The amount to be paid shall not exceed the contribution
4 which would have been paid into the Nebraska School
5 Employees Retirement System based on the salary and
6 years of service out of state earned by the school
7 employee, as verified by officials of the other state,
8 plus the interest which would have accrued on such
9 amount under the school retirement system of the State
10 of Nebraska. Any person who pays such amount shall be
11 given credit for any number of years of service which he
12 or she has elected to pay for, not to exceed ten years
13 of service rendered as a school employee in such other
14 state or retirement system, and shall be given the same
15 status as though he or she had been a member of the
16 school retirement system of the State of Nebraska for
17 such number of years. This subsection shall not apply
18 to school employees retiring prior to the operative date
19 of this act."

20 2. On page 4, line 3, after "section" insert
21 "79-1522, Reissue Revised Statutes of Nebraska, 1943,
22 and section"; and in line 4 strike "is" and insert
23 "are".

24 3. Renumber remaining sections accordingly.

The Abboud amendment was adopted with 29 ayes, 0 nays, 17
present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 311A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 965. E & R amendments, AM5405, found in the Journal on page 1785 for the Fiftieth Day were adopted.

Mr. Pappas withdrew his pending amendment found in the Journal on page 1512.

Mr. Withem renewed his pending amendment, AM2649, found in the Journal on page 1674.

The Withem amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Wesely renewed his pending amendment, AM2870, found in the Journal on page 1918.

The Wesely amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 956. E & R amendments, AM5406, found in the Journal on page 1786 for the Fiftieth Day were adopted.

Mrs. Pirsch offered the following amendment:
AM2911

- 1 1. In the Pirsch amendments, beginning on
- 2 page 1478 of the 1986 Journal, strike amendment 1, and
- 3 renumber the remaining amendments.
- 4 2. In the Standing Committee amendments,
- 5 beginning on page 1152 of the 1986 Journal:
- 6 (a) On page 1, strike beginning with the
- 7 second "to" in line 4 through "Probation" in line 5 and
- 8 insert "for the actual physical injury or property
- 9 damage or loss sustained by the victim as a direct
- 10 result of the offense for which the defendant has been
- 11 convicted"; in line 20 after the period insert "A person
- 12 may not be granted or denied probation or parole either
- 13 solely or primarily due to his or her financial
- 14 resources or ability or inability to pay restitution.";
- 15 (b) On page 2, line 2, after "the" insert
- 16 "date of judgment or" and after "imprisonment" insert ".

- 17 whichever is later"; and
 18 (c) On page 3, line 11, insert "Probation or
 19 parole may not be revoked unless noncompliance with the
 20 restitution order is attributable to an intentional
 21 refusal to obey the order or a failure to make a good
 1 faith effort to comply with the order.".

The Pirsch amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Hoagland moved to suspend Rule 7, sec. 3(d) to permit consideration of AM2977 to LB 956.

The Hoagland motion prevailed with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Mr. Hoagland offered the following amendment:
 AM2977

(Amendments to AM2296)

- 1 1. Insert the following new sections:
 2 "Sec. 11. (1) A person commits terroristic
 3 threats if he or she threatens to commit any crime of
 4 violence:
 5 (a) With the intent to terrorize another;
 6 (b) With the intent of causing the evacuation
 7 of a building, place of assembly, or facility of public
 8 transportation; or
 9 (c) In reckless disregard of the risk of
 10 causing such terror or evacuation.
 11 (2) Terroristic threats is a Class IV felony.
 12 Sec. 12. That section 28-101, Revised
 13 Statutes Supplement, 1985, be amended to read as
 14 follows:
 15 28-101. Sections 28-101 to 28-1348 and
 16 section 11 of this act shall be known as the Nebraska
 17 Criminal Code.
 18 Sec. 13. That section 28-933, Revised
 19 Statutes Supplement, 1984, be amended to read as
 20 follows:
 1 28-933. (1) Any person who is legally
 2 confined in a jail or correctional or penal institution
 3 and who commits (a) assault in the first, second, or
 4 third degree as defined in sections 28-308 to 28-310,
 5 (b) terroristic threats as defined in section ~~28-311~~ 11
 6 of this act, (c) kidnapping as defined in section

7 28-313, or (d) false imprisonment in the first or second
 8 degree as defined in sections 28-314 and 28-315, against
 9 any person for the purpose of compelling or inducing the
 10 performance of any act by such person or any other
 11 person shall be guilty of a Class II felony.

12 (2) Sentences imposed under subsection (1) of
 13 this section shall be served consecutive to any sentence
 14 or sentences imposed for violations committed prior to
 15 the violation of subsection (1) of this section and
 16 shall not include any credit for time spent in custody
 17 prior to sentencing unless the time in custody is solely
 18 related to the offense for which the sentence is being
 19 imposed under this section.”.

20 2. On page 8, line 11, strike “is” and insert
 21 “section 28-933, Revised Statutes Supplement, 1984, and
 22 section 28-101, Revised Statutes Supplement, 1985, and
 23 also section 28-311, Reissue Revised Statutes of
 24 Nebraska, 1943, are”.

1 3. Renumber the remaining sections
 2 accordingly.

The Hoagland amendment was adopted with 25 ayes, 0 nays, 21
 present and not voting, and 3 excused and not voting.

Mr. Nichol asked unanimous consent to be excused until he returns.
 No objections. So ordered.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Print in Journal

Mr. Pappas asked unanimous consent to print the following
 amendment to LB 911 in the Journal. No objections. So ordered.

AM2949

1 1. Strike the Hefner amendment, AM2190, and
 2 all amendments thereto.

3 2. Strike the E & R amendment.

4 3. On page 2, line 1, before “The” insert
 5 “(1)”; and after line 21 insert the following new
 6 subsection:

7 “(2) The Legislature hereby recognizes that
 8 each community in the state may have different needs and
 9 standards in the area of licensing alcoholic beverage
 10 retail and bottle club outlets. Such needs and

11 standards should be reviewed and weighed in the process
12 of determining whether a liquor license is granted or
13 denied.”.

14 4. On page 3, line 2, strike “section 1” and
15 insert “sections 1 and 6 to 8”.

16 5. On page 14, line 8, after “section” insert
17 “and any licensing standards enacted by the local
18 governing body pursuant to section 6 of this act”.

19 6. On page 16, line 9, strike “and”; in line
20 15 strike the period and insert an underscored
21 semicolon; after line 15 insert the following new
1 subdivision:

2 “(i) Whether the issuance of the license is or
3 will be required by the present or future public
4 convenience and necessity; and”; and reinstate lines 18
5 through 21.

6 7. Insert the following new sections:

7 “Sec. 3. That section 53-131, Reissue Revised
8 Statutes of Nebraska, 1943, be amended to read as
9 follows:

10 53-131. Any person; desiring to obtain a new
11 license to sell alcoholic liquors at retail; shall file
12 with the commission:

13 (1) An application in triplicate original upon
14 such forms as the commission shall from time to time
15 prescribe;

16 (2) The license fee if; under ~~the provisions~~
17 ~~of~~ subdivision (5) of section 53-124; such fee is
18 payable to the commission, which fee shall be returned
19 to the applicant if the application is denied;

20 (3) The state registration fee in the sum of
21 twenty-five dollars;

22 (4) The bond as set forth in section
23 53-138.02; and

24 (5) Security for costs in the amount of one
1 hundred dollars.

2 License fees, registration fees, and security
3 for costs shall be paid to the commission by certified
4 or cashier's check of a bank within this state, United
5 States post office money order, or cash in the full
6 amount ~~thereof~~ of such fees and costs. The commission
7 shall forthwith notify, by registered or certified mail
8 marked return receipt requested with postage prepaid,
9 the municipal clerk of the city or incorporated village
10 ~~wherein~~ in which such license is sought; or, if the

11 license is not sought within a city or incorporated
12 village, the county clerk of the county ~~wherein~~ in which
13 such license is sought; of the receipt of the
14 application and shall enclose with the notice one copy
15 of the application. No such license shall then be
16 issued by the commission until the expiration of the
17 time allowed for the receipt of an objection requiring a
18 hearing under subdivision (1)(a) ~~or (1)(b)~~ of section
19 53-133. During the period of thirty days from the date
20 of receiving such application from the commission, the
21 local governing body of such city, village, or county
22 may make and submit to the commission recommendations
23 relative to the granting or refusal to grant such
24 license to the applicant. Except for the renewal of
1 licenses pursuant to section 53-135 and an application
2 for a license involving the sale or transfer of the
3 assets of an existing licensed retailer, if the local
4 governing body recommends denying the issuance of a
5 license, the recommendation shall be binding on the
6 commission, and the commission shall not issue such
7 license to the applicant.

8 Sec. 5. That section 53-133, Reissue Revised
9 Statutes of Nebraska, 1943, be amended to read as
10 follows:

11 53-133. (1) The commission shall set for
12 hearing before it any application for a retail license
13 relative to which it has received:

14 (a) Within thirty days from the date of
15 receipt of ~~such~~ an application for the renewal of a
16 license pursuant to section 53-135 or the issuance of a
17 license involving the sale and transfer of the assets of
18 an existing licensed retailer by the city, village, or
19 county clerk, a recommendation of denial from the city,
20 village, or county, as the case may be;

21 (b) Within ten days after the receipt of a
22 recommendation that the commission grant the license
23 from the city, village, or county, as the case may be,
24 or, if no recommendation is received, within thirty days
1 from the date of receipt of such application by the
2 city, village, or county clerk, objections in writing by
3 not less than three persons residing within said the
4 city, village, or county, as the case may be, protesting
5 the issuance of said the license and no objections will
6 be considered by the commission unless submitted in
7 duplicate, and accompanied by security for costs in the

8 ~~sum of one hundred dollars in the form of cash, money~~
9 ~~order, certified check, or bank draft.~~ The withdrawal
10 of the protest shall not prohibit the commission from
11 conducting a hearing based upon the protest as
12 originally filed and making an independent finding as to
13 whether the license should or should not be issued; or

14 (c) Within forty-five days from the date of
15 receipt of such application by the city, village, or
16 county clerk, as the case may be, objections by the
17 commission or any duly appointed employee of the
18 commission, protesting the issuance of ~~said~~ the license.

19 (2) Hearings upon such applications shall be
20 had in the manner provided in section 53-1,116.

21 (3) Except for the renewal of licenses
22 pursuant to section 53-135 and an application for a
23 license involving the sale or transfer of the assets of
24 an existing retailer, if the local governing body
1 recommends denial of a license, the commission may
2 dispense with any hearing or further processing of the
3 application, except to notify the applicant of the
4 denial.

5 Sec. 6. Any local governing body may enact
6 licensing standards which are more restrictive than the
7 Nebraska Liquor Control Act based on that particular
8 community's needs or standards. Such standards shall
9 not be in conflict with the Nebraska Liquor Control Act.

10 Sec. 7. The commission may issue or provide
11 to any person regulated under the Nebraska Liquor
12 Control Act a set of rules or regulations adopted and
13 promulgated by the commission, a copy of the Nebraska
14 Liquor Control Act, and any other information which the
15 commission deems important in the area of liquor control
16 in the State of Nebraska. The information may be
17 printed in a booklet, a pamphlet, or any other form the
18 commission may determine to be appropriate. The
19 commission may update such material as often as it deems
20 necessary and may charge a fee for the material. The
21 fee shall be reasonable and shall not exceed any
22 reasonable or necessary costs of producing the material
23 for distribution.

24 Sec. 8. Any money collected by the commission
1 pursuant to section 7 of this act shall be deposited in
2 the Liquor Control Commission Rule and Regulation Cash
3 Fund, which is hereby created. The purpose of the fund
4 shall be to cover any costs incurred by the commission

5 in producing or distributing the material referred to in
6 section 7 of this act. Any money in the fund available
7 for investment shall be invested by the state investment
8 officer pursuant to sections 72-1237 to 72-1269.

9 Sec. 10. If any section in this act or any
10 part of any section shall be declared invalid or
11 unconstitutional, such declaration shall not affect the
12 validity or constitutionality of the remaining portions
13 thereof.

14 Sec. 11. Since an emergency exists, this act
15 shall be in full force and take effect, from and after
16 its passage and approval, according to law.”.

17 8. On page 20, line 20, strike “and”; and in
18 line 23 after “interest” insert “, (i) whether the
19 issuance of the license is or will be required by the
20 present or future public convenience and necessity, and
21 (j) any licensing standards enacted by such local
22 governing body pursuant to section 6 of this act”.

23 9. On page 21, line 12, after “sections”
24 insert “53-131,” and after “53-132” insert “, 53-133,”.

1 10. Renumber remaining sections accordingly.

Mr. Schmit asked unanimous consent to print the following amendment to LB 835 in the Journal. No objections. So ordered.

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM2982.)

SELECT FILE

LEGISLATIVE BILL 1124. E & R amendments, AM5407, found in the Journal on page 1797 for the Fiftieth Day were adopted.

Mr. Wesely renewed the Wesely-Hefner pending amendment, AM2792, found in the Journal on page 1882.

The Wesely amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. V. Johnson requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 27 ayes, 4 nays, 15 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1124A. E & R amendment, AM5408, found in the Journal on page 1797 for the Fiftieth Day was adopted.

Mr. Wesely offered the following amendment:

AM2975

- 1 1. On page 2, line 2, strike "110,000" and
- 2 insert "90,000"; in line 3 strike "87,563" and insert
- 3 "117,863"; and in line 13 strike "12,500" and insert
- 4 "35,768".

The Wesely amendment was adopted with 26 ayes, 1 nay, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1230. E & R amendments, AM5419, found in the Journal on page 1833 for the Fifty-First Day were adopted.

Mrs. Smith withdrew her pending amendment, AM2681, found in the Journal on page 1901.

Mr. Schmit renewed his pending amendment, AM2878, found in the Journal on page 1984.

The Schmit amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Mrs. Smith renewed her pending amendment, AM2910, found in the Journal on page 2011.

Mrs. Smith moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mrs. Smith requested a roll call vote on her amendment.

Voting in the affirmative, 18:

Abboud	Carsten	Harris	Marsh	Smith
Baack	Chambers	Higgins	Nelson	Warner
Barrett	DeCamp	Johnson, R.	Scofield	Withem
Beyer	Hannibal	Landis		

Voting in the negative, 26:

Chizek	Conway	Eret	Goll	Haberman
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Hall	Johnson, V.	McFarland	Peterson	Rupp
Hartnett	Labedz	Miller	Pirsch	Schmit
Hefner	Lamb	Morehead	Remmers	Vickers
Hoagland	Lundy	Pappas	Rogers	Wesely
Johnson, L.				

Present and not voting, 4:

Chronister	Goodrich	Lynch	Sieck
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Excused and not voting, 1:

Nichol

The Smith amendment lost with 18 ayes, 26 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Haberman offered the following amendment:
AM2885

(Amendments to AM2585)

- 1 1. On page 8, after line 21, insert the
- 2 following new subsection:
- 3 “(3) A grower who has sold corn, wheat, or
- 4 grain sorghum and has an assessment deducted from the
- 5 sales price pursuant to this section may, by written
- 6 application to the board, secure a refund of the amount
- 7 deducted. The refund shall be payable by the board upon
- 8 application within sixty days after the deduction. Each
- 9 application for a refund by a grower shall have attached
- 10 thereto proof of the assessment deducted.”.

Mr. Chambers and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Haberman requested a record vote on his amendment.

Voting in the affirmative, 8:

Carsten	Haberman	Morehead	Pirsch	Vickers
Chronister	Higgins	Pappas		

Voting in the negative, 26:

Baack	Goll	Johnson, L.	Marsh	Sieck
Barrett	Goodrich	Johnson, V.	Nelson	Smith
Beyer	Hall	Landis	Rogers	Warner
Chizek	Harris	Lundy	Rupp	Wesely
Conway	Hefner	Lynch	Schmit	Withem
Eret				

Present and not voting, 12:

Abboud	Hartnett	Lamb	Miller	Remmers
DeCamp	Hoagland	McFarland	Peterson	Scofield
Hannibal	Johnson, R.			

Excused and not voting, 3:

Chambers	Labeledz	Nichol
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The Haberman amendment lost with 8 ayes, 26 nays, 12 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1230A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 999. E & R amendments, AM5412, found in the Journal on page 1837 for the Fifty-First Day were adopted.

Mr. Schmit withdrew his pending amendment, AM2639, found in the Journal on page 1589.

Mr. Hoagland renewed the pending Hoagland-Eret-Chambers amendment, AM2858, printed separate from the Journal and referred to on page 2008.

The Hoagland-Eret-Chambers amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Hoagland renewed the pending Hoagland-Eret-Chambers amendment, AM2860, found in the Journal on page 2007.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hoagland moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Hoagland requested a roll call vote on the Hoagland et al. amendment.

Voting in the affirmative, 19:

Barrett	Goodrich	Lamb	Miller	Vickers
Chambers	Hoagland	Landis	Morehead	Wesely
Eret	Johnson, R.	Marsh	Rupp	Withem
Goll	Johnson, V.	McFarland	Smith	

Voting in the negative, 18:

Baack	DeCamp	Hefner	Pappas	Rogers
Beyer	Haberman	Higgins	Pirsch	Sieck
Carsten	Hall	Johnson, L.	Remmers	Warner
Conway	Hannibal	Lynch		

Present and not voting, 10:

Abboud	Chronister	Hartnett	Nelson	Schmit
Chizek	Harris	Lundy	Peterson	Scofield

Excused and not voting, 2:

Labeledz Nichol

The Hoagland et al. amendment lost with 19 ayes, 18 nays, 10 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Lynch withdrew his pending amendment, AM2661, found in the Journal on page 2072.

Mr. DeCamp offered the following amendment:
AM2953

(Amendments to AM2858)

- 1 1. On page 4, line 14, after the period
- 2 insert "Partial redemption shall be permitted only when
- 3 the debt remaining equals seventy-five per cent or less
- 4 of the appraised value of the property remaining after
- 5 the redemption."; and in line 22 strike "a current
- 6 appraisal of such real estate" and insert "current
- 7 separate appraisals of both the real estate to be

- 8 redeemed and the remaining real estate, with both
 9 appraisals reflecting the redemption”.
 10 2. On page 5, line 7, strike “In the case of
 11 a partial redemption” and insert “Upon exercise of a
 12 power of sale by a trustee”; in line 8 strike “owners”
 13 and insert “trustors” and strike “shall” and insert
 14 “may”; strike beginning with “containing” in line 9
 15 through “redeem” in line 10 and insert “seeking a
 16 redemption of”; in line 13 after the period insert “Such
 17 petition shall include the information required by
 18 subsection (2) of this section in the case of a partial
 19 redemption under a mortgage or writ of execution.”; and
 20 in line 16 after “in” insert “subsection (2) of”.

Mr. Lundy moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 28 ayes, 6 nays, and 15 not voting.

The DeCamp amendment was adopted with 25 ayes, 10 nays, 13 present and not voting, and 1 excused and not voting.

Messrs. Hoagland and Eret offered the following amendment:
 AM2978

(Amendments to AM2858)

- 1 1. On page 4, strike beginning with “(1)” in
 2 line 2 through line 19 and insert “(1)(a) In all
 3 proceedings to foreclose any mortgage upon agricultural
 4 land as described in sections 77-1359 and 77-1360, if
 5 the whole or any part of the homestead of the debtor is
 6 included in the real estate mortgage or writ of
 7 execution the owners of the real estate may, at any time
 8 prior to the sale, make partial redemption of the
 9 homestead. The homestead shall include the dwelling
 10 house, its appurtenances, the land on which the dwelling
 11 house is located, and any additional real estate which
 12 the debtor wishes to redeem, not exceeding one hundred
 13 sixty acres of land. Except as provided in subdivision
 14 (b) of this subsection, partial redemption shall be
 15 accomplished by paying into court the current appraised
 16 value of the owner’s homestead.
 17 (b) When an appraisal shows that the debtor
 18 has equity in the entire property that equals or exceeds
 19 the appraised value of the proposed partial redemption
 20 of the homestead, the payment shall be waived by the
 1 court. If the sale of the unredeemed property does not

2 satisfy the secured debt, the debtor, in order to retain
 3 the redeemed property, shall submit to the court an
 4 amount necessary to satisfy the remaining debt, except
 5 that such amount shall not exceed the appraised value of
 6 the redeemed portion of the property.”; and in line 22
 7 strike “a current appraisal of such real estate” and
 8 insert “current appraisals of both the real estate to be
 9 redeemed and the remaining real estate, with both
 10 appraisals reflecting the redemption”.

11 2. On page 5, line 8, strike “owners” and
 12 insert “trustors” and strike “shall” and insert “may”;
 13 strike beginning with “containing” in line 9 through
 14 “redeem” in line 10 and insert “seeking a redemption
 15 of”; and in line 13 after “property” insert “, except
 16 that when an appraisal shows that the trustor has equity
 17 in the entire property that equals or exceeds the
 18 appraised value of the proposed partial redemption of
 19 the homestead, the payment shall be waived by the court.
 20 If the sale of the unredeemed property does not satisfy
 21 the secured debt, the trustor, in order to retain the
 22 redeemed property, shall submit to the court an amount
 23 necessary to satisfy the remaining debt, except that
 24 such amount shall not exceed the appraised value of the
 1 redeemed portion of the property. The petition
 2 prescribed in this subsection shall include the
 3 information required by subsection (2) of this section
 4 in the case of a partial redemption under a mortgage or
 5 writ of execution”.

Mr. Hoagland requested a roll call vote on the Hoagland-Eret amendment.

Voting in the affirmative, 17:

Chambers	Johnson, V.	McFarland	Pappas	Vickers
Chizek	Lamb	Miller	Rupp	Wesely
Eret	Lundy	Nelson	Sieck	Withem
Hoagland	Marsh			

Voting in the negative, 20:

Baack	Chronister	Haberman	Nichol	Rogers
Barrett	Conway	Hall	Peterson	Schmit
Beyer	DeCamp	Higgins	Pirsch	Scotfield
Carsten	Goodrich	Johnson, L.	Remmers	Warner

Present and not voting, 11:

Abboud	Harris	Hefner	Landis	Morehead
Goll	Hartnett	Johnson, R.	Lynch	Smith
Hannibal				

Excused and not voting, 1:

Labeledz

The Hoagland-Eret amendment lost with 17 ayes, 20 nays, 11 present and not voting, and 1 excused and not voting.

Mr. Lynch offered the following amendment:
AM2995

(Amendments to AM2858)

- 1 1. On page 1, line 7; page 4, line 4; page 8,
- 2 line 1; and page 10, line 4, after "77-1360" insert "or
- 3 property which is used for a trade or business or
- 4 provided financing for a trade or business".

SPEAKER NICHOL PRESIDING

The Lynch amendment lost with 8 ayes, 16 nays, 24 present and not voting, and 1 excused and not voting.

Mr. Schmit renewed his pending amendment, AM2639, found in the Journal on page 1589.

Mr. Lamb asked unanimous consent to be excused until he returns. No objections. So ordered.

The Schmit amendment lost with 13 ayes, 8 nays, 26 present and not voting, and 2 excused and not voting.

Mr. R. Johnson asked unanimous consent to bracket LB 999.

Mr. V. Johnson objected.

Mr. R. Johnson moved to bracket LB 999.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. R. Johnson withdrew his pending motion to bracket.

Mr. V. Johnson offered the following amendment:
AM3005

(Amendments to AM2858)

1 1. On page 4, strike beginning with “(1)” in
2 line 2 through line 19 and insert “(1)(a) In all
3 proceedings to foreclose any mortgage upon agricultural
4 land as described in sections 77-1359 and 77-1360, if
5 the whole or any part of the homestead of the debtor is
6 included in the real estate mortgage or writ of
7 execution the owners of the real estate may, at any time
8 prior to the sale, make partial redemption of the
9 homestead. The homestead shall include the dwelling
10 house, its appurtenances, the land on which the dwelling
11 house is located, and any additional real estate which
12 the debtor wishes to redeem, not exceeding one hundred
13 sixty acres of land. Except as provided in subdivision
14 (b) of this subsection, partial redemption shall be
15 accomplished by paying into court the current appraised
16 value of the owner's homestead.

17 (b) When an appraisal shows that the debtor
18 has equity in the entire property that equals or exceeds
19 the appraised value of the proposed partial redemption
20 of the homestead, the payment shall be waived by the
1 court. In the case of such partial redemption based on
2 debtor equity, partial redemption shall be permitted
3 only when the debt remaining equals eighty-five per cent
4 or less of the appraised value of the property remaining
5 after the redemption.”; and in line 22 strike “a current
6 appraisal of such real estate” and insert “current
7 separate appraisals of both the real estate to be
8 redeemed and the remaining real estate, with both
9 appraisals reflecting the redemption”.

10 2. On page 5, line 7, strike “In the case of
11 a partial redemption” and insert “Upon exercise of a
12 power of sale by a trustee”; in line 8, strike “owners”
13 and insert “trustors” and strike “shall” and insert
14 “may”; strike beginning with “containing” in line 9
15 through “redeem” in line 10 and insert “seeking a
16 redemption of”; and in line 13 after “property” insert
17 “, except that when an appraisal shows that the trustor
18 has equity in the entire property that equals or exceeds
19 the appraised value of the proposed partial redemption
20 of the homestead, the payment shall be waived by the

21 court. If the sale of the unredeemed property does not
22 satisfy the secured debt, the trustor, in order to
23 retain the redeemed property, shall submit to the court
24 an amount necessary to satisfy the remaining debt,
1 except that such amount shall not exceed the appraised
2 value of the redeemed portion of the property. The
3 petition prescribed in this subsection shall include the
4 information required by subsection (2) of this section
5 in the case of a partial redemption under a mortgage or
6 writ of execution”.

The V. Johnson amendment was adopted with 28 ayes, 1 nay, 18 present and not voting, and 2 excused and not voting.

Mr. L. Johnson requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 28 ayes, 5 nays, 14 present and not voting, and 2 excused and not voting.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 217, 217A, 310, 310A, 1027, and 1027A.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 217A

The following changes, required to be reported for publication in the Journal, have been made:

ER0235

1. In the Landis amendment, AM2089, adopted April 7, 1986:
 - a. On page 1, line 6, “Marshall” has been struck and “Marshal” inserted; and
 - b. On page 2, line 20, “1986” has been struck and “1987” inserted.

Enrollment and Review Change to LB 310

The following changes, required to be reported for publication in the Journal, have been made:

ER0236

1. In the E & R amendment, AM5349, on page 2, line 16, "to increase certain fees as prescribed;" has been inserted after the semicolon.

Enrollment and Review Change to LB 1027

The following changes, required to be reported for publication in the Journal, have been made:

ER0231

1. In the Hartnett amendment adopted April 3, 1986, found on page 1949 of the Journal, on page 1, line 1, the first underscored period has been struck and "Each" inserted; and in line 20 "185" has been struck and "184" inserted.

2. In the Scofield-Withem amendment, AM2873, adopted April 3, 1986:

- a. Section 1 has been renumbered as section 191 and underscored;
- b. On page 1, line 10, an underscored comma has been inserted after "notes"; and in line 13 the comma has been struck; and
- c. On page 2, line 11, "such" has been struck.

3. In the V. Johnson amendment adopted April 3, 1986, found beginning on page 1948 of the Journal, in lieu of amendment 1, in AM2656, on page 90, the matter beginning with the second "the" in line 16 through "amount" in line 18 has been struck, shown as stricken, and "a tax" inserted; in line 21 "(a)" has been struck; and the matter beginning with "if" in line 22 through line 24 has been struck.

4. In the V. Johnson amendment, AM2656, adopted April 3, 1986:

- a. The second section 160 and sections 184, 185, 191, 192, 193, 194, 195, 196, and 210 have been renumbered as sections 169, 183, 184, 192, 193, 194, 195, 185, 223, and 225, respectively;
- b. Section 211 has been struck;
- c. Amendments 2 and 3 have been struck;
- d. On page 6, line 3; page 61, line 22; page 63, line 11; and page 169, line 15, "186" has been struck and "184" inserted;
- e. On page 9, line 22, "34" has been struck and "33" inserted;
- f. On page 58, line 1, "and" has been inserted after the second semicolon; the matter beginning with the semicolon in line 3 through "act" in line 5 has been struck; in line 6 "subdivision (2) of" has been struck; and in line 7 "109" has been struck and "110" inserted;
- g. On page 66, line 24; and page 94, line 7, "109" has been struck and "110" inserted;
- h. On page 107, line 10; page 108, line 19; page 135, line 4; page 136, line 10; page 168, line 18; page 170, line 21; page 174, line 8; and page 175, line 20, "185" has been struck and "184" inserted.

i. On page 176, line 5, "and" has been inserted after the second comma; in line 6 "and Bingo and Lottery Advisory Committee" has been struck; and in line 23 "and 195" has been struck.

5. In the V. Johnson amendment, AM2773, adopted April 3, 1986:

a. Amendments 5 and 8 have been struck;

b. Sections 1 to 8, 9 to 11, 13 to 15, 21, 22, 26, 27, 29, and 32 have been renumbered as sections 214 to 221, 196 to 198, 200 to 202, 208, 209, 213, 222, 226, and 229, respectively;

c. Section 16 has been struck;

d. On page 1, line 2, "1 to 8" has been struck and "214 to 221" inserted; in line 13 "which is" has been inserted after "fee"; in line 14 "which are" has been struck; and in line 18 "provided for in the Uniform State Tax Lien Registration and Enforcement Act" has been inserted after "lien";

e. On page 2, line 24, "such" has been inserted after "any";

f. On page 3, line 5, an underscored comma has been inserted after "fee"; in line 6 "and" has been inserted after the second comma and the third comma has been struck;

g. On page 4, line 1, the first "and" has been struck and "the tax was due," inserted; and in line 3 "is" has been struck and "are" inserted;

h. On page 6, line 16, "securities have" has been struck and "security has" inserted;

i. On page 8, line 14, "personal representatives," has been inserted after the first comma;

j. On page 9, line 11, "tax" has been struck and "taxes" inserted; and in line 15 "sections" has been struck and "section" inserted and the first "and" has been struck and "or" inserted;

k. On page 11, line 14, an underscored comma has been inserted after "given";

l. On page 13, line 23, "his or her" has been struck and "a" inserted;

m. On page 14, line 9, the comma has been struck and "or" inserted; and in line 17 an underscored comma has been inserted after "property";

n. On page 16, line 17; page 23, line 17; and page 30, line 4, the comma has been struck and shown as stricken;

o. On page 27, line 14, "from such payments" has been inserted after "withhold";

p. On page 29, line 16 has been struck and shown as stricken; and in line 21 the second comma has been struck and shown as stricken;

q. On page 30, line 15, the comma before "each" has been struck and shown as stricken; and in line 19 "77-2710" has been struck and shown as stricken and the underscored comma has been struck;

r. On page 31, line 15, "sections" has been struck and "section" inserted; in line 16 "and 77-2701.03" has been struck; in line 18 "77-27,105," has been struck; in line 19 the first "and" has been struck; and in line 20 "and sections 77-2701.03 and 77-27,105, Revised Statutes Supplement, 1985," has been inserted after the last comma;

s. On page 32, line 3, "(b)" has been inserted after "(4)"; and in line 24 "the provisions of" has been struck;

t. On page 33, line 24, the matter beginning with "line" through the last quotation marks has been struck; and

u. On page 34, the matter beginning with "and" in line 1 through "in" in line 5 has been struck.

6. In the E & R amendments, AM5368, adopted April 3, 1986:

a. Amendments 1 and 12 have been struck;

b. Because of the repeal of section 77-2715.04 by LB739, section 2, section 7 has been struck;

c. Section 5 has been renumbered as section 206;

d. On page 1, the matter beginning with "line" in line 13 through the semicolon in line 14 has been struck; and

e. On page 2, line 17, "sections" has been struck and "section" inserted and "and 77-2715.01" has been struck.

7. On page 1, the matter beginning with "66-448" in line 1 through line 12 has been struck and "2-219, 9-127, 9-129, 9-135, 9-139, 9-140, 9-140.10, 9-151, 9-152, 9-155, 9-162, 9-167, 9-175, 14-102, 15-258, 16-226, 17-120, 17-207, 28-1101, 28-1105, 28-1110, 28-1113 to 28-1116.01, 57-702, 57-710, 57-919, 66-448, 77-27,107, 77-27,147, and 81-1559, Reissue Revised Statutes of Nebraska, 1943, sections 9-128, 9-132 to 9-134, 9-136 to 9-138, 9-140.03 to 9-140.06, 9-140.11, 9-140.12, 9-141 to 9-143, 9-144, 9-147, 9-149, 9-150, 9-154, 9-156 to 9-161, 9-163 to 9-166, 9-171, 9-172, 9-174, 9-177, 9-178, 9-181, 9-182, 9-190, 9-195 to 9-199, 77-631.02, 77-1250, 77-2704.01, and 77-2753, Revised Statutes Supplement, 1984, and sections 9-124 to 9-126, 9-140.01, 9-140.07 to 9-140.09, 9-140.13 to 9-140.16, 9-143.01 to 9-143.06, 9-145, 9-146, 9-148, 9-153, 9-170, 9-173, 9-178.01, 9-179, 9-183 to 9-186.04, 9-187 to 9-189, 9-199.01, 76-214, 77-2702 to 77-2704, and 77-2715, Revised Statutes Supplement, 1985; to adopt the Nebraska Bingo Act, the Nebraska Pickle Card Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Small Lottery and Raffle Act, the Nebraska County and City Lottery Act, and the Uniform State Tax Lien Registration and Enforcement Act; to change certain provisions relating to bingo, lotteries, raffles, gift enterprises, oil and gas taxes, tax credit gasoline, the sales and use tax, the income tax, and the Local Option Revenue Act; to redefine terms; to change penalties; to authorize the issuance of certain notes by municipalities; to authorize a tax amnesty; to provide duties for

the Revisor of Statutes; to harmonize provisions; to eliminate the Bingo and Lottery Advisory Committee; to eliminate obsolete provisions; to eliminate provisions relating to tax liens and remedies for nonpayment of certain taxes; to provide operative dates; to repeal the original sections, and also sections 9-176, 28-1116.02, 66-416, 66-416.01, 66-628, 66-628.01, and 77-27,106, Reissue Revised Statutes of Nebraska, 1943, sections 9-140.02, 9-168, 9-169, 9-191, 9-192, 9-193, 9-193.01, 9-194, 77-2712, and 77-27,104, Revised Statutes Supplement, 1984, and sections 77-2701.03 and 77-27,105, Revised Statutes Supplement, 1985; and to declare an emergency." inserted.

8. On page 2, lines 1 through 3 have been struck.

9. Original sections 1, 2, 3, 4, 5, 6, 7, 8, 10, and 11 have been renumbered as sections 199, 203, 204, 205, 207, 210, 211, 212, 227, and 228, respectively.

10. On page 11, line 11, "the provisions of" has been struck and shown as stricken.

11. On page 55, lines 17 and 22, "7" has been struck and "211" inserted.

12. Original section 9 has been struck and the following new section inserted:

"Sec. 224. Sections 199, 207, 208, and 227 of this act shall become operative for all taxable years commencing on or after January 1, 1986, or deemed to begin on or after January 1, 1986. Sections 196 to 198, 200 to 202, 209, 211 to 222, and 226 of this act shall become operative on July 1, 1986. Sections 203 to 206, 210, and 228 shall become operative on October 1, 1986. The remaining sections shall become operative on their effective date."

Enrollment and Review Change to LB 1027A

The following changes, required to be reported for publication in the Journal, have been made:

ER0232

1. On page 1, line 4, "; and to reduce an appropriation" has been inserted after "1986".

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to LB 600A in the Journal. No objections. So ordered.

AM2987

1 1. Strike the original sections and insert
2 the following new sections:

3 "Section 1. That section 39-662, Reissue
4 Revised Statutes of Nebraska, 1943, be amended to read
5 as follows:

6 39-662. (1) No person shall drive a vehicle
7 on a highway at a speed greater than is reasonable and
8 prudent under the conditions and having regard to the
9 actual and potential hazards then existing. Any person
10 shall drive at a safe and appropriate speed when
11 approaching and crossing an intersection or railroad
12 grade crossing, when approaching and going around a
13 curve, when approaching a hillcrest, when traveling upon
14 any narrow or winding roadway, and when special hazards
15 exist with respect to pedestrians or other traffic or by
16 reason of weather or highway conditions.

17 (2) Except when a special hazard exists that
18 requires lower speed for compliance with subsection (1)
19 of this section, the limits set forth in sections 39-662
20 and 39-666 or set pursuant to section 39-663; shall be
21 maximum lawful speeds, and no person shall drive a
1 vehicle on a highway at a speed in excess of such
2 maximum limits:

3 (a) Twenty-five miles per hour in any
4 residential district;

5 (b) Twenty miles per hour in any business
6 district;

7 (c) ~~Fifty-five~~ Seventy miles per hour upon ~~any~~
8 freeway the National System of Interstate and Defense
9 Highways;

10 (d) Fifty-five miles per hour upon any part of
11 the state highway system, including other than a
12 freeway, or any dustless-surfaced highway other than a
13 freeway the National System of Interstate and Defense
14 Highways; and

15 (e) Fifty miles per hour upon any highway or
16 road that is not dustless-surfaced and not part of the
17 state highway system.

18 (3) The maximum speed limits set forth in this
19 section may be altered as set forth in section 39-663 or
20 39-666.

21 (4) The Department of Roads and local
22 authorities may erect and maintain suitable signs along
23 highways under their respective jurisdictions in such
24 number and at such locations as they shall deem

1 necessary to give adequate notice of the speed limit
2 upon such highways.

3 Sec. 2. That section 39-666, Reissue Revised
4 Statutes of Nebraska, 1943, be amended to read as
5 follows:

6 39-666. (1) Notwithstanding the maximum speed
7 limits established in section 39-662, no person shall
8 operate any truck, truck-tractor, or any
9 freight-carrying vehicle, if the gross weight of such
10 freight-carrying vehicle including any load thereon is
11 more than five tons, or any motor vehicle when towing a
12 camping trailer or travel trailer; in excess of the
13 following maximum speed limits:

14 (a) Twenty-five miles per hour in any
15 residential district;

16 (b) Twenty miles per hour in any business
17 district;

18 (c) ~~Fifty-five~~ Seventy miles per hour upon any
19 ~~freeway~~ the National System of Interstate and Defense
20 Highways;

21 (d) Fifty-five miles per hour during the
22 daytime upon any part of the state highway system,
23 including other than a freeway, or any dustless-surfaced
24 highway other than a ~~freeway~~ the National System of
1 Interstate and Defense Highways;

2 (e) Fifty-five miles per hour during the
3 nighttime upon any part of the state highway system,
4 including other than a freeway, or any dustless-surfaced
5 highway other than a ~~freeway~~ the National System of
6 Interstate and Defense Highways; and

7 (f) Fifty miles per hour upon any highway that
8 is not dustless-surfaced and not a part of the state
9 highway system.

10 (2) No person shall operate any motor vehicle
11 when towing a mobile home at a rate of speed in excess
12 of fifty miles per hour.

13 (3) Notwithstanding the maximum speed limits
14 established in section 39-662, no person shall operate
15 any school bus carrying any school child at a speed in
16 excess of the following maximum limits:

17 (a) Twenty-five miles per hour in any
18 residential district;

19 (b) Twenty miles per hour in any business
20 district;

21 (c) ~~Fifty-five~~ Seventy miles per hour upon any

22 ~~freeway the National System of Interstate and Defense~~
23 Highways;

24 (d) Fifty-five miles per hour on any part of
1 the state highway system, including other than a
2 freeway, or any dustless-surfaced highway other than a
3 ~~freeway the National System of Interstate and Defense~~
4 Highways during the daytime;

5 (e) Fifty-five miles per hour on any part of
6 the state highway system, including other than a
7 freeway, or any dustless-surfaced highway other than a
8 ~~freeway the National System of Interstate and Defense~~
9 Highways during the nighttime;

10 (f) Forty-five miles per hour on any highway
11 or road that is not dustless-surfaced and not a part of
12 the state highway system during the daytime; and

13 (g) Forty miles per hour on any highway or
14 road that is not dustless-surfaced and not a part of the
15 state highway system during the nighttime.

16 (4) Notwithstanding the maximum speed limits
17 established in section 39-662, no person shall operate
18 any vehicle which carries unbaled livestock forage at a
19 speed in excess of the following maximum limits:

20 (a) Twenty-five miles per hour in any
21 residential district;

22 (b) Twenty miles per hour in any business
23 district; and

24 (c) Thirty miles per hour while loaded or
1 fifty miles per hour while unloaded upon any highway
2 other than a freeway outside of a business or
3 residential district during the daytime.

4 (5) Any vehicle which carries unbaled
5 livestock forage exceeding a total outside width of
6 eight feet shall not be operated on a freeway nor on any
7 highway during the nighttime.

8 (6) The maximum speed limits in business and
9 residence districts declared for specific vehicles in
10 subsections (1), (3), and (4) of this section may be
11 altered by the Department of Roads or local authorities
12 as provided in section 39-663.

13 (7) During the nighttime no person shall
14 operate upon a roadway any motor-driven cycle at a speed
15 in excess of thirty-five miles per hour unless such
16 motor-driven cycle is equipped with a headlamp or lamps
17 capable of revealing a person or vehicle in such roadway
18 three hundred feet ahead, and with a lamp on the rear

19 exhibiting a red light visible, under normal atmospheric
20 conditions, from a distance of at least five hundred
21 feet to the rear of such motor vehicle. Such
22 motor-driven cycle shall not be operated at a speed in
23 excess of twenty-five miles per hour if such headlamp or
24 lamps are not sufficient to reveal a person or vehicle
1 in such roadway at least two hundred feet ahead, and not
2 in excess of twenty miles per hour if such headlamp or
3 lamps do not reveal a person or vehicle in such roadway
4 at least one hundred feet ahead. If the headlamp or
5 lamps do not reveal a person or vehicle in such roadway
6 at least one hundred feet ahead, such motor-driven cycle
7 shall not be driven upon the roadways during the
8 nighttime.

9 (8) No person shall operate any vehicle which
10 is equipped with solid rubber tires on any highway at a
11 speed greater than ten miles per hour.

12 (9) No person shall drive a vehicle over any
13 public bridge, causeway, viaduct, or other elevated
14 structure at a speed which is greater than the maximum
15 speed which can be maintained with safety thereon when
16 such structure is posted with signs as provided in
17 subsection (10) of this section.

18 (10) The Department of Roads or a local
19 authority may conduct an investigation of any bridge or
20 other elevated structure constituting a part of a
21 highway under its jurisdiction and if it finds that such
22 structure cannot safely withstand vehicles traveling at
23 the speed otherwise permissible, the Department of Roads
24 or local authority shall determine and declare the
1 maximum speed of vehicles which such structure can
2 safely withstand and shall cause suitable signs stating
3 such maximum speed to be erected and maintained before
4 each end of such structure.

5 (11) Upon the trial of any person charged with
6 a violation of subsection (9) of this section, proof of
7 such determination of the maximum speed by the
8 Department of Roads or local authority and the existence
9 of such signs shall constitute conclusive evidence of
10 the maximum speed which can be maintained with safety on
11 such bridge or structure.

12 (12) When the Department of Roads or local
13 authority determines by an investigation that certain
14 vehicles in addition to those specified in this section
15 cannot with safety travel at the speeds provided in

16 section 39-662 or 39-666 or set pursuant to section
 17 39-663, the Department of Roads or local authority may
 18 restrict such vehicles' speed limit on highways under
 19 their respective jurisdictions and post proper and
 20 adequate signs.

21 (13) Notwithstanding the maximum speed limits
 22 in excess of twenty-five miles per hour established in
 23 section 39-662, no person shall operate any moped at a
 24 speed in excess of thirty miles per hour.

1 Sec. 3. This act shall become operative on
 2 January 15, 1987.

3 Sec. 4. That original sections 39-662 and
 4 39-666, Reissue Revised Statutes of Nebraska, 1943, are
 5 repealed.”.

Mr. Schmit asked unanimous consent to print the following amendment to LB 1230A in the Journal. No objections. So ordered.

On page 2, line 7, strike “516” and insert “534”; and strike “lines 10 through 12” and after line 9, insert the following new language, “Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall exceed neither \$35,000 for the period July 1, 1986, to June 30, 1987, nor \$35,000 for the period July 1, 1987, to June 30, 1988.”

Mr. Hoagland asked unanimous consent to print the following amendment to LB 579 in the Journal. No objections. So ordered.

AM2979

(Amendments to the Final Reading copy)

- 1 1. On page 6, after line 22, insert the
- 2 following new subdivision:
- 3 “(2) Individuals certified under nationally
- 4 recognized certifying boards including, but not limited
- 5 to, the Board of Rehabilitation Certification, the
- 6 National Board of Certified Counselors, or the
- 7 Association of Rehabilitation Nurses, from engaging in
- 8 the practice of professional counseling;”; and in line
- 9 23 strike “(2)” and insert “(3)”.
- 10 2. On page 7, line 7, strike “(3)” and insert
- 11 “(4)”.

Mr. Pappas asked unanimous consent to print the following amendment to LB 911 in the Journal. No objections. So ordered.

AM2988

1 1. Strike the Hefner amendment, AM2190, and
2 all amendments thereto.

3 2. Strike the E & R amendments.

4 3. On page 2, line 1, before "The" insert
5 "(1)"; and after line 21 insert the following new
6 subsection:

7 "(2) The Legislature hereby recognizes that
8 each community in the state may have different needs and
9 standards in the area of licensing alcoholic beverage
10 retail and bottle club outlets. Such needs and
11 standards should be reviewed and weighed in the process
12 of determining whether a liquor license is granted or
13 denied."

14 4. On page 3, line 2, strike "section 1" and
15 insert "sections 1, 5, and 6".

16 5. On page 16, line 9, strike "and"; in line
17 15 strike the period and insert: ";

18 (i) Whether the issuance of the license is or
19 will be required by the present or future public
20 convenience and necessity; and"; and reinstate lines 18
21 through 21.

1 6. Insert the following new sections:

2 "Sec. 5. The commission may issue or provide
3 to any person regulated under the Nebraska Liquor
4 Control Act a set of rules or regulations adopted and
5 promulgated by the commission, a copy of the Nebraska
6 Liquor Control Act, and any other information which the
7 commission deems important in the area of liquor control
8 in the State of Nebraska. The information may be
9 printed in a booklet, a pamphlet, or any other form the
10 commission may determine to be appropriate. The
11 commission may update such material as often as it deems
12 necessary and may charge a fee for the material. The
13 fee shall be reasonable and shall not exceed any
14 reasonable or necessary costs of producing the material
15 for distribution.

16 Sec. 6. Any money collected by the commission
17 pursuant to section 5 of this act shall be deposited in
18 the Liquor Control Commission Rule and Regulation Cash
19 Fund, which is hereby created. The purpose of the fund
20 shall be to cover any costs incurred by the commission
21 in producing or distributing the material referred to in
22 section 5 of this act. Any money in the fund available
23 for investment shall be invested by the state investment

24 officer pursuant to sections 72-1237 to 72-1269.

1 Sec. 7. If any section in this act or any
2 part of any section shall be declared invalid or
3 unconstitutional, such declaration shall not affect the
4 validity or constitutionality of the remaining portions
5 thereof.

6 Sec. 9. Since an emergency exists, this act
7 shall be in full force and take effect, from and after
8 its passage and approval, according to law.”.

9 7. On page 20, line 20, strike “and”; and in
10 line 23 after “interest” insert “, and (i) whether the
11 issuance of the license is or will be required by the
12 present or future public convenience and necessity”.

13 8. Renumber remaining sections accordingly.

Mr. V. Johnson asked unanimous consent to print the following amendment to LB 889 in the Journal. No objections. So ordered.

AM2934

(Amendments to the Final Reading Copy)

1 1. Insert the following new section:

2 “Section 1. That section 23-131, Reissue
3 Revised Statutes of Nebraska, 1943, be amended to read
4 as follows:

5 23-131. Upon the allowance of any claim or
6 account against the county, the county board shall
7 direct the county clerk to draw a warrant upon the
8 county treasurer in payment thereof. Such warrant shall
9 be signed by the ~~chairman~~ chairperson of the county
10 board, except as hereinafter provided, and countersigned
11 by the county clerk. All warrants payable to officers
12 or employees of the county, and claims or accounts
13 allowed in full shall be delivered by the county clerk
14 upon completion of entries so required in the warrant
15 and distribution records of the officer in charge of
16 such records. If a claim or account is not allowed in
17 full, the warrant shall not be delivered to the party
18 until the time for taking an appeal has expired; and, if
19 such appeal be taken, then not until the same shall have
20 been determined. Jurors ; ~~PROVIDED, jurors~~ in the
1 district courts shall, immediately upon the completion
2 of their services, be entitled to a statement under seal
3 from the clerk of the court wherein their services were
4 rendered, certifying the amount due them for service as
5 jurors in ~~said~~ such court. Upon presentation of the

6 same to the county clerk, the latter shall immediately
7 issue a warrant upon the county general fund for the
8 amount due as shown by such certificate, ~~and said~~
9 ~~warrant shall be signed by the county clerk only.~~
10 Before delivery of ~~said~~ the warrant, it shall be the
11 duty of the county clerk to deduct therefrom the amount
12 of any delinquent personal taxes then due from ~~said~~ such
13 juror, except that ; ~~PROVIDED~~, in a county having a
14 county comptroller, the county board shall direct such
15 comptroller to draw such warrant, and such warrant shall
16 be executed as ~~hereinbefore~~ provided in this section,
17 except that it shall be countersigned by the
18 comptroller; and also issued by him or her. If the
19 county clerk or the county comptroller, as the case may
20 be, is unable to issue ~~said~~ the warrant to such jurors
21 because of insufficient funds, a record of the date of
22 presentation of ~~said~~ such certified statements, together
23 with the names and addresses of such jurors, shall be
made by the county clerk; or by the county comptroller,
1 as the case may be, and the amount due thereon shall
2 draw interest until there are sufficient funds upon
3 which to draw and pay ~~said~~ such warrants, whereupon each
4 such juror shall be immediately notified by registered
5 letter, return receipt requested, that; upon
6 presentation of a certified statement for juror's fee, a
7 warrant will be drawn therefor with interest, less
8 whatever delinquent personal taxes are then due from him
9 or her".

10 2. On page 3, line 12, strike "and" and show
11 as stricken; and in line 24 after "items" insert "; and

12 (4) A uniform summary of the proposed budget
13 statement which shall include a separate total for each
14 fund and a grand total of all funds maintained by the
15 governing body".

16 3. Strike section 2.

17 4. On page 5, line 20, strike "23-925" and
18 insert "23-131".

19 5. On page 1, line 1, strike "budgets" and
20 insert "counties" and strike "23-925" and insert
21 "23-131"; and in line 4 after the semicolon insert "to
22 change provisions relating to warrants issued to jurors
23 as prescribed;".

24 6. Renumber original section 1 as section 2.

RESOLUTION

LEGISLATIVE RESOLUTION 418.

Introduced by Scofield, 49th District; Vickers, 38th District; Sieck, 24th District; L. Johnson, 15th District; Hefner, 19th District; Warner, 25th District; Miller, 37th District; Eret, 32nd District; DeCamp, 40th District; Schmit, 23rd District; Haberman, 44th District; Baack, 47th District; Harris, 27th District; R. Johnson, 34th District; Rupp, 22nd District; Rogers, 41st District; Lundy, 36th District.

WHEREAS, the Nebraska cattle industry is attempting to market cattle in an orderly fashion to minimize fluctuations in the marketplace; and

WHEREAS, the margin of profit in the cattle-feeding industry has been under severe pressure for a number of years; and

WHEREAS, the price for cows has dropped six to ten dollars per hundred weight since the announcement that the federal Whole Herd Buyout Program would be in effect; and

WHEREAS, the fat-cattle prices have now dropped to fifty-four dollars per hundred weight as compared to fifty-seven dollars per hundred weight one week ago; and

WHEREAS, many states are finding it difficult to schedule slaughter for their cattle due to large numbers of dairy cattle entering into the packing houses; and

WHEREAS, the federal Whole Herd Buyout Program will move one million five hundred thousand cattle into the market within the next eighteen months, and twenty-two thousand nine hundred eighty-eight of those cattle will come from Nebraska dairy farms; and

WHEREAS, the United States Department of Agriculture did not recognize the dramatic effect that the federal Whole Herd Buyout Program would have on cattle prices.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the United States Department of Agriculture should recognize the problems the federal Whole Herd Buyout Program has placed upon the cattle industry and attempt to follow through with its commitment to provide an orderly marketing approach.

2. That the United States Department of Agriculture should attempt to rectify the problem by considering alternate marketing plans or by making immediate acquisition of red meat to relieve the market of beef surpluses.

3. That a copy of this resolution be sent to the United States Secretary of Agriculture.

Laid over.

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Chambers asked unanimous consent to have his name added as co-introducer to LB 600A. No objections. So ordered.

Mr. Haberman asked unanimous consent to have his name added as co-introducer to LB 600A. No objections. So ordered.

Mr. Hoagland asked unanimous consent to have his name added as co-introducer to LB 956. No objections. So ordered.

Mr. Sieck asked unanimous consent to have his name added as co-introducer to LB 911. No objections. So ordered.

UNANIMOUS CONSENT - Withdraw Co-Introducer

Mr. Hoagland asked unanimous consent to have his name withdrawn as co-introducer to LB 600A. No objections. So ordered.

SELECT FILE

LEGISLATIVE RESOLUTION 318CA. Considered.

Mr. Pappas moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of the Pappas amendment to LR 318.

Mr. Pappas moved for a call of the house. The motion prevailed with 16 ayes, 8 nays, and 25 not voting.

Mr. Pappas requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 26:

Baack	Eret	Higgins	Nichol	Scofield
Carsten	Haberman	Johnson, V.	Pappas	Smith
Chambers	Hall	Labeledz	Remmers	Vickers
Chizek	Hannibal	Lynch	Rogers	Warner
Conway	Hartnett	Morehead	Schmit	Withem
DeCamp				

Voting in the negative, 20:

Abboud	Barrett	Beyer	Goll	Goodrich
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Harris	Johnson, L.	Lundy	Miller	Pirsch
Hefner	Johnson, R.	Marsh	Nelson	Rupp
Hoagland	Landis	McFarland	Peterson	Wesely

Present and not voting, 1:

Chronister

Absent and not voting, 1:

Sieck

Excused and not voting, 1:

Lamb

The Pappas motion to suspend the rules lost with 26 ayes, 20 nays, 1 present and not voting, 1 absent and not voting, and 1 excused and not voting.

Mr. V. Johnson moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of the V. Johnson amendment.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The V. Johnson motion to suspend the rules prevailed with 30 ayes, 7 nays, 11 present and not voting, and 1 excused and not voting.

Mr. V. Johnson offered the following amendment:

To amend LR 318CA by striking all the original sections and all amendments thereto and inserting the contents of LR 12CA as amended by the committee amendments.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The V. Johnson amendment was adopted with 28 ayes, 7 nays, and 14 present and not voting.

Messrs. Lundy, Chronister, and Lamb withdrew their pending amendment, AM2952, found in the Journal on page 2095.

Advanced to E & R for Engrossment.

The Chair declared the call raised.

LEGISLATIVE BILL 1001. E & R amendments, AM5402, found in the Journal on page 1784 for the Fiftieth Day were adopted.

Mr. R. Johnson withdrew his pending amendment, AM2680, printed separate from the Journal and referred to on page 1677.

Mr. McFarland asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. R. Johnson renewed his pending amendment, AM2844, printed separate from the Journal and referred to on page 1941.

Mr. Hefner asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lundy requested a ruling of the Chair on whether the R. Johnson amendment is germane to the bill.

The Chair ruled the R. Johnson amendment is not germane to the bill.

Mr. R. Johnson challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Hannibal asked unanimous consent to be excused. No objections. So ordered.

Mr. R. Johnson moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. R. Johnson requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 22:

Baack	Chizek	Eret	Hartnett	Hoagland
Chambers	Conway	Haberman	Higgins	Johnson, R.

Lamb	Nelson	Schmit	Sieck	Vickers
Lynch	Pirsch	Scofield	Smith	Withem
Miller	Rogers			

Voting in the negative, 21:

Abboud	DeCamp	Hannibal	Landis	Peterson
Barrett	Goll	Johnson, L.	Lundy	Remmers
Beyer	Goodrich	Johnson, V.	Marsh	Rupp
Carsten	Hall	Labeledz	Morehead	Wesely
Chronister				

Present and not voting, 4:

Harris	Nichol	Pappas	Warner
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Excused and not voting, 2:

Hefner	McFarland
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The R. Johnson motion to overrule the Chair lost with 22 ayes, 21 nays, 4 present and not voting, and 2 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

Mr. Hannibal asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 1001A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 237A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 997A. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT - Add Co-Introducers

Messrs. V. Johnson, Hoagland, DeCamp, and Chambers asked unanimous consent to have their names added as co-introducers to LR 318. No objections. So ordered.

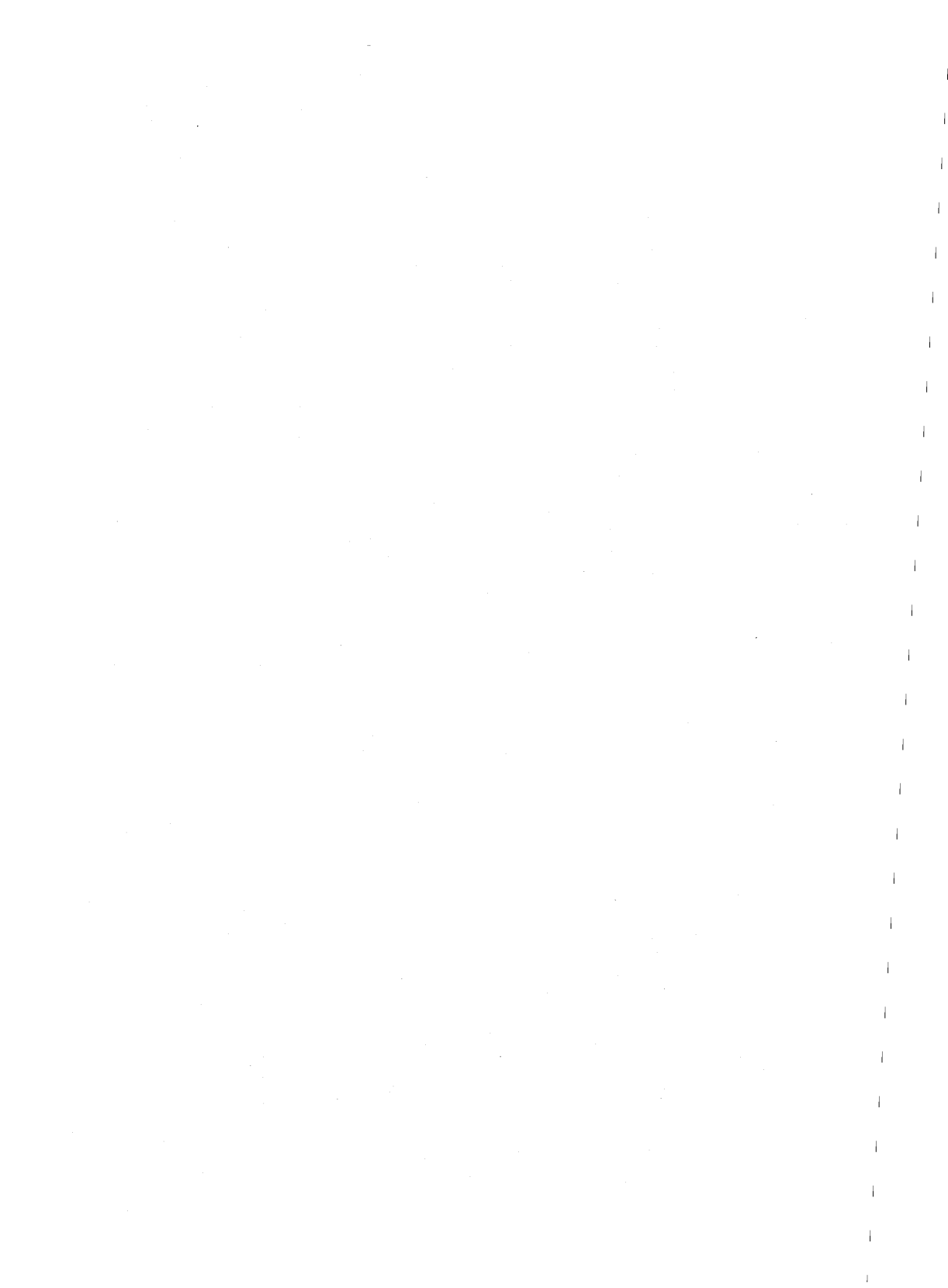
VISITORS

Visitors to the Chamber were a group from Korea, Panama, and the U.S.; 13 students and teacher from Burchard School; 21 students, teacher, and sponsors from Pender; Mike Rierdon from Lincoln; Mr. and Mrs. Rod Thorell from Loomis; a group from Anselmo; Robert Seeger and Jim Peister from Broken Bow; Art Peters and Jack Sutton from Fremont; and Duane Dueland, Cathy Casper, and Ervin Westfahl from McCook.

MOTION - Adjournment

Mr. Haberman moved to adjourn. The motion prevailed with 21 ayes, 15 nays, and 13 not voting, and at 7:48 p.m., on a motion by Mr. Haberman, the Legislature adjourned until 8:30 a.m., Wednesday, April 9, 1986.

Patrick J. O'Donnell
Clerk of the Legislature



FIFTY-SEVENTH DAY - APRIL 9, 1986

LEGISLATIVE JOURNAL

FIFTY-SEVENTH DAY - APRIL 9, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

FIFTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 9, 1986

Pursuant to adjournment, the Legislature met at 8:32 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Chronister, Harris, R. Johnson, Landis, Lynch, Schmit, Wesely, Mesdames Higgins, Labedz, Nelson, Pirsch, and Smith who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2130, line 32, insert "-Hefner" after "Wesely".
Page 2137, line 20, strike "renewed" and insert "reoffered".
The Journal for the Fifty-Sixth Day was approved as corrected.

RESOLUTIONS

LEGISLATIVE RESOLUTION 419.

Introduced by Rogers, 41st District; Hannibal, 4th District.

WHEREAS, October 9, 1886 is the centennial of the founding of the City of Dannebrog, Nebraska by Lars Hannibal; and

WHEREAS, the people of Dannebrog, Nebraska deserve recognition for the contributions they and their forebearers have made to the history and settlement of Nebraska; and

WHEREAS, a centennial celebration offers a community a unique opportunity to reflect upon its history and the citizens whose efforts were responsible for its founding and those who worked for its continued accomplishments; and

WHEREAS, the City of Dannebrog has been and will continue to be an outstanding Nebraska community whose citizens deserve special recognition during their centennial celebrations July 4 - 6.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature commend the City of Dannebrog for its one hundredth anniversary.
2. That the Legislature congratulate and extend its best wishes to the citizens of the City of Dannebrog.
3. That a copy of this resolution be sent to the Dannebrog Village Board.

Laid over.

LEGISLATIVE RESOLUTION 414. Read. Considered.

LR 414 was adopted with 33 ayes, 0 nays, and 16 not voting.

GENERAL FILE

LEGISLATIVE BILL 835A. Title read. Considered.

Mr. DeCamp moved to indefinitely postpone.

Mr. Lundy moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Schmit moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Schmit requested a roll call vote on the DeCamp motion.

Voting in the affirmative, 19:

Baack	Chizek	Conway	Hartnett	Lundy
Beyer	Chronister	DeCamp	Johnson, R.	Lynch

Marsh	Nelson	Pirsch	Smith	Withem
Miller	Pappas	Rogers	Wesely	

Voting in the negative, 29:

Abboud	Haberman	Hoagland	McFarland	Schmit
Barrett	Hall	Johnson, L.	Morehead	Scofield
Carsten	Hannibal	Johnson, V.	Nichol	Sieck
Chambers	Harris	Labeledz	Peterson	Vickers
Eret	Hefner	Lamb	Remmers	Warner
Goodrich	Higgins	Landis	Rupp	

Present and not voting, 1:

Goll

The DeCamp motion to indefinitely postpone lost with 19 ayes, 29 nays, and 1 present and not voting.

The Chair declared the call raised.

Mr. Warner offered the following amendment:

to amend LB 835A as follows:

on page 2 line 2 strike "244,000" and insert "158,500"; in line 3 strike "471,000" and insert "308,000"; in line 11 strike "144,000" and insert "90,500"; and in line 12 strike "304,000" and insert "221,000."

Mr. V. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Warner amendment was adopted with 26 ayes, 0 nays, and 23 present and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, and 22 present and not voting.

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of April 8, 1986. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Parker, David R. - Lincoln, The Equitable Life Assurance Society
of the United States

Stading, Donald R. - Lincoln (Withdrawn 85/12/31) National Bank
of Commerce (Withdrawn 85/12/31)

UNANIMOUS CONSENT - Print in Journal

Messrs. Wesely, Lynch, and Goll asked unanimous consent to print
the following amendment to LB 355 in the Journal. No objections.
So ordered.

AM2940

- 1 1. In the Lynch amendments, beginning on page
- 2 1635 of the 1986 Journal, on page 1, strike beginning
- 3 with "national" in line 4 through "board" in line 5 and
- 4 insert "amateur athletic organizations".
- 5 2. On page 3, lines 19, 21, and 23, strike
- 6 "1987" and insert "1988".
- 7 3. Insert the following new section:
- 8 "Sec. 15. This act shall become operative on
- 9 October 1, 1987.".
- 10 4. Renumber the remaining section
- 11 accordingly.

Mr. Hall asked unanimous consent to print the following amendment
to LB 90 in the Journal. No objections. So ordered.

(Final Reading Copy)

On page 3, line 20, strike the word "ordinarily"
On page 4, strike lines 19 thru 23
Renumber the remaining subsections accordingly

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 926. Placed on Select File as amended.
(E & R amendments printed separate from the Journal and on file in
the Clerk's Office - Room 1102 - AM5428.)

(Signed) Timothy Hall, Chairperson

SELECT FILE

LEGISLATIVE BILL 849. Mr. Vickers requested a machine vote on the advancement of the bill.

Mr. R. Johnson moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. R. Johnson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 37:

Baack	Eret	Hoagland	McFarland	Schmit
Barrett	Goll	Johnson, R.	Morehead	Scofield
Carsten	Haberman	Labeledz	Nelson	Sieck
Chambers	Hall	Lamb	Nichol	Smith
Chizek	Hannibal	Landis	Pappas	Warner
Chronister	Harris	Lundy	Rogers	Wesely
Conway	Hefner	Marsh	Rupp	Withem
DeCamp	Higgins			

Voting in the negative, 5:

Beyer	Johnson, V.	Lynch	Remmers	Vickers
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Present and not voting, 7:

Abboud	Hartnett	Miller	Peterson	Pirsch
Goodrich	Johnson, L.			

Advanced to E & R for Engrossment with 37 ayes, 5 nays, and 7 present and not voting.

UNANIMOUS CONSENT - Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 849 in the Journal. No objections. So ordered.

Strike the V. Johnson amendment found on p. 2075 which was adopted on April 7, 1986.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 286.

A BILL FOR AN ACT relating to social work; to amend sections 33-150, 71-103, 71-104, 71-106, 71-108, 71-111, 71-118, 71-125, 71-128, 71-135, 71-136, 71-138, 71-145, 71-147, 71-148, 71-150 to 71-152, 71-154, 71-156, 71-157, 71-161.02, 71-161.04 to 71-161.08, 71-161.12 to 71-161.19, 71-166, 71-168, and 71-170, Reissue Revised Statutes of Nebraska, 1943, sections 71-101, 71-133, 71-149, 71-155, 71-155.01, and 71-171.01, Revised Statutes Supplement, 1984, and sections 71-102, 71-107, 71-110, 71-112, 71-113, 71-116, 71-131, 71-139, 71-161.09, 71-161.10, and 71-162, Revised Statutes Supplement, 1985; to provide for the certification of social workers; to state intent; to define terms; to create a fund; to create a board; to require fees; to provide continuing education requirements; to provide powers and duties for the Department of Health; to harmonize provisions; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Abboud	Goll	Johnson, L.	Miller	Rupp
Baack	Goodrich	Johnson, R.	Morehead	Schmit
Barrett	Haberman	Johnson, V.	Nelson	Scofield
Beyer	Hall	Labedz	Nichol	Sieck
Carsten	Hannibal	Lamb	Pappas	Smith
Chizek	Harris	Lundy	Peterson	Vickers
Chronister	Hartnett	Lynch	Pirsch	Warner
Conway	Hefner	Marsh	Remmers	Wesely
DeCamp	Higgins	McFarland	Rogers	Withem
Eret	Hoagland			

Voting in the negative, 2:

Chambers Landis

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 286A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 286, Eighty-ninth Legislature, Second Session, 1986; to provide for a transfer of funds.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Abboud	Goll	Johnson, L.	Miller	Rupp
Baack	Goodrich	Johnson, R.	Morehead	Schmit
Barrett	Haberman	Johnson, V.	Nelson	Scofield
Beyer	Hall	Labeledz	Nichol	Sieck
Carsten	Hannibal	Lamb	Pappas	Smith
Chizek	Harris	Landis	Peterson	Vickers
Chronister	Hartnett	Lundy	Pirsch	Warner
Conway	Hefner	Lynch	Remmers	Wesely
DeCamp	Higgins	Marsh	Rogers	Withem
Eret	Hoagland	McFarland		

Voting in the negative, 1:

Chambers

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 579 to Select File

Ms. Scofield moved to return LB 579 to Select File for the following specific amendment:

1. On page 8, line 7 after "Has" insert "completed the nationally recognized licensure requirements for a rehabilitation counselor and is eligible to use the designation of a certified rehabilitation counselor or certified insurance rehabilitation specialist; or (b) has"; in line 8 strike (b)" and insert (c)"; and in line 20 strike (c)" and insert (d)".

Ms. Scofield withdrew her pending motion to return.

WITHDRAW - Amendment to LB 579

Mr. Hoagland withdrew his pending amendment, AM2979, found in the Journal on page 2148 to LB 579.

MR. CARSTEN PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 579.

A BILL FOR AN ACT relating to professional counseling; to amend sections 33-150, 71-103, 71-104, 71-106, 71-108, 71-111, 71-118, 71-125, 71-128, 71-135, 71-136, 71-138, 71-145, 71-147, 71-148, 71-150 to 71-152, 71-154, 71-156, 71-157, 71-161.02, 71-161.04 to 71-161.08, 71-161.12 to 71-161.19, 71-166, 71-168, and 71-170, Reissue Revised Statutes of Nebraska, 1943, sections 71-101, 71-133, 71-149, 71-155, 71-155.01, and 71-171.01, Revised Statutes Supplement, 1984, and sections 71-102, 71-107, 71-110, 71-112, 71-113, 71-116, 71-131, 71-139, 71-161.09, 71-161.10, and 71-162, Revised Statutes Supplement, 1985; to state intent; to define terms; to provide for the certification and registration of counselors; to create a fund; to provide for disclosure statements; to provide continuing education requirements; to provide confidentiality standards; to provide a penalty; to provide for fees; to harmonize provisions; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Abboud	Goll	Johnson, L.	Miller	Rupp
Baack	Goodrich	Johnson, R.	Morehead	Schmit
Barrett	Haberman	Johnson, V.	Nelson	Scofield
Beyer	Hall	Lamb	Nichol	Sieck
Carsten	Hannibal	Landis	Pappas	Smith
Chizek	Harris	Lundy	Peterson	Vickers
Chronister	Hartnett	Lynch	Pirsch	Warner
Conway	Hefner	Marsh	Remmers	Wesely
DeCamp	Higgins	McFarland	Rogers	Withem
Eret	Hoagland			

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Labeledz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 579A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 579, Eighty-ninth Legislature, Second Session, 1986; and to provide for a transfer of funds.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Goll	Johnson, L.	Miller	Rupp
Baack	Goodrich	Johnson, R.	Morehead	Schmit
Barrett	Haberman	Johnson, V.	Nelson	Scofield
Beyer	Hall	Lamb	Nichol	Sieck
Carsten	Hannibal	Landis	Pappas	Smith
Chizek	Harris	Lundy	Peterson	Vickers
Chronister	Hartnett	Lynch	Pirsch	Warner
Conway	Hefner	Marsh	Remmers	Wesely
DeCamp	Higgins	McFarland	Rogers	Withem
Eret	Hoagland			

Voting in the negative, 0.

Present and not voting, 2:

Chambers Labeledz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 603

Mr. Schmit withdrew his pending amendment, AM2673, found in the Journal on page 1669 to LB 603.

MOTION - Return LB 603 to Select File

Mr. R. Johnson moved to return LB 603 to Select File for his specific amendment, AM2864, found in the Journal on page 1941.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. R. Johnson requested a roll call vote on his motion to return.

Voting in the affirmative, 23:

Barrett	DeCamp	Hoagland	Nichol	Rupp
Beyer	Eret	Johnson, R.	Pappas	Smith
Carsten	Hannibal	Johnson, V.	Pirsch	Warner
Chronister	Harris	Lynch	Rogers	Wesely
Conway	Higgins	Morehead		

Voting in the negative, 19:

Baack	Haberman	Lamb	McFarland	Scofield
Chambers	Hall	Landis	Miller	Sieck
Goll	Hartnett	Lundy	Nelson	Vickers
Goodrich	Hefner	Marsh	Remmers	

Present and not voting, 5:

Abboud	Chizek	Labeledz	Peterson	Withem
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Absent and not voting, 1:

Johnson, L.

Excused and not voting, 1:

Schmit

The R. Johnson motion to return lost with 23 ayes, 19 nays, 5 present and not voting, 1 absent and not voting, and 1 excused and not voting.

Mr. R. Johnson asked unanimous consent to bracket LB 603 until Monday, April 14, 1986.

Mr. Chambers objected.

Mr. R. Johnson moved to bracket LB 603 until Monday, April 14, 1986.

Mr. R. Johnson withdrew his motion to bracket.

Mr. DeCamp moved to return LB 603 to Select File for the following specific amendment:

(Amendment printed separate from the Journal and on file in the Clerk's Office - Room 1102 - AM3024.)

Messrs. Harris and Vickers asked unanimous consent to be excused until they return. No objections. So ordered.

The DeCamp motion to return prevailed with 26 ayes, 1 nay, 19 present and not voting, and 3 excused and not voting.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 603. The DeCamp specific amendment, AM3024, printed separate from the Journal and referred to in this day's Journal was considered.

Mr. DeCamp requested a roll call vote on his amendment.

Voting in the affirmative, 27:

Abboud	DeCamp	Johnson, L.	Lynch	Pirsch
Beyer	Eret	Johnson, V.	Miller	Rogers
Carsten	Haberman	Labeledz	Morehead	Rupp
Chizek	Hannibal	Landis	Nichol	Warner
Chronister	Higgins	Lundy	Pappas	Wesely
Conway	Hoagland			

Voting in the negative, 11:

Baack	Hall	Lamb	Nelson	Scofield
Chambers	Hefner	Marsh	Remmers	Sieck
Goodrich				

Present and not voting, 7:

Barrett	Hartnett	Peterson	Smith	Withem
Goll	McFarland			

Excused and not voting, 4:

Harris	Johnson, R.	Schmit	Vickers
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The DeCamp specific amendment was adopted with 27 ayes, 11 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 603 to Select File

Mr. V. Johnson moved to return LB 603 to Select File for the following specific amendment:

Adopt AM2864 without Section 6.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The V. Johnson motion to return prevailed with 25 ayes, 2 nays, 18 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 603. The V. Johnson specific amendment found in this day's Journal was adopted with 26 ayes, 2 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 603 to Select File

Mr. DeCamp moved to return LB 603 to Select File for his specific amendment, AM2668, printed separate from the Journal and referred to on page 1719.

Pending.

VISITORS

Visitors to the Chamber were 15 students and teacher from Living Word in Lincoln; Roger John Carrick, British Consul General, from Chicago; 29 fourth grade students and teachers from North Bend Elementary School; and Karen Hoffman, Janet A. Palmtag, and Kathy Sheldon from Nebraska City.

RECESS

At 12:05 p.m., on a motion by Mr. Nichol, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Mr. Goodrich, Mesdames Labedz, and Morehead who were excused until they arrive.

PRESIDENT MCGINLEY PRESIDING

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 835A. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: 1004, 1004A, 1142, 1255, and 1256.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 1004

The following changes, required to be reported for publication in the Journal, have been made:

ER0243

1. On page 3, line 12, "as provided in the Motorcycle Safety Education Act" has been inserted after "course".

Enrollment and Review Change to LB 1142

The following changes, required to be reported for publication in the Journal, have been made:

ER0241

1. In the V. Johnson-Warner amendment, AM2957, adopted April 8, 1986, on page 1, line 1, "line 11" has been struck and "lines 11 and 18" inserted.

2. On page 1, line 2, "77-2734.02, Revised Statutes Supplement, 1984, and section" has been inserted after "section"; the matter beginning with the first comma in line 3 through "1985" in line 6 has been struck; and in line 9 "change the income tax rate" has been struck and "require a hearing; to provide for the adjustment of the corporate tax rate" has been inserted.

Enrollment and Review Change to LB 1255

The following changes, required to be reported for publication in the Journal, have been made:

ER0240

1. In the E & R amendment, AM5420, adopted April 8, 1986, on page 1, lines 3 and 7, "corrections" has been struck and "Corrections" inserted; in line 10 "71-994.71" has been struck and "71,994.71" inserted; in line 11 "72-078.31" has been struck and "84,701.64" inserted; and in line 12 "97,145.99" has been struck and "109,769.32" inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

RESOLUTIONS

LEGISLATIVE RESOLUTION 420.

Introduced by Scofield, 49th District.

WHEREAS, on May 3, 1986, Hemingford, Nebraska, will celebrate its one-hundredth birthday; and

WHEREAS, Hemingford has been and will continue to be an outstanding community with outstanding citizens; and

WHEREAS, a centennial celebration offers a community a unique opportunity to reflect upon those citizens whose efforts were responsible for the founding of the community and its continued vitality; and

WHEREAS, the citizens of Hemingford deserve special recognition for their centennial celebration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature recognize and commend the Village of Hemingford and its citizens for their centennial celebration.

2. That a copy of this resolution be sent to the Chairperson and Village Board of the Village of Hemingford, Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 421.

Introduced by Scofield, 49th District.

WHEREAS, on August 2, 1986, Harrison, Nebraska, will celebrate its one-hundredth birthday; and

WHEREAS, Harrison has been and will continue to be an outstanding community with outstanding citizens; and

WHEREAS, a centennial celebration offers a community a unique opportunity to reflect upon those citizens whose efforts were responsible for the founding of the community and its continued vitality; and

WHEREAS, the citizens of Harrison deserve special recognition for their centennial celebration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature recognize and commend the Village of Harrison and its citizens for their centennial celebration.

2. That a copy of this resolution be sent to the Chairperson and Village Board of the Village of Harrison, Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 422.

Introduced by Lamb, 43rd District.

WHEREAS, the city of Ansley was platted in 1886 by the Lincoln Land Company in a fertile area nestled in the hills; and

WHEREAS, Ansley was named after Eliza J. Ansley who had invested in several plots of land on the present site; and

WHEREAS, Ansley was the first town west of Grand Island to own a power plant and water system; and

WHEREAS, in 1898, coal was discovered southwest of town; and

WHEREAS, Ansley has survived blizzards, floods, fires, and tornadoes undaunted, it continues to use the slogan "Push, That's Ansley" given to the town by William S. Mattley in 1916; and

WHEREAS, Ansley will celebrate its centennial anniversary July 4th through July 6th; and

WHEREAS, a centennial celebration offers a community a unique opportunity to reflect upon those citizens whose efforts were responsible for the community's many accomplishments.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes and commends the city of Ansley for its one-hundredth anniversary.

2. That the Legislature congratulates and extends best wishes to the citizens of the Ansley community.

3. That a copy of this resolution be sent to Patricia A. Case, Chairperson of the Village Board of Ansley and to the Custer County Chief Newspaper.

Laid over.

LEGISLATIVE RESOLUTION 423.

Introduced by Lamb, 43rd District.

WHEREAS, 1986 is the centennial year of Mason City, Nebraska; and

WHEREAS, Mason City was founded by the Lincoln Land Company in April 1886; and

WHEREAS, Mason City was named after the Honorable O. P. Mason, who was a Supreme Court Judge of Nebraska and who was the first Supreme Court Judge for the Nebraska Territory; and

WHEREAS, the first railroad train entered the townsite on July 25, 1886, which resulted in a joyful celebration; and

WHEREAS, Mason City will celebrate its centennial anniversary July 25, through July 27; and

WHEREAS, a centennial celebration offers a community a unique opportunity to reflect upon those citizens whose efforts were responsible for its founding and those who worked for its continued vitality,

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature acknowledges the efforts and achievements of the pioneers who settled Mason City and present residents of the community who continue that heritage and spirit.

2. That the Legislature congratulates and extends best wishes to the people of Mason City on this great occasion.

3. That the Legislature recognizes and commends Mason City on its one-hundredth anniversary.

4. That a copy of this resolution be delivered to James Amsberry, Chairperson of the Village Board of Mason City, and the Custer County Chief Newspaper.

Laid over.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 783, 237A, and 997A.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 997A

The following changes, required to be reported for publication in the Journal, have been made:

ER0249

1. On page 1, line 1, "relating to" has been struck.

(Signed) Mary E. Sommermeyer
E & R Attorney

UNANIMOUS CONSENT - Print in Journal

Mr. Vickers asked unanimous consent to print the following amendment to LB 890 in the Journal. No objections. So ordered.

AM2997

(Amendments to Final Reading Copy)

- 1 1. On page 1, line 2, strike "and" and insert
- 2 a comma and after the last comma insert "and
- 3 77-27,148,"; in line 9 after the semicolon insert "to
- 4 provide for a sales and use tax exemption; to harmonize
- 5 provisions;".
- 6 2. Insert the following new sections:
- 7 "Sec. 5. There are exempted from the sales
- 8 and use taxes imposed pursuant to the Local Option
- 9 Revenue Act the gross receipts from the sale, lease, or
- 10 rental of and the storage, use, or other consumption in
- 11 this state of the following:
- 12 (1) Pharmaceuticals for livestock use;
- 13 (2) Replacement parts purchased for use
- 14 directly in the repair and maintenance of farm tractors
- 15 and implements of husbandry, as defined in section
- 16 39-602; and
- 17 (3) Farm tractors and implements of husbandry
- 18 as defined in 39-602.
- 19 Sec. 6. That section 77-27,148, Reissue
- 20 Revised Statutes of Nebraska, 1943, be amended to read
- 1 as follows:
- 2 77-27,148. Sections 77-27,142 to 77-27,148
- 3 and section 5 of this act may be cited as the Local
- 4 Option Revenue Act."
- 5 3. On page 8, line 23, strike "and" and
- 6 insert a comma and after the second comma insert "and
- 7 77-27,148,".
- 8 4. Renumber remaining section accordingly.

Mr. Pappas asked unanimous consent to print the following amendment to LB 960 in the Journal. No objections. So ordered.

AM3006

(Amendments to Final Reading Copy)

- 1 1. On page 1, line 9, after "72-410," insert
- 2 "77-1804,".
- 3 2. On page 2, line 3, after the semicolon
- 4 insert "to change publishing requirements of certain
- 5 notices;".
- 6 3. Insert the following new section:
- 7 "Sec. 39. That section 77-1804, Reissue
- 8 Revised Statutes of Nebraska, 1943, be amended to read

9 as follows:

10 77-1804. The county treasurer shall cause the
11 list of lands and town lots subject to sale and
12 accompanying notice to be published ~~once a week for~~
13 ~~three consecutive weeks~~ one week prior to the date of
14 sale, ~~commencing the first week in October,~~ in a legal
15 newspaper and in counties having more than two hundred
16 fifty thousand inhabitants in a daily legal newspaper of
17 general circulation designated by the county board which
18 is published in the English language in said the county,
19 ~~and of general circulation therein, which newspaper~~
20 ~~shall be designated by the county board.~~ The county
1 treasurer shall also cause to be posted in some
2 conspicuous place in his or her office a copy of such
3 notice. The treasurer shall assess against each
4 description of lands or town lots the sum of two dollars
5 to defray the expenses of advertising, which sum shall
6 be added to the total amount due on such lands or town
7 lots and be collected in the same manner as taxes are
8 collected.

9 4. On page 58, line 9, after "72-410," insert
10 "77-1804,".

11 5. Renumber remaining sections accordingly.

REPORT

Received from the Auditor of Public Accounts audits for the following: Mexican American Commission; Nebraska Educational Telecommunications Commission; and Department of Public Institutions.

RESOLUTION

LEGISLATIVE RESOLUTION 417. Read. Considered.

LR 417 was adopted with 38 ayes, 0 nays, and 11 not voting.

SELECT FILE

LEGISLATIVE BILL 911. E & R amendments, AM5425, printed separate from the Journal and referred to on page 2039 for the Fifty-Fifth Day were considered.

Mr. Hefner offered the following amendment to the E & R amendments:

1. On page 15, line 7 strike "forty-five" and insert "sixty".
2. On page 16, line 12 strike "recommends that a license be denied" and insert "makes a recommendation".
3. On page 20, line 24 strike "forty-five" and insert "sixty".
4. On page 25, strike section 7 and insert the following:
"Sec. 7 The local governing body of a city, village, or county shall adopt licensing standards by ordinance and may enact licensing standards which are more restrictive than the Nebraska Liquor Control Act based on that particular community's needs or standards. Such standards shall be filed with the Commission and shall not be in conflict with the Nebraska Liquor Control Act."
5. Add the provisions of AM 2958 (fiscal office appropriation amendment implementing the cash fund created in the bill for the Commission).

Mr. Warner requested a ruling of the Chair on whether the Hefner amendment is germane to the E & R amendments.

The Chair ruled the Hefner amendment is not germane to the E & R amendments inasmuch as E & R amendments are technical in nature and as such are not subject to substantive amendment.

The E & R amendments were adopted.

Mr. Pappas withdrew his pending amendments, AM2949, found in the Journal on page 2126, and AM2988, found in the Journal on page 2148.

Mr. Hefner offered the following amendment:

1. On page 15, line 7 strike "forty-five" and insert "sixty".
2. On page 16, line 12 strike "recommends that a license be denied" and insert "makes a recommendation".
3. On page 20, line 24 strike "forty-five" and insert "sixty".
4. On page 25, strike section 7 and insert the following:
"Sec. 7 The local governing body of a city, village, or county shall adopt licensing standards by ordinance and may enact licensing standards which are more restrictive than the Nebraska Liquor Control Act based on that particular community's needs or standards. Such standards shall be filed with the Commission and shall not be in conflict with the Nebraska Liquor Control Act."
5. Add the provisions of AM 2958 (fiscal office appropriation amendment implementing the cash fund created in the bill for the Commission).

The Hefner amendment was adopted with 28 ayes, 0 nays, and 21 present and not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Hefner requested a machine vote on the advancement of the bill.

Mr. Haberman requested a record vote on the advancement of the bill.

Voting in the affirmative, 35:

Abboud	Eret	Johnson, L.	Morehead	Rupp
Baack	Goll	Lamb	Nelson	Schmit
Barrett	Goodrich	Landis	Nichol	Scofield
Beyer	Haberman	Lundy	Peterson	Sieck
Carsten	Hannibal	Marsh	Pirsch	Smith
Chizek	Harris	McFarland	Remmers	Warner
Chronister	Hefner	Miller	Rogers	Wesely

Voting in the negative, 12:

Chambers	Hall	Hoagland	Labeledz	Vickers
Conway	Hartnett	Johnson, V.	Pappas	Withem
DeCamp	Higgins			

Present and not voting, 2:

Johnson, R. Lynch

Advanced to E & R for Engrossment with 35 ayes, 12 nays, and 2 present and not voting.

GENERAL FILE

LEGISLATIVE BILL 31A. Title read. Considered.

Messrs. Abboud and Rogers asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 2 nays, and 20 present and not voting.

SELECT FILE

LEGISLATIVE BILL 835A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 600A. Mr. Hoagland asked unanimous consent to unbracket. No objections. So ordered.

Mr. Chambers moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of AM2987 to LB 600A.

Mrs. Higgins moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 0 nays, and 27 not voting.

The Chambers motion to suspend the rules prevailed with 30 ayes, 7 nays, 10 present and not voting, and 2 excused and not voting.

Mr. Chambers renewed his pending amendment, AM2987, found in the Journal on page 2143.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The Chambers amendment was adopted with 26 ayes, 13 nays, 9 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. Hoagland offered the following amendment:
AM2999

(Amendments to AM2987)

- 1 1. On page 2, line 9; page 3, line 20; and
- 2 page 4, line 23; after "Highways" insert "which are not
- 3 within a city of the metropolitan class and fifty-five
- 4 miles per hour upon such highways which are within a
- 5 city of the metropolitan class".

The Hoagland amendment was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Messrs. Wesely and Hoagland offered the following amendment:

To amend AM 2987 in LB 600A by changing the effective date from January 15, 1987, to September 15, 1987

Mr. Wesely moved for a call of the house. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

Mr. Wesely requested a roll call vote on the Wesely-Hoagland amendment.

Voting in the affirmative, 27:

Abboud	Hannibal	Landis	Nelson	Sieck
Barrett	Hartnett	Marsh	Pirsch	Smith
Beyer	Hefner	McFarland	Remmers	Warner
Eret	Hoagland	Miller	Rupp	Wesely
Goll	Johnson, R.	Morehead	Scofield	Withem
Goodrich	Johnson, V.			

Voting in the negative, 20:

Baack	Chronister	Hall	Lamb	Pappas
Carsten	Conway	Higgins	Lundy	Peterson
Chambers	DeCamp	Johnson, L.	Lynch	Schmit
Chizek	Haberman	Labeledz	Nichol	Vickers

Present and not voting, 1:

Harris

Excused and not voting, 1:

Rogers

The Wesely-Hoagland amendment was adopted with 27 ayes, 20 nays, 1 present and not voting, and 1 excused and not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

Mr. R. Johnson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 12 ayes, 2 nays, and 35 not voting.

Advanced to E & R for Engrossment with 29 ayes, 15 nays, 3 present and not voting, and 2 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 417.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS

Business and Labor

The Committee on Business and Labor desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

David J. Cullan - Judge, Commission of Industrial Relations

VOTE For: Senators Barrett, Chronister, Hall, Vickers, and Wesely
Against: None. Absent: Senators Eret and Labeledz

(Signed) William E. Barrett, Chairperson

Education

The Committee on Education whose Chairman is Senator Tom Vickers to whom was referred the following Gubernatorial appointment, reports the same back to the Legislature with the recommendation that the appointment be approved by the Legislature. The committee suggests a record vote.

Brenda Warren-Council - Board of Educational Lands and Funds

On a motion by Senator Baack, seconded by Senator Nelson, the Committee on Education voted to recommend that Brenda Warren-Council be confirmed by the Legislature in her appointment to the Board of Educational Lands and Funds. Voting aye: Senators Vickers, Baack, Barrett, Eret and Nelson. Absent: Senators R. Johnson, Lamb and Morehead.

(Signed) Tom Vickers, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Haberman asked unanimous consent to print the following amendment to LB 885 in the Journal. No objections. So ordered.

AM3022

(Amendments to Final Reading Copy)

- 1 1. On page 2, line 22, after "attorneys"
- 2 insert "provided by the Nebraska State Bar Association".
- 3 2. On page 4, line 25, strike "The contract
- 4 between the county board and".
- 5 3. On page 5, strike lines 1 through 3.
- 6 4. On page 6, line 3, after "law" insert
- 7 "with respect to cases assigned".

RESOLUTIONS

LEGISLATIVE RESOLUTION 424.

Introduced by Business and Labor Committee: Barrett, 39th District, Chairperson; Chronister, 18th District; Eret, 32nd District; Hall, 7th District; Labedz, 5th District; Vickers, 38th District; Wesely, 26th District.

WHEREAS, agreements have been reached on collective bargaining contracts concerning various terms and conditions of employment for fiscal year 1986-87 between the following parties:

1. The Nebraska Department of Education and the Nebraska Department of Education Teachers' Association; and
2. The Nebraska Department of Education and the Nebraska Association of Public Employees; and
3. The Nebraska Department of Public Institutions and the American Federation of State, County, and Municipal Employees; and
4. The Nebraska Department of Labor and the American Federation of State, County, and Municipal Employees; and
5. The Nebraska State Department of Correctional Services and the Nebraska Association of Correctional Employees; and
6. The Nebraska Game and Parks Commission and the Nebraska Association of Public Employees; and
7. The Nebraska Department of Roads and the Nebraska Association of Public Employees; and

8. The Nebraska Department of Social Services and the Nebraska Association of Public Employees; and

WHEREAS, section 48-837, Revised Statutes of Nebraska, 1943, requires legislative approval of such contracts; and

WHEREAS, such contracts represent the product of good organizations which are parties to the contracts.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE, SECOND SESSION, that the Legislature hereby approves such contracts, which approval shall be effective when such contracts are signed by the parties.

Laid over.

LEGISLATIVE RESOLUTION 425.

Introduced by Rogers, 41st District.

WHEREAS, 1986 is the centennial year for the founding of the City of Cairo, Nebraska; and

WHEREAS, the City of Cairo is known far and wide as "The Oasis of the Plains"; and

WHEREAS, the people of Cairo, Nebraska deserve recognition for the contributions they and their forebearers have made to the history and settlement of Nebraska; and

WHEREAS, a centennial celebration offers a community a unique opportunity to reflect upon its history and the citizens whose efforts were responsible for its founding and those who worked for its continued accomplishments; and

WHEREAS, the City of Cairo has been and will continue to be an outstanding Nebraska community whose citizens deserve special recognition during the centennial celebration May 30 and 31.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature commend the City of Cairo for its one hundredth anniversary.

2. That the Legislature congratulate and extend its best wishes to the citizens of the City of Cairo.

3. That a copy of this resolution be sent to the Cairo Village Board.

Laid over.

LEGISLATIVE RESOLUTION 426.

Introduced by Vickers, 38th District.

WHEREAS, 1986 marks the 100th anniversary of the founding of Eustis, Nebraska; and,

WHEREAS, there will be a Centennial Celebration and parade on August 16, 1986, during the Eustis Fair; and,

WHEREAS, the theme of the Centennial Celebration will be, "In the Spirit of America.... 100 Years and Growing"; and,

WHEREAS, a centennial offers a community a unique opportunity to reflect on its history and to appreciate the realization of pioneer dreams; and,

WHEREAS, Eustis is and will continue to be an outstanding Nebraska Community whose citizens deserve special recognition during their once in a century celebration;

THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature commends Eustis, Nebraska on its 100th birthday.

2. That the Legislature congratulates and extends its best wishes to the citizens of Eustis on this occasion.

3. That a copy of this resolution be sent to the Eustis Centennial Committee at P.O. Box 231, Eustis, NE 69028.

Laid over.

LEGISLATIVE RESOLUTION 427.

Introduced by Barrett, 39th District.

WHEREAS, on June 8 through June 15, 1986, the Village of Loomis will celebrate its one-hundredth birthday; and

WHEREAS, the Village of Loomis has been, from pioneer days, a progressive community, where people of many different nationalities settled and built a lasting, modern town; and

WHEREAS, while towns of comparable population have disappeared, the Village of Loomis has survived and prospered; and

WHEREAS, the Village of Loomis has reason to be proud of its achievements and to celebrate its one-hundredth year and should have special recognition of its centennial celebration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes and commends the Village of Loomis and its citizens for its centennial celebration.

2. That a copy of this resolution be sent to the Chairperson and Village Board of the Village of Loomis.

Laid over.

LEGISLATIVE RESOLUTION 428.

Introduced by Barrett, 39th District; Vickers, 38th District.

WHEREAS, on June 27, 28, and 29, 1986, the Village of Farnam, Nebraska, will celebrate its one-hundredth birthday; and

WHEREAS, the Village of Farnam has been an outstanding community, not only an asset to Dawson County, but to neighboring Frontier and Lincoln Counties; and

WHEREAS, Farnam is rich in history and the centennial birthday celebration will give the community and opportunity to recall and enjoy its past and to reflect on those persons who were responsible for the founding of the community; and

WHEREAS, the citizens of the Village of Farnam should have special recognition for their centennial celebration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes and commends the Village of Farnam and its citizens for its centennial celebration.

2. That a copy of this resolution be sent to the Village Chairperson and Village Board of the Village of Farnam.

Laid over.

LEGISLATIVE RESOLUTION 429.

Introduced by Hefner, 19th District.

WHEREAS, on July 13, 1986, Randolph, Nebraska, will celebrate its one-hundredth birthday; and

WHEREAS, Randolph has been and will continue to be an outstanding community with outstanding citizens; and

WHEREAS, a centennial celebration offers a community a unique opportunity to reflect upon those citizens whose efforts were responsible for the founding of the community and its continued vitality; and

WHEREAS, the citizens of Randolph deserve special recognition for their centennial celebration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature recognize and commend the City of Randolph and its citizens for their centennial celebration.
2. That a copy of this resolution be sent to the Mayor and City Council of the City of Randolph, Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 430.

Introduced by Hefner, 19th District.

WHEREAS, from June 28, 1986 to July 5, 1986, Plainview, Nebraska, will celebrate its one-hundredth birthday; and

WHEREAS, Plainview has been and will continue to be an outstanding community with outstanding citizens; and

WHEREAS, a centennial celebration offers a community a unique opportunity to reflect upon those citizens whose efforts were responsible for the founding of the community and its continued vitality; and

WHEREAS, the citizens of Plainview deserve special recognition for their centennial celebration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature recognize and commend the City of Plainview and its citizens for their centennial celebration.
2. That a copy of this resolution be sent to the Mayor and City Council of the City of Plainview, Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 431.

Introduced by Hefner, 19th District; Conway, 17th District.

WHEREAS, from July 18, 1986 to July 20, 1986, Carroll, Nebraska, will celebrate its one-hundredth birthday; and

WHEREAS, Carroll has been and will continue to be an outstanding community with outstanding citizens; and

WHEREAS, a centennial celebration offers a community a unique opportunity to reflect upon those citizens whose efforts were

responsible for the founding of the community and its continued vitality; and

WHEREAS, the citizens of Carroll deserve special recognition for their centennial celebration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature recognize and commend the Village of Carroll and its citizens for their centennial celebration.

2. That a copy of this resolution be sent to the Chairperson and Village Board of the Village of Carroll, Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 432.

Introduced by R. Johnson, 34th District.

WHEREAS, the Sutton Commercial Club operates to promote the civic and commercial interests of its members in Sutton; and

WHEREAS, the Sutton Commercial Club has taken steps to assist farmers in times of a distressed farm economy; and

WHEREAS, the Sutton Commercial Club has served refreshments to farmers delivering grain to local elevators; and

WHEREAS, the Sutton Commercial Club has sponsored special activities promoting pork consumption.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Nebraska Legislature congratulate and encourage the Sutton Commercial Club in its efforts to ease the burdens that face many farmers in the Sutton area and to encourage the consumption of farm products.

2. That a copy of this resolution be sent to the Sutton Commercial Club.

Laid over.

MOTION - Return LB 1230A

Mr. Schmit moved to return LB 1230A to Select File for his specific amendment found in the Journal on page 2148.

The Schmit motion to return prevailed with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1230A. The Schmit specific amendment found in the Journal on page 2148 was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

WITHDRAW - Amendment to LB 201A

Mr. V. Johnson withdrew his pending amendment, AM2631, found in the Journal on page 2079 to LB 201A.

MOTION - Return LB 201A to Select File

Mr. V. Johnson moved to return LB 201A to Select File for the following specific amendment:

AM2966

(Amendments to Final Reading Copy)

- 1 1. Strike the original section and insert the
- 2 following new sections:
- 3 "Section 1. There is hereby appropriated (1)
- 4 \$105,000 from the General Fund for the period July 1,
- 5 1986, to June 30, 1987, and (2) \$420,000 from the
- 6 General Fund for the period July 1, 1987, to June 30,
- 7 1988, to the Department of Health, for Program 514, to
- 8 aid in carrying out the provisions of Legislative Bill
- 9 201, Eighty-ninth Legislature, Second Session, 1986.
- 10 No expenditures for permanent and temporary
- 11 salaries and per diems for state employees shall be made
- 12 from funds appropriated in this section.
- 13 Sec. 2. There is hereby appropriated (1)
- 14 \$32,709 from the General Fund for the period July 1,
- 15 1986, to June 30, 1987, and (2) \$30,309 from the General
- 16 Fund for the period July 1, 1987, to June 30, 1988, to
- 17 the Department of Health, for Program 177, to aid in
- 18 carrying out the provisions of Legislative Bill 201,
- 19 Eighty-ninth Legislature, Second Session, 1986.
- 20 Total expenditures for permanent and temporary
- 1 salaries and per diems from funds appropriated in this
- 2 section shall exceed neither \$20,188 for the period July
- 3 1, 1986, to June 30, 1987, nor \$20,188 for the period
- 4 July 1, 1987, to June 30, 1988."

Mr. Peterson asked unanimous consent to be excused until he returns. No objections. So ordered.

The V. Johnson motion to return prevailed with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Messrs. Schmit and Hannibal asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 201A. The V. Johnson specific amendment, AM2966, found in this day's Journal was adopted with 25 ayes, 2 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 1007. E & R amendments, AM5426, found in the Journal on page 2039 for the Fifty-Fifth Day were adopted.

Mr. Conway offered the following amendment:
AM3007

- 1 1. Insert the following new sections:
- 2 "Sec. 3. That section 75-903, Revised
- 3 Statutes Supplement, 1985, be amended to read as
- 4 follows:
- 5 75-903. All grain dealers doing business in
- 6 this state shall be licensed by the commission. To
- 7 procure and maintain a license, each grain dealer shall:
- 8 (1) Pay an annual fee of thirty dollars which
- 9 shall be due on or before June 30 of each year for each
- 10 license and a registration fee not to exceed twenty
- 11 dollars per year for each vehicle used by such licensee
- 12 to transport grain. Such fees shall be paid to the
- 13 State Treasurer and credited to the state General Fund;
- 14 (2) Equip each vehicle used by the licensee
- 15 for grain transportation with a commercial license plate
- 16 registered with the Department of Motor Vehicles, except
- 17 that a licensee who resides in another state shall
- 18 license such vehicles according to the laws of his or
- 19 her state of residence;
- 20 (3) Affix a grain dealer plate issued by the
- 21 commission to each vehicle used by the licensee;
- 1 (4) File security which may be a bond issued
- 2 by a corporate surety company and payable to the

3 commission, an irrevocable letter of credit, or a
4 certificate of deposit, subject to approval of the
5 commission, for the benefit of persons doing business
6 with grain dealers. The security shall be in the amount
7 of twenty-five thousand dollars or four per cent of
8 grain purchases by the grain dealer in the preceding
9 license year as reported on a form prescribed by the
10 commission, whichever is greater, not to exceed one
11 hundred thousand dollars. Such security shall be
12 furnished on the conditions that (a) the licensee will
13 pay for any grain purchased upon demand, not later than
14 ten days after taking possession of the grain purchased,
15 and (b) the licensee owns, free of liens, any grain
16 which the licensee offers for sale; and

17 (5) File each year a financial statement of
18 the licensee's operations as a grain dealer which is
19 compiled, in accordance with generally accepted
20 accounting principles, by an independent certified
21 public accountant, ~~or an independent public accountant,~~
22 or an independent accountant not holding a license or
23 permit but meeting one of the following requirements:

24 (a) Possesses a bachelor of science degree in
1 business administration or similar such degree, with
2 eighteen or more credit hours or the equivalent thereof
3 of accounting courses from an accredited college or
4 university;

5 (b) Possesses an associate arts degree or
6 similar such degree, with twelve or more credit hours or
7 the equivalent thereof of accounting courses, from an
8 accredited community, junior, or business college and
9 has twenty-four months or more of experience in the
10 performance of accounting services for the public as a
11 principal or employee of an accounting services firm;

12 (c) Has forty-eight or more months of
13 experience in the performance of accounting services for
14 the public as a principal or employee of an accounting
15 services firm and has successfully completed at least
16 twelve or more credit hours or the equivalent thereof of
17 accounting courses from an accredited postsecondary
18 educational institution or program; and

19 (d) Has thirty-six or more months of
20 experience in the performance of accounting services for
21 the public as a principal or employee of an accounting
22 services firm and either be enrolled to practice before
23 the federal Internal Revenue Service or pass the

24 Accreditation Council for Accountancy examination in
 1 taxation or accounting, in accordance with generally
 2 accepted accounting principles.

3 Sec. 6. Since an emergency exists, this act
 4 shall be in full force and take effect, from and after
 5 its passage and approval, according to law.”.

6 2. On page 2, line 23, strike “section
 7 75-905” and insert “sections 75-903 and 75-905”; and in
 8 line 24 strike “is” and insert “are”.

9 3. Renumber the remaining sections
 10 accordingly.

Mr. Carsten asked unanimous consent to be excused until he returns.
 No objections. So ordered.

Mr. Conway moved for a call of the house. The motion prevailed
 with 6 ayes, 0 nays, and 43 not voting.

Mr. Conway requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Baack	Hall	Johnson, R.	McFarland	Remmers
Chizek	Harris	Johnson, V.	Miller	Schmit
Conway	Hartnett	Labeledz	Nelson	Vickers
DeCamp	Higgins	Lamb	Pirsch	Warner
Eret	Hoagland	Lynch		

Voting in the negative, 12:

Chronister	Hefner	Morehead	Scofield	Wesely
Goll	Landis	Pappas	Smith	Withem
Haberman	Lundy			

Present and not voting, 9:

Abboud	Beyer	Goodrich	Marsh	Rupp
Barrett	Chambers	Johnson, L.	Nichol	

Absent and not voting, 1:

Sieck

Excused and not voting, 4:

Carsten Hannibal Peterson Rogers

The Conway amendment lost with 23 ayes, 12 nays, 9 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Schmit offered the following amendment:
AM3009

(Amendments to AM2879)

- 1 1. On page 3, line 3, strike “that” and
- 2 insert “who”; in line 22 strike “charges” and insert “a
- 3 fee”; and in line 23 after the first period insert the
- 4 following:
- 5 “(3) The department may:
- 6 (a) Contract for services which are necessary
- 7 to carry out its duties under sections 1 and 2 of this
- 8 act;
- 9 (b) Accept funds or fees from any source,
- 10 including, but not limited to, federal, state, public,
- 11 and private, to be used in carrying out sections 1 and 2
- 12 of this act;
- 13 (c) Expend funds for purposes of carrying out
- 14 sections 1 and 2 of this act; and
- 15 (d) Enter upon public or private land for the
- 16 purpose of inspecting such grain.
- 17 (4) The department may adopt and promulgate
- 18 rules and regulations to aid in implementing sections 1
- 19 and 2 of this act. The rules and regulations may
- 20 include, but shall not be limited to, provisions
- 1 governing: (a) Assignment of responsibilities; (b) the
- 2 charges and fees to be assessed; (c) setting the grades;
- 3 and (d) methods for determining quality factors.
- 4 (5) There is hereby created a cash fund to be
- 5 known as the Nebraska Origin and Premium-Quality Grain
- 6 Cash Fund. The fund shall consist of money appropriated
- 7 by the Legislature which is received as gifts or grants
- 8 or collected as fees from any source, including, but not
- 9 limited to, federal, state, public, and private. The
- 10 fund shall be utilized for the purpose of carrying out
- 11 sections 1 and 2 of this act. Any money in such fund
- 12 available for investment shall be invested by the state
- 13 investment officer pursuant to sections 72-1237 to
- 14 72-1269.”.

Messrs. Lamb and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

The Schmit amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Schmit offered the following amendment:
AM3018

- 1 1. Insert the following new section:
- 2 "Sec. 3 There is hereby appropriated (1)
- 3 \$67,625 from the Nebraska Origin and Premium-Quality
- 4 Grain Cash Fund for the period July 1, 1986, to June 30,
- 5 1987, and (2) \$67,625 from the Nebraska Origin and
- 6 Premium-Quality Grain Cash Fund for the period July 1,
- 7 1987, to June 30, 1988, to the Department of
- 8 Agriculture, for Program 333, to aid in carrying out the
- 9 provisions of this act.
- 10 Total expenditures for permanent and temporary
- 11 salaries and per diems from funds appropriated in this
- 12 section shall exceed neither \$5,235 for the period July
- 13 1, 1986, to June 30, 1987, nor \$5,235 for the period
- 14 July 1, 1987, to June 30, 1988."
- 15 2. Renumber remaining sections accordingly.

The Schmit amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. R. Johnson requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 26 ayes, 4 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 833. E & R amendments, AM5427, found in the Journal on page 2039 for the Fifty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORT Enrollment and Review

LEGISLATIVE BILL 31A. Placed on Select File as amended.
E & R amendments to LB 31A:
AM5429

- 1 1. On page 1, line 4, strike the comma and

- 2 insert “; to merge and reduce certain appropriations;”.
- 3 2. On page 2, line 17, after “Processing”
- 4 insert “Division”.

Correctly Engrossed

The following bills and resolution were correctly engrossed: LBs 835A, 1124, 1124A, and LR 318.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 1124

The following changes, required to be reported for publication in the Journal, have been made:

ER0244

1. In the Wesely-Hefner amendment, AM2792, adopted April 8, 1986, on page 1, line 1, “the first” has been inserted after “after”.
2. On page 1, the matter beginning with “to” in line 3 through the first semicolon in line 4 has been struck.

(Signed) Mary E. Sommermeyer
E & R Attorney

GENERAL FILE

LEGISLATIVE RESOLUTION 16CA. Considered.

Mr. DeCamp asked unanimous consent to unbracket LR 16CA.

Mr. Wesely objected.

Mr. DeCamp moved to unbracket LR 16CA.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Rupp requested a record vote on the DeCamp motion to unbracket.

Voting in the affirmative, 22:

Beyer	Conway	Haberman	Higgins	Morehead
Chizek	DeCamp	Hartnett	Johnson, L.	Nelson
Chronister	Goodrich	Hefner	Lundy	Nichol

Pappas	Remmers	Sieck	Smith	Withem
Pirsch	Rupp			

Voting in the negative, 10:

Chambers	Johnson, V.	Marsh	Scofield	Warner
Harris	Landis	Miller	Vickers	Wesely

Present and not voting, 11:

Abboud	Eret	Hall	Johnson, R.	Lynch
Baack	Goll	Hoagland	Labeledz	McFarland
Barrett				

Excused and not voting, 6:

Carsten	Lamb	Peterson	Rogers	Schmit
Hannibal				

The DeCamp motion to unbracket prevailed with 22 ayes, 10 nays, 11 present and not voting, and 6 excused and not voting.

Mr. Conway withdrew his pending amendment, AM1851, found in the Journal on page 498.

Mr. Chambers moved to indefinitely postpone LR 16CA.

Mr. V. Johnson asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

The Chambers motion to indefinitely postpone lost with 13 ayes, 23 nays, 8 present and not voting, and 5 excused and not voting.

Mr. DeCamp withdrew his pending amendment, AM1726, found in the Journal on page 967.

Messrs. DeCamp, Conway, and Ms. Scofield withdrew their pending amendment, AM2587, printed separate from the Journal and referred to on page 1674.

Mr. Vickers withdrew his pending amendment, AM2716, found in the Journal on page 1697.

Mr. Lundy moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of the following Lundy-Hefner-Chronister-Sieck-Lamb-Rupp-Pappas amendment, AM2974 to LR 16:

AM2974

1 1. Strike original sections 1 and 2 and all
2 amendments thereto and insert the following new
3 sections:

4 "Section 1. That at the general election in
5 November 1986 there shall be submitted to the electors
6 of the State of Nebraska for approval the following
7 amendment to Article I, section 1, of the Constitution
8 of Nebraska, which is hereby proposed by the
9 Legislature:

10 CI-1 'All persons are by nature free and
11 independent, and have certain inherent and inalienable
12 rights; among these are life, liberty, ~~and~~ the pursuit
13 of happiness, and the right to keep and bear arms for
14 the defense of their persons, families, and property and
15 the state and for lawful hunting and recreational and
16 other lawful purposes. Such rights shall not be
17 abridged by the state or any subdivision thereof. To
18 secure these rights, and the protection of property,
19 governments are instituted among people, deriving their
20 just powers from the consent of the governed.'

21 Sec. 2. The proposed amendment shall be
1 submitted to the electors in the manner prescribed by
2 Article XVI, section 1, of the Constitution of Nebraska.
3 The proposition for the submission of the proposed
4 amendment shall be placed upon the ballot in the
5 following form:

6 'A constitutional amendment to give all
7 persons in this state the right to keep and
8 bear arms for their personal defense and other
9 lawful purposes.

10 For
11 Against'."

12 2. On page 1, line 2, strike "XII, section
13 VIII" and insert "I, section 1".

The Chair declared the call raised.

Laid over.

Mrs. Pirsch asked unanimous consent to be excused until she returns.
No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 759.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-320, Revised Statutes Supplement, 1985; to permit the hauling of certain vehicles when using dealer number plates; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Eret	Higgins	Marsh	Rupp
Baack	Goll	Hoagland	McFarland	Scofield
Barrett	Goodrich	Johnson, L.	Miller	Sieck
Beyer	Haberman	Johnson, R.	Morehead	Smith
Chambers	Hall	Labeledz	Nelson	Vickers
Chizek	Hannibal	Lamb	Nichol	Warner
Chronister	Harris	Landis	Pappas	Wesely
Conway	Hartnett	Lundy	Peterson	Withem
DeCamp	Hefner	Lynch	Remmers	

Voting in the negative, 0.

Excused and not voting, 5:

Carsten	Johnson, V.	Pirsch	Rogers	Schmit
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 763.

A BILL FOR AN ACT relating to health; to amend sections 71-502, 71-503, 71-503.01, and 71-505, Reissue Revised Statutes of Nebraska, 1943; to provide for regulations; to require the reporting of poisoning

and other illness; to provide for confidentiality of reports of certain diseases and poisonings; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud	Goll	Hoagland	McFarland	Rupp
Baack	Goodrich	Johnson, L.	Miller	Scofield
Barrett	Haberman	Johnson, R.	Morehead	Sieck
Beyer	Hall	Labeledz	Nelson	Smith
Chizek	Hannibal	Lamb	Nichol	Vickers
Chronister	Harris	Landis	Pappas	Warner
Conway	Hartnett	Lundy	Peterson	Wesely
DeCamp	Hefner	Lynch	Remmers	Withem
Eret	Higgins	Marsh		

Voting in the negative, 1:

Chambers

Excused and not voting, 5:

Carsten	Johnson, V.	Pirsch	Rogers	Schmit
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 840. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for the year ending June 30, 1987; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Abboud	Barrett	Chambers	Chronister	DeCamp
Baack	Beyer	Chizek	Conway	Eret

Goll	Hefner	Landis	Nichol	Sieck
Goodrich	Higgins	Marsh	Pappas	Smith
Haberman	Hoagland	McFarland	Peterson	Vickers
Hall	Johnson, L.	Miller	Remmers	Warner
Hannibal	Johnson, R.	Morehead	Rupp	Wesely
Harris	Labeledz	Nelson	Scofield	Withem
Hartnett	Lamb			

Voting in the negative, 0.

Present and not voting, 2:

Lundy Lynch

Excused and not voting, 5:

Carsten Johnson, V. Pirsch Rogers Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 841. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska State Legislature and payments to be made as provided by Chapter 68, article 6, for the year ending June 30, 1987; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Abboud	Eret	Higgins	Marsh	Rupp
Baack	Goll	Hoagland	McFarland	Scofield
Barrett	Goodrich	Johnson, L.	Miller	Sieck
Beyer	Haberman	Johnson, R.	Morehead	Smith
Chambers	Hall	Labeledz	Nelson	Vickers
Chizek	Hannibal	Lamb	Nichol	Warner
Chronister	Harris	Landis	Pappas	Wesely
Conway	Hartnett	Lundy	Peterson	Withem
DeCamp	Hefner	Lynch	Remmers	

Voting in the negative, 0.

Excused and not voting, 5:

Carsten Johnson, V. Pirsch Rogers Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Messrs. Lundy and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 950. With Emergency.

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-625, 48-638, and 48-665.01, Reissue Revised Statutes of Nebraska, 1943, and sections 48-602, 48-626, 48-646, 48-648.01, 48-663, and 48-665, Revised Statutes Supplement, 1985; to redefine terms; to provide for the adjustment of benefits as prescribed; to change provisions relating to entitlement to benefits, appeals, attorneys' fees, wage reports, and the recovery of erroneous or excessive payments; to provide a penalty; to eliminate a penalty; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 41:

Abboud	Goodrich	Johnson, L.	McFarland	Rupp
Baack	Haberman	Johnson, R.	Miller	Scofield
Barrett	Hall	Labeledz	Morehead	Sieck
Beyer	Hannibal	Lamb	Nelson	Smith
Chizek	Harris	Landis	Nichol	Vickers
Chronister	Hefner	Lundy	Pappas	Warner
Conway	Higgins	Lynch	Peterson	Wesely
Eret	Hoagland	Marsh	Remmers	Withem
Goll				

Voting in the negative, 0.

Present and not voting, 2:

Chambers DeCamp

Excused and not voting, 6:

Carsten Johnson, V. Pirsch Rogers Schmit
Hartnett

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1253. With Emergency.

A BILL FOR AN ACT relating to medical assistance; to amend section 68-1022, Revised Statutes Supplement, 1984; to change provisions relating to the liability for payment of medical services; to delete obsolete language; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Abboud	Goll	Johnson, L.	McFarland	Rupp
Baack	Goodrich	Johnson, R.	Miller	Scofield
Barrett	Haberman	Labeledz	Morehead	Sieck
Beyer	Hall	Lamb	Nelson	Smith
Chizek	Hannibal	Landis	Nichol	Vickers
Chronister	Harris	Lundy	Pappas	Warner
Conway	Hefner	Lynch	Peterson	Wesely
DeCamp	Higgins	Marsh	Remmers	Withem
Eret	Hoagland			

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 6:

Carsten Hartnett Johnson, V. Pirsch Rogers

Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1254.

A BILL FOR AN ACT relating to medical assistance; to amend sections 68-1031 to 68-1033, 68-1035, and 68-1036, Revised Statutes Supplement, 1984; to repeal a termination date; to harmonize provisions; to repeal the original sections, and also section 68-1037, Revised Statutes Supplement, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud	Goll	Johnson, L.	Miller	Schmit
Baack	Goodrich	Johnson, R.	Morehead	Scofield
Barrett	Haberman	Labeledz	Nelson	Sieck
Beyer	Hall	Lamb	Nichol	Smith
Chizek	Hannibal	Landis	Pappas	Vickers
Chronister	Harris	Lundy	Peterson	Warner
Conway	Hefner	Lynch	Remmers	Wesely
DeCamp	Higgins	Marsh	Rupp	Withem
Eret	Hoagland	McFarland		

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 5:

Carsten	Hartnett	Johnson, V.	Pirsch	Rogers
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 284.

A BILL FOR AN ACT relating to relating to irrigation; to amend section 46-612.01, Reissue Revised Statutes of Nebraska, 1943; to adopt the Nebraska Chemigation Act; to provide penalties; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Abboud	Goll	Johnson, L.	Miller	Schmit
Baack	Goodrich	Johnson, R.	Morehead	Scofield
Barrett	Haberman	Labeledz	Nelson	Sieck
Beyer	Hall	Lamb	Nichol	Smith
Chizek	Hannibal	Landis	Pappas	Vickers
Chronister	Harris	Lundy	Peterson	Warner
Conway	Hefner	Lynch	Pirsch	Wesely
DeCamp	Higgins	Marsh	Remmers	Withem
Eret	Hoagland	McFarland	Rupp	

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 4:

Carsten Hartnett Johnson, V. Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 284A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 284, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Abboud	Goll	Johnson, L.	McFarland	Rupp
Baack	Goodrich	Johnson, R.	Miller	Schmit
Barrett	Haberman	Labeledz	Nelson	Scofield
Beyer	Hall	Lamb	Nichol	Sieck
Chizek	Hannibal	Landis	Pappas	Smith
Chronister	Harris	Lundy	Peterson	Vickers
Conway	Hefner	Lynch	Pirsch	Warner
DeCamp	Higgins	Marsh	Remmers	Wesely
Eret	Hoagland			

Voting in the negative, 0.

Present and not voting, 3:

Chambers Morehead Withem

Excused and not voting, 4:

Carsten Hartnett Johnson, V. Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 433.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-5001, 71-5002, and 71-5006, Reissue Revised Statutes of Nebraska, 1943; to state intent; to redefine a term; to provide powers and duties related to mental health services for children and youth; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Abboud	DeCamp	Harris	Lamb	Morehead
Baack	Eret	Hefner	Landis	Nelson
Barrett	Goll	Higgins	Lundy	Nichol
Beyer	Goodrich	Hoagland	Lynch	Pappas
Chizek	Haberman	Johnson, L.	Marsh	Peterson
Chronister	Hall	Johnson, R.	McFarland	Pirsch
Conway	Hannibal	Labeledz	Miller	Remmers

Rupp	Scofield	Smith	Warner	Withem
Schmit	Sieck	Vickers	Wesely	

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 4:

Carsten	Hartnett	Johnson, V.	Rogers
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Harris asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 575.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-406.04 and 60-415, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the issuance of certain licenses as prescribed; to provide for and change fees for certain licenses and permits as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud	Goll	Johnson, R.	Morehead	Schmit
Baack	Goodrich	Labeledz	Nelson	Scofield
Barrett	Haberman	Lamb	Nichol	Sieck
Beyer	Hall	Landis	Pappas	Smith
Chizek	Hannibal	Lundy	Peterson	Vickers
Chronister	Hefner	Lynch	Pirsch	Warner
Conway	Higgins	Marsh	Remmers	Wesely
DeCamp	Hoagland	McFarland	Rupp	Withem
Eret	Johnson, L.	Miller		

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 5:

Carsten Harris Hartnett Johnson, V. Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 575A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 575, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Goll	Johnson, R.	Morehead	Schmit
Baack	Goodrich	Labeledz	Nelson	Scofield
Barrett	Haberman	Lamb	Nichol	Sieck
Beyer	Hall	Landis	Pappas	Smith
Chizek	Hannibal	Lundy	Peterson	Vickers
Chronister	Hefner	Lynch	Pirsch	Warner
Conway	Higgins	Marsh	Remmers	Wesely
DeCamp	Hoagland	McFarland	Rupp	Withem
Eret	Johnson, L.	Miller		

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 5:

Carsten Harris Hartnett Johnson, V. Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Motion to LB 1123

Mr. Nichol withdrew his pending motion to return LB 1123 to Select File for a specific amendment found in the Journal on page 1731.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1123.

A BILL FOR AN ACT relating to banking; to define terms; to authorize the formation of a banker's bank as prescribed; and to provide powers, duties, and limitations.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Goodrich	Labedz	Morehead	Schmit
Baack	Haberman	Lamb	Nelson	Scofield
Barrett	Hall	Landis	Nichol	Sieck
Beyer	Hannibal	Lundy	Pappas	Smith
Chizek	Hefner	Lynch	Peterson	Vickers
Chronister	Higgins	Marsh	Pirsch	Warner
Conway	Hoagland	McFarland	Remmers	Wesely
DeCamp	Johnson, L.	Miller	Rupp	Withem
Goll	Johnson, R.			

Voting in the negative, 0.

Present and not voting, 2:

Chambers Eret

Excused and not voting, 5:

Carsten Harris Hartnett Johnson, V. Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 788.

A BILL FOR AN ACT relating to the Child Pornography Prevention Act; to amend sections 28-1463.02 and 28-1463.05, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to change a penalty; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Abboud	Goll	Johnson, L.	McFarland	Rupp
Baack	Goodrich	Johnson, R.	Miller	Schmit
Barrett	Haberman	Labeledz	Morehead	Scofield
Beyer	Hall	Lamb	Nelson	Sieck
Chizek	Hannibal	Landis	Nichol	Smith
Chronister	Hefner	Lundy	Pappas	Warner
Conway	Higgins	Lynch	Peterson	Wesely
DeCamp	Hoagland	Marsh	Pirsch	Withem
Eret				

Voting in the negative, 0.

Present and not voting, 3:

Chambers Remmers Vickers

Excused and not voting, 5:

Carsten Harris Hartnett Johnson, V. Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 813.

A BILL FOR AN ACT relating to paternity; to amend section 43-1412, Reissue Revised Statutes of Nebraska, 1943, and section 43-1411, Reissue Revised Statutes of Nebraska, 1943, as amended by section 75, Legislative Bill 7, Eighty-ninth Legislature, Second Special Session, 1985; to change provisions relating to when and by whom paternity proceedings may be instituted; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Abboud	Goodrich	Labedz	Morehead	Schmit
Baack	Haberman	Lamb	Nelson	Scofield
Barrett	Hall	Landis	Nichol	Sieck
Beyer	Hannibal	Lundy	Pappas	Smith
Chizek	Hefner	Lynch	Peterson	Vickers
Chronister	Higgins	Marsh	Pirsch	Warner
DeCamp	Hoagland	McFarland	Remmers	Wesely
Eret	Johnson, L.	Miller	Rupp	Withem
Goll	Johnson, R.			

Voting in the negative, 0.

Present and not voting, 2:

Chambers Conway

Excused and not voting, 5:

Carsten Harris Hartnett Johnson, V. Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 842. With Emergency.

A BILL FOR AN ACT relating to capital construction; to amend section 85-122, Revised Statutes Supplement, 1984, sections 85-1,111 and 85-1,112, Revised Statutes Supplement, 1985, and section 77-2602, Revised Statutes Supplement, 1985, as amended by section 1, Legislative Bill 3, Eight-ninth Legislature, Second Special Session, 1985; to change provisions relating to distribution of the cigarette tax; to change provisions relating to university funds and terms of a construction contract; to authorize contracts; to create a fund; to provide powers and duties for the Board of Regents; to provide an

operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud	Goll	Labeledz	Morehead	Schmit
Baack	Goodrich	Lamb	Nelson	Scotfield
Barrett	Haberman	Landis	Nichol	Sieck
Beyer	Hall	Lundy	Pappas	Smith
Chizek	Hannibal	Lynch	Peterson	Vickers
Chronister	Hefner	Marsh	Pirsch	Warner
Conway	Hoagland	McFarland	Remmers	Wesely
DeCamp	Johnson, L.	Miller	Rupp	Withem

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Eret	Higgins
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Excused and not voting, 6:

Carsten	Hartnett	Johnson, R.	Johnson, V.	Rogers
Harris				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 851. With Emergency.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to amend sections 29-3524, 60-106, 60-115, 60-117, 60-118, 60-121 to 60-125, 60-127, and 81-2007, Reissue Revised Statutes of Nebraska, 1943, and section 60-119, Revised Statutes Supplement, 1985; to create a cash fund and a petty cash fund; to require reports and records as prescribed; to provide for the deposit of certain fees; to provide that the Nebraska State Patrol issue vehicle identification certificates; to change provisions relating to the disposition of certain fees; to provide additional violations; to define terms; to eliminate definitions; to provide for the use of funds; to change provisions

relating to uniforms; to eliminate the Title Security and Vehicle Theft Prevention Fund; to harmonize provisions; to eliminate a provision allowing certain individuals to conduct inspections without a certificate of training; to provide operative dates; to repeal the original sections, and also section 60-128, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 41:

Abboud	Goodrich	Labeledz	Morehead	Schmit
Baack	Haberman	Lamb	Nelson	Scofield
Barrett	Hall	Landis	Nichol	Sieck
Beyer	Hannibal	Lundy	Pappas	Smith
Chizek	Hefner	Lynch	Peterson	Vickers
Chronister	Higgins	Marsh	Pirsch	Warner
Conway	Hoagland	McFarland	Remmers	Wesely
DeCamp	Johnson, L.	Miller	Rupp	Withem
Goll				

Voting in the negative, 0.

Present and not voting, 2:

Chambers Eret

Excused and not voting, 6:

Carsten Hartnett Johnson, R. Johnson, V. Rogers
Harris

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 851A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 851, Eighty-ninth Legislature, Second Session, 1986; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 40:

Abboud	Goll	Johnson, L.	Miller	Schmit
Baack	Goodrich	Labeledz	Morehead	Scofield
Barrett	Haberman	Lamb	Nelson	Sieck
Beyer	Hall	Landis	Pappas	Smith
Chizek	Hannibal	Lundy	Peterson	Vickers
Chronister	Hefner	Lynch	Pirsch	Warner
Conway	Higgins	Marsh	Remmers	Wesely
DeCamp	Hoagland	McFarland	Rupp	Withem

Voting in the negative, 0.

Present and not voting, 3:

Chambers Eret Nichol

Excused and not voting, 6:

Carsten Hartnett Johnson, R. Johnson, V. Rogers
Harris

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 853.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend section 28-1246, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the deposit of certain fees; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Abboud	Barrett	Chizek	Conway	Eret
Baack	Beyer	Chronister	DeCamp	Goll

Goodrich	Johnson, L.	McFarland	Peterson	Sieck
Haberman	Labedz	Miller	Pirsch	Smith
Hall	Lamb	Morehead	Remmers	Vickers
Hannibal	Landis	Nelson	Rupp	Warner
Hefner	Lundy	Nichol	Schmit	Wesely
Higgins	Lynch	Pappas	Scofield	Withem
Hoagland	Marsh			

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 6:

Carsten	Hartnett	Johnson, R.	Johnson, V.	Rogers
Harris				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 925.

A BILL FOR AN ACT relating to the Department of Health; to amend sections 81-638 and 81-645 to 81-647, Revised Statutes Supplement, 1984; to provide for funding of the cancer registry and associated expenses; to provide a limitation on funding; to provide powers and duties; to change provisions relating to the cancer registry; to abolish the Cancer Registry Fund; and to repeal the original sections, and also section 81-641, Revised Statutes Supplement, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Abboud	Conway	Hall	Labedz	McFarland
Baack	DeCamp	Hannibal	Lamb	Miller
Barrett	Eret	Hefner	Landis	Morehead
Beyer	Goll	Higgins	Lundy	Nelson
Chizek	Goodrich	Hoagland	Lynch	Nichol
Chronister	Haberman	Johnson, L.	Marsh	Pappas

Peterson	Rupp	Sieck	Vickers	Wesely
Pirsch	Schmit	Smith	Warner	Withem
Remmers	Scofield			

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 6:

Carsten	Hartnett	Johnson, R.	Johnson, V.	Rogers
Harris				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 925A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 925, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Abboud	Goll	Labeledz	Morehead	Schmit
Baack	Goodrich	Lamb	Nelson	Scofield
Barrett	Haberman	Landis	Nichol	Sieck
Beyer	Hall	Lundy	Pappas	Smith
Chizek	Hannibal	Lynch	Peterson	Vickers
Chronister	Hefner	Marsh	Pirsch	Warner
Conway	Higgins	McFarland	Remmers	Wesely
DeCamp	Hoagland	Miller	Rupp	Withem
Eret	Johnson, L.			

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 6:

Carsten Hartnett Johnson, R. Johnson, V. Rogers
Harris

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTIONS

LEGISLATIVE RESOLUTION 433.

Introduced by Chronister, 18th District.

WHEREAS, the year 1986 is centennial year of the village of Beemer; and

WHEREAS, Beemer is located in Cuming County; and

WHEREAS, Beemer has been and will continue to be an outstanding community; and

WHEREAS, the residents of Beemer deserve special acknowledgement of the contributions they and their forebears have made to the history and settlement of Nebraska; and

WHEREAS, the residents of Beemer will be celebrating their centennial on June 6, 7, and 8, 1986; and

WHEREAS, special recognition should be granted the community of Beemer at the time of this celebration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Legislature acknowledges the contributions and efforts of those residents, both past and present, who labored and aspired to make Beemer successful.

2. That the Nebraska Legislature extends its best wishes to the citizens of Beemer who will carry on the positive traditions and heritage of the village and who are currently pausing from their busy lives to commemorate this special occasion.

3. That a copy of this resolution be sent to the chairperson and the village board of the village of Beemer, Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 434.

Introduced by Chronister, 18th District.

WHEREAS, the year 1986 is the centennial year of the village of Dodge; and

WHEREAS, Dodge is located in Dodge County; and

WHEREAS, Dodge is an excellent community and has over fifty retail businesses; and

WHEREAS, the residents of Dodge deserve special acknowledgement of the contributions they and their forebears have made to the history and settlement of Nebraska; and

WHEREAS, the village of Dodge burned down in 1895 but the residents rebuilt the community;

WHEREAS, the residents of Dodge will be celebrating their centennial on July 4, 5, and 6, 1986; and

WHEREAS, special recognition should be granted the community of Dodge at the time of this celebration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Legislature acknowledges the contributions and efforts of those residents, both past and present, who labored and aspired to make Dodge successful.

2. That the Nebraska Legislature extends its best wishes to the citizens of Dodge who will carry on the positive traditions and heritage of the village and who are currently pausing from their busy lives to commemorate this special occasion.

3. That a copy of this resolution be sent to the chairperson and the village board of the village of Dodge, Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 435.

Introduced by Chronister, 18th District.

WHEREAS, the year 1986 is the centennial year of Clarkson; and

WHEREAS, Clarkson is located in Colfax County; and

WHEREAS, Clarkson is populated primarily by people of Czechoslovakian ancestry and is the location of the Bohemian National Cemetery; and

WHEREAS, the residents of Clarkson deserve special acknowledgement of the contributions they and their forebears have made to the history and settlement of Nebraska; and

WHEREAS, the residents of Clarkson will be celebrating their centennial and annual Czech Festival on June 20, 21, and 22, 1986; and

WHEREAS, special recognition should be granted the community of Clarkson at the time of this celebration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Legislature acknowledges the contributions and efforts of those residents, both past and present, who labored and aspired to make Clarkson successful.

2. That the Nebraska Legislature extends its best wishes to the citizens of Clarkson who will carry on the positive traditions and heritage of the residents and who are currently pausing from their busy lives to commemorate this special occasion.

3. That a copy of this resolution be sent to the mayor and the city council of Clarkson, Nebraska.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Hall asked unanimous consent to print the following amendment to LB 90 in the Journal. No objections. So ordered.

AM3016

(Amendments to Final Reading Copy)

1. On page 4, line 9, strike "Unless
2 otherwise required by the court" and insert "Except upon
3 compelling need shown, including the mental, emotional,
4 and physical well-being of the child".

Mr. Hall asked unanimous consent to print the following amendment to LB 90 in the Journal. No objections. So ordered.

AM3015

(Amendments to Final Reading Copy)

1. On page 2, line 3, after "offense" insert
2 "involving the use of force or violence or crimes
3 involving sexual contact or penetration on a minor
4 child".
2. On page 3, line 19, after "offense" insert
6 "involving the use of force or violence or crimes
7 involving sexual contact or penetration on a minor
8 child".

UNANIMOUS CONSENT - Add Co-Introducers

Mr. Vickers asked unanimous consent to have his name added as co-introducer to LB 309. No objections. So ordered.

Mr. Vickers asked unanimous consent to have his name added as co-introducer to LB 563. No objections. So ordered.

UNANIMOUS CONSENT - Print in Journal

Mr. Hoagland asked unanimous consent to print the following amendment to LB 578A in the Journal. No objections. So ordered.

AM3019

(Amendments to Final Reading Copy)

1 1. On page 1, strike beginning with the first
2 "to" in line 1 through "1985" in line 3 and insert
3 "relating to lotteries; to redefine terms; and to
4 provide for limitations on conducting certain lotteries
5 allowed under the Nebraska County and City Lottery Act
6 as prescribed".

7 2. Strike the original sections and insert
8 the following new sections:

9 "Section 1. Any county, city, or village
10 which has authorized, established, or is conducting any
11 lottery, defined in section 178 of Legislative Bill
12 1027, Eighty-ninth Legislature, Second Session, 1986,
13 pursuant to section 179 of Legislative Bill 1027,
14 Eighty-ninth Legislature, Second Session, 1986, on the
15 effective date of this act may conduct such activity
16 until January 1, 1988. On and after January 1, 1988,
17 the definitions in section 2 of this act shall be used
18 for all activity allowed under the Nebraska County and
19 City Lottery Act.

20 Sec. 2. (1) Lottery shall mean a gambling
1 scheme in which (a) the players pay or agree to pay
2 something of value for chances, represented and
3 differentiated by numbers, letters, symbols or any
4 combination thereof printed on tickets or stubs one or
5 more of which chances are to be designated the winning
6 ones, (b) the winning chances are to be determined by a
7 drawing or some other method based on an element of
8 chance, and (c) the holders of the winning chances are
9 to receive cash as prizes.

10 (2) Lottery shall not include (a) any gambling
11 scheme which uses any mechanical, computer, electronic,
12 or video gaming device which has the capability of

13 awarding something of value, free games redeemable for
14 something of value, or tickets or stubs redeemable for
15 something of value, (b) any activity authorized or
16 regulated under the Nebraska Bingo Act, the Nebraska
17 Pickle Card Lottery Act, the Nebraska Lottery and Raffle
18 Act, the Nebraska Small Lottery and Raffle Act, section
19 184 of Legislative Bill 1027, Eighty-ninth Legislature,
20 Second Session, 1986, or Chapter 2, article 12, or (c)
21 any activity prohibited under Chapter 28, article 11.

22 Sec. 3. A county, city, or village conducting
23 any lottery pursuant to section 178 of Legislative Bill
24 1027, Eighty-ninth Legislature, Second Session, 1986,
1 may not conduct such activity within the boundaries of
2 any county or within the corporate limits of any city or
3 village, unless specific authority has been granted by
4 ordinance or resolution by the county, city, or village
5 in which the activity is proposed to be conducted. Any
6 ordinance or resolution providing for such specific
7 authorization may tax, regulate, or otherwise control
8 such activity, except that no county may impose a tax or
9 otherwise regulate, control, or prohibit any lottery
10 activity within the corporate limits of any city or
11 village within its boundaries.

12 Sec. 4. Since an emergency exists, this act
13 shall be in full force and take effect, from and after
14 its passage and approval, according to law.”.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 833, 956, 1001, 1001A, and 1177.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 956

The following changes, required to be reported for publication in the Journal, have been made:

ER0245

1. E & R amendment 2 has been struck.

2. In the Pirsch amendment, beginning on page 1478 of the Journal, adopted on March 17, 1986, on page 1, line 3, an underscored comma has been inserted after the second "probation".

3. In the Standing Committee amendments, AM2296:

a. On page 1, line 8, "investigation" has been inserted after "presentence";

b. On page 2, line 9, an underscored comma has been inserted after "property"; and

c. On page 3, line 17, the comma has been struck.

4. On page 1, lines 1 through 6 have been struck and

"FOR AN ACT relating to crimes and punishments; to amend section 29-2262, Reissue Revised Statutes of Nebraska, 1943, section 28-933, Revised Statutes Supplement, 1984, and section 28-101, Revised Statutes Supplement, 1985; to authorize orders of restitution as prescribed; to provide powers and duties; to define the crime of terroristic threats; to provide a penalty; to eliminate an obsolete statute relating to terroristic threats; to harmonize provisions; and to repeal the original sections, and also section 28-311, Reissue Revised Statutes of Nebraska, 1943." inserted.

Enrollment and Review Change to LB 1177

The following changes, required to be reported for publication in the Journal, have been made:

ER0242

1. On page 1, line 5, "43-616.02," has been struck.

2. On page 2, line 5, "to eliminate an obsolete provision;" has been inserted after the second semicolon; and in line 6 " , and also section 43-616.02, Reissue Revised Statutes of Nebraska, 1943" has been inserted after "sections".

(Signed) Mary E. Sommermeyer
E & R Attorney

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 286, 286A, 579, 579A, 759, 763, 840, 841, 950, 1253, 1254, 284, 284A, 433, 575, 575A, 1123, 788, 813, 842, 851, 851A, 853, 925, and 925A.

VISITORS

Visitors to the Chamber were 45 members of the York County Extension Club; Debbie Fitzke from Arapahoe; 18 fourth grade students and teacher from Adams; 31 fourth grade students and teacher from Louisville; and 19 students, teacher, and sponsors from Willis Elementary School, Jackson.

ADJOURNMENT

At 6:17 p.m., on a motion by Mr. Hall, the Legislature adjourned until 8:30 a.m., Monday, April 14, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-EIGHTH DAY - APRIL 14, 1986

LEGISLATIVE JOURNAL

FIFTY-EIGHTH DAY - APRIL 14, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

FIFTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 14, 1986

Pursuant to adjournment, the Legislature met at 8:33 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Goll, Goodrich, Hall, Hannibal, L. Johnson, V. Johnson, Landis, Lundy, Warner, Mrs. Marsh, and Ms. Scofield who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Seventh Day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 10, 1986, at 8:25 a.m., were the following bills: 286, 286A, 579, 579A, 759, 763, 840, 841, 950, 1253, 1254, 284, 284A, 433, 575, 575A, 1123, 788, 813, 842, 925, 925A, 853, 851, and 851A.

(Signed) Pam Moravec, Enrolling Clerk

**SELECT COMMITTEE REPORTS
Enrollment and Review**

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 201A.

Correctly Engrossed

The following bills were correctly engrossed: 311A, 600, 600A, 849, 911, 965, 999, 1007, 1016, 1230, and 1230A.

(Signed) Timothy Hall, Chairperson

**Enrollment and Review Change to LB 201A
(Final Reading Copy)**

The following changes, required to be reported for publication in the Journal, have been made:
ER0254

1. On page 1, line 3, "First" has been struck and "Second" inserted and "1985" has been struck and "1986" inserted.

Enrollment and Review Change to LB 600

The following changes, required to be reported for publication in the Journal, have been made:
ER0238

1. In the Hoagland amendment, AM2569, adopted on April 7, 1986:

a. On page 2, line 7 the first "the" has been struck;

b. On page 4, line 23, "and" has been struck, shown as stricken, and "to" has been inserted, and ", and to paternity" has been inserted after "modification";

c. On page 5, line 4, "43-1605" has been struck and "6 of this act" inserted; in line 21 the second comma has been struck and shown as stricken; and in line 23 "Mistake" has been struck and "For purposes of this section, mistake" inserted;

d. On page 6, line 4, an underscored comma has been inserted after "support"; in line 11 an underscored comma has been inserted after the second "hearing"; and in line 12 an underscored comma has been inserted after "act";

e. On page 7, line 21, "43-1722" has been struck and "42 of this act" inserted;

f. On page 8, line 3, an underscored comma has been inserted after "remit"; in line 4 "and" has been inserted after "paid"; and in line 5 an underscored comma has been inserted after "notice";

g. On page 9, line 6, "43-1724 and 43-1725" has been struck and "44 and 45 of this act" inserted;

h. On page 10, line 7, "Second Special Session," has been inserted before "1985"; the matter beginning with "43" in line 12 through "1985" in line 14 has been struck and "5 of this act" inserted; and in line 20 "section 43-1723" has been struck and "~~43 of this act~~ 5 of this act" inserted;

i. On page 11, line 17, "of this act" has been struck;

j. On page 12, line 22, the comma has been struck and shown as stricken;

k. On page 13, line 3, "subsection (3)" has been struck and shown as stricken and "subdivision (2)" inserted; and

l. On page 20, line 19, "section 42-364.08" has been struck and "sections 42-364.08 and 42-372" inserted; and in line 20 "section" has been struck and "sections" inserted.

2. On page 1, the matter in lines 1 through 14 has been struck and "FOR AN ACT relating to domestic relations; to amend sections 42-364.08 and 42-372, Reissue Revised Statutes of Nebraska, 1943, sections 42-371, 43-512.03, and 43-512.07, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 19, 68, and 71, respectively, Legislative Bill 7, Eighty-ninth Legislature, Second Special Session, 1985, section 43-2,113, Revised Statutes Supplement, 1985, as amended by section 64, Legislative Bill 7, Eighty-ninth Legislature, Second Special Session, 1985, and sections 1, 3, 40, 41, 43, 46, and 57, Legislative Bill 7, Eighty-ninth Legislature, Second Special Session, 1985; to change provisions relating to child support referees; to change provisions relating to delinquent support, the withholding of income, and hearings, orders, and judgments relating to such delinquent support and withholding of income; to change provisions relating to final divorce decrees; to change provisions relating to aid to dependent children payments; to authorize payments to guardians as prescribed; to harmonize provisions; and to repeal the original sections." inserted.

3. On page 2, the matter in lines 1 through 11 has been struck.

Enrollment and Review Change to LB 600A

The following changes, required to be reported for publication in the Journal, have been made:

ER0256

1. In the Chambers amendment, AM2987, adopted on April 9, 1986:

a. On page 6, line 9, "residence" has been struck, shown as stricken, and "residential" inserted; and in line 18 the comma has been struck and shown as stricken; and

b. On page 7, line 1, the comma has been struck and shown as stricken.

2. On page 1, lines 1 through 3 have been struck and "FOR AN ACT relating to rules of the road; to amend sections 39-662 and 39-666, Reissue Revised Statutes of Nebraska, 1943; to change the speed limit on certain highways as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections." inserted.

Enrollment and Review Change to LB 849

The following changes, required to be reported for publication in the Journal, have been made:

ER0252

1. In the V. Johnson amendment adopted April 7, 1986, found on page 2075 of the Journal, on page 1, line 1, "the state" has been struck and ", the state," inserted.

2. Because of the adoption of the V. Johnson amendment found on page 2075 of the Journal, the second R. Johnson amendment, AM2727 number 2, found on page 2074 of the Journal, has been struck.

3. In the E & R amendments, AM5390, adopted April 7, 1986, on page 2, the matter beginning with the semicolon in line 16 through the last quotation marks in line 17 has been struck.

Enrollment and Review Change to LB 911

The following changes, required to be reported for publication in the Journal, have been made:

ER0253

1. In the Hefner amendment adopted April 9, 1986, in amendments 1 and 3, ", show as stricken," has been inserted before "and".

2. In E & R amendments, AM5425, adopted April 9, 1986, on page 33, line 21, "retail and bottle club licenses" has been struck and "certain licenses and permits" inserted; in line 22 "powers and" has been inserted before "duties"; and in line 23 after the second semicolon "to appropriate funds;" has been inserted.

Enrollment and Review Change to LB 965

The following changes, required to be reported for publication in the Journal, have been made:

ER0251

1. In the Wesely amendment, AM2870, adopted April 8, 1986:
 - a. On page 2, line 6, "sections 1 to 20 of" has been inserted after "out"; in line 19 the comma has been struck; and in line 23 "the" has been inserted after "of";
 - b. On page 3, line 8, an underscored comma has been inserted after "commission"; in line 22 "following but not limited to," has been struck and after the quotation marks "and after 'divisions' insert 'listed in this section'" has been inserted; and in line 23 after the semicolon "in line 5 after 'duties' insert ', but shall not be limited to such divisions';" has been inserted;
 - c. On page 4, lines 13 and 18, "economic enterprises" has been struck and "industries" inserted; and
 - d. On page 5, line 9, "enterprises" has been inserted after "wealth-creating" and "industries" has been inserted after "value-adding".
2. In the E & R amendments, AM5405, adopted April 8, 1986:
 - a. On page 1, the matter beginning with "2" in line 5 through line 7 has been struck; and
 - b. On page 2, line 8, "81-102," has been struck; and in line 17 "to harmonize provisions;" has been inserted after the semicolon.

Enrollment and Review Change to LB 999

The following changes, required to be reported for publication in the Journal, have been made:

ER0250

1. Because of the adopting of the V. Johnson amendment, AM3005, adopted April 8, 1986:
 - a. The Standing Committee amendment, AM2283, adopted March 20, 1986, has been struck; and
 - b. The DeCamp amendment, AM2953, adopted on April 8, 1986, has been struck.
2. In the Hoagland-Eret-Chambers amendment, AM2858, adopted April 8, 1986, on page 12, line 6, "76-1005" has been struck and "76-1008" inserted.
- e. E & R amendment 2, AM5412, adopted April 8, 1986, has been struck.
4. On page 1, lines 2 through 13 have been struck and "40-101, 40-110, and 76-1012, Reissue Revised Statutes of Nebraska, 1943, and section 76-1008, Revised Statutes Supplement, 1984; to provide the right to cure default in certain actions involving agricultural land; to require notice as prescribed; to change provisions relating to the

homestead exemption and deeds of trust; to provide for partial redemption as prescribed; to harmonize provisions; and to repeal the original sections." inserted.

Enrollment and Review Change to LB 1007

The following changes, required to be reported for publication in the Journal, have been made:

ER0255

1. On page 1, line 1, "the" has been struck; and in line 3 "to provide powers; to create a fund; to appropriate funds;" has been inserted before the first "to".

Enrollment and Review Change to LB 1016

The following changes, required to be reported for publication in the Journal, have been made:

ER0248

1. In the Schmit amendment, AM2990, adopted on April 8, 1986:
 - a. Section 32 has been renumbered as section 11; and
 - b. On page 3, line 2, "state" has been inserted after "influence".
2. In the Sieck amendment adopted on April 8, 1986, beginning on page 2113 of the Journal:
 - a. Section 2 has been renumbered as section 1; and
 - b. On page 1, line 3, "of sections 1 to 3" has been inserted after "purposes"; in line 11 the comma has been struck; and in line 16 "sections 1 to 3 of" has been inserted after "under".
3. In the Miller amendment, AM2986, adopted on April 8, 1986:
 - a. Section 2 has been renumbered as section 4; and
 - b. On page 2, lines 15 and 17, the comma has been struck and shown as stricken.
4. In the R. Johnson amendment, AM2951, adopted on April 8, 1986:
 - a. Sections 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, and 37 have been renumbered as sections 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, and 17, respectively.
 - b. On page 2, line 5; and on page 10, line 20, "26" has been struck and "6" inserted;
 - c. On page 5, line 13, the first comma has been struck and shown as stricken;
 - d. On page 7, line 15, "1" has been struck and "6" inserted;
 - e. On page 10, line 23, an underscored comma has been inserted after "Act"; and
 - f. On page 11, line 2, the comma has been struck and shown as stricken.

5. Because of the adoption of the R. Johnson amendment, AM2951, the following new section has been inserted:

"Sec. 5. That section 54-137.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-137.01. (1) The Nebraska Brand Committee, in its discretion, may authorize and direct its employees to disseminate or otherwise distribute various materials promoting the cattle industry.

(2) Employees of the committee shall collect fees as prescribed in section 54-2114. Such fees shall be paid separate from any brand inspection fees and shall be transferred to the Nebraska Beef Industry Development ~~Cash~~ Fund."

6. In the R. Johnson amendment, AM2708, adopted on April 8, 1986

a. Section 1 has been renumbered as section 2; and

b. On page 1, line 3, "Department of Agriculture" has been struck and "department" inserted.

7. On page 1, lines 2 through 11 have been struck and "2-4011, 54-137.01, 54-2101 to 54-2103, 54-2111 to 54-2114, and 54-2116 to 54-2119, Reissue Revised Statutes of Nebraska, 1943; to define terms; to provide rules and regulations relating to organic food; to provide a reporting requirement relating to organic food; to change provisions relating to powers and duties of certain check-off boards as prescribed; to change provisions relating to the Nebraska Beef Industry Development Act; to authorize the collection of certain assessments and fees; to rename a fund; to harmonize provisions; and to repeal the original sections." inserted.

7. On page 2, lines 1 through 9 have been struck.

Enrollment and Review Change to LB 1230

The following changes, required to be reported for publication in the Journal, have been made:

ER0246

1. In the Schmit amendment, AM2878, adopted April 8, 1986:

a. On page 5, line 8, "amounts" has been struck; and

b. On page 6, line 17, an underscored comma has been inserted after the quotation marks.

2. Internal references have been changed as needed.

(Signed) Mary E. Sommermeyer
E & R Attorney

MESSAGES FROM THE GOVERNOR

April 10, 1986

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 840 and 841 were received in my office on April 10, 1986.

These bills were signed by me on April 10, 1986 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

April 10, 1986

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1250 and 1250A were received in my office on April 4, 1986.

These bills were signed by me on April 10, 1986 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

April 10, 1986

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 529, 491, 105, 267, 438, 438A, 701, 1229, 325, 325A, 437, 774, 774A, 804 and 804A were received in my office on April 7, 1986.

These bills were signed by me on April 10, 1986 and delivered to the Secretary of State.

Sincerely,
(Signed) **ROBERT KERREY**
Governor

RK/jm

April 10, 1986

Mr. Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

I hereby return LB 1251 and LB 1252, the mainline appropriation bills, with my signature, but with certain line item reductions.

These appropriations must be reduced by no less than \$32.6 million. The vetoes I present to you are the minimum; they can and should be sustained by this Legislature. Using the revised revenue projection of the Revenue Forecasting Committee, the budget I'm sending back to the Legislature is balanced and contains a 3.4% reserve.

I am concerned, however, that revenues for FY 86-87 will be less than projected. I still maintain that revenues for the next fiscal year will fall short of projections by roughly \$13.4 million.

Therefore, if the Legislature sustains these vetoes and changes their estimate of 86-87 revenue, I am prepared to accept \$13.4 million of new revenue. However, as I have stated in the past, I'm committed to a revenue source which avoids an increase in the rate of sales and income taxation.

Understand that I have selected these vetoes with great care. I have used an approach which attempts to have all areas and levels of government share the burden equally. Finally, I believe these reductions are in the best interests of and have the support of the people of Nebraska.

Understand further that if I simply wanted to give you an unrealistic set of vetoes with the expectation of being overridden, that I would have vetoed \$46 million. When the rules were suspended and the budget was sent to me last Friday, this action reduced both your and my options.

I believe the economy cannot stand to have this \$32.6 million removed with a tax increase. I believe what is required is that all of the offices of government restructure themselves to accomplish this objective.

In general, this reduction forces all government to become smaller. It is interesting to note that with these reductions it is the bureaucracy that will have to adjust and not the people.

To understand how we arrived at this moment, a review of the past few months is in order. Since I introduced my budget of \$841 million in January, two changes have occurred in the amount of money we assumed would be available for expenditures.

On February 20th the Revenue Forecasting Committee re-forecast revenue downward by \$21 million. They said we would have \$21 million less money than we thought at the start of this session.

I offered a plan which would have enabled us to budget \$840 million while maintaining our current sales and income tax rates. Senator Hannibal offered an alternative which accomplished the same objectives, and I agreed to it.

Unfortunately, the receipts of March appeared to be falling terribly short of projections. My decision to call an emergency meeting of the Revenue Forecasting Committee rather than wait until their regularly scheduled June meeting was based upon our shared desire of avoiding mid-year budget cuts.

The Forecasting Committee re-forecast 85-86 receipts down \$13 million and took no action for fiscal 86-87. Again the objective of avoiding mid-year cuts in a special session led to my use of Fiscal Office and Revenue Department estimates for 86-87. The result of their work is that we will likely have \$25 million less than anticipated previously.

The total anticipated revenue decline since I introduced an \$841 million budget in January is \$46 million. Most of this occurred after the Appropriations Committee sent their recommendations to the floor of the legislature.

My assumptions in making a proposal to you to solve this problem have been two:

1. We have between \$34 and \$46 million less money to spend and should make substantial reductions in the budget before turning our attention to the revenue increases.
2. We should not increase taxes by raising the tax rate on sales or income.

Ten days ago I presented a detailed plan to spend \$18 million less and raise \$28 million worth of new revenue.

I met with editorial page writers and spoke to Nebraska citizens individually and in groups. I explained why the budget should be reduced and why we should raise revenue in other areas than raising the sales and income tax rates.

The general description of my plan was this: Faced with an anticipated \$46 million decline in revenue we cannot simply raise taxes and go home. We must make difficult and painful reductions in the budget. Faced with an economy that cannot afford the current level of services we must continue to reduce the size of government bureaucracies. Finally faced with an economy that is struggling on all fronts we must minimize the amount of money withdrawn from it to fund government operations.

The plan I submitted to you was rejected. Frankly the principle stumbling block was the force of the highway lobby that would prefer an \$8.5 million reduction in the general fund budget before it would permit a reasonable transfer of the roads portion of the highway patrol over to the use tax. They would rather raise the rate of taxes on sales or income than permit us to touch the gasoline tax at a time when we could clearly afford an additional levy on gasoline.

The message I received from you was mixed. Some were saying: We can't decide what to reduce so you must do it for us. Others were saying: We're just going to raise taxes and go home.

The reductions I am proposing in this budget are very large; they total \$32.6 million. If they are accepted by you, the representatives of the people, government at all levels will become smaller. At a time when the economy is experiencing both the benefits and ravages of disinflation and the stress caused by a weak agricultural sector, we will be leaving \$32.6 million in the savings of individuals and businesses.

I urge you to imagine what \$32.6 million of cash can do for the Nebraska economy. It will provide the basis for purchases and financing that will create the jobs this State needs.

While there appears to be a growing consensus that the budget should be reduced, don't fall into the trap of believing that I should have vetoed other things if I really wanted the budget reduced.

First of all, if there was consensus in the legislature to make other reductions that should have been made before the rules were suspended and the budget sent to me. Secondly, all reductions are difficult; nothing on this list is easy.

There are two of my line-item vetoes which require further comment.

(1) In reducing the University appropriation, I have stricken the earmarks for the Director of the Food Processing Center and the

School of Technical Agriculture at Curtis, but left the funding in the total General Fund appropriation; this action is intended to insure flexibility for the Board of Regents to finalize and implement its priorities for reallocation.

(2) I have reduced the University appropriation by the amount of the Scottsbluff Nursing Program and eliminated the earmark. This program was not part of the Regents' budget request and would cost approximately \$500,000 over the next three years. We simply cannot afford this new program.

In the area of state aid, local governments will argue that I have balanced this budget by shifting costs to property taxes. If local governments want to solve their shortfalls with tax increases, that is their option. However, they also can restructure the size of their government just as State government is reducing the size of its operation.

I believe these reductions will be understood and appreciated by Nebraskans. I urge you in the strongest possible language to sustain them.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK:jbs

SUMMARY OF GOVERNOR'S VETOES

I. Line Reductions

A. Mental Retardation Aid--Floor Addition	\$ 1,270,133
B. LB 309 Task Froce--Reduce to current year	1,500,000
C. Natural Resources Development Fund-- No new projects	1,125,167
D. Mental Health/Alcohol Aid	600,000
E. Metro Area Transit--Purchase Buses	800,000
F. Natural Resources Commission-- Platte River Studies	100,000
G. Natural Resources Commission-- Small Watershed Increase	200,000
H. Scottsbluff Nursing Program--Floor Addition	100,000
I. State Airplane Purchase--Reduce to 600,000	150,000
J. City Bank Building Purchase	800,000
K. Advocacy Commissions--1/2 of Floor Addition	132,915
Subtotal	\$ 6,778,215

II. Homestead Exemption

A. Veto to Implement LB 1258	\$ 5,778,000
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III. Aid to Counties

A. Offset Medicaid Increase for last 1/3 of takeover	\$ 7,055,688
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IV. Other General Reductions

A. State Operations	\$ 7,501,138
B. State Aid	5,468,169

Subtotal	<u>\$12,969,307</u>
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Grand total	<u><u>\$32,581,210</u></u>
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AGENCY SUMMARY
Operations

Agency	Reduction
03 Legislative Council	139,395
04 Policy Research Office	7,272
05 Supreme Court & District Courts	300,986
07 Governor	12,339
08 Lieutenant Governor	552
09 Secretary of State	12,351
10 Auditor of Public Accounts	17,878
11 Attorney General	29,311
12 State Treasurer	4,752
13 Dept. of Education	168,645
14 Public Service Commission	28,975
15 Board of Pardons	6,852
16 Dept. of Revenue	206,578
18 Dept. of Agriculture	60,307
20 Dept. of Health	60,366
21 State Fire Marshall	2,800
23 Dept. of Labor	7,386
24 Dept. of Motor Vehicles	64,265
25 Dept. of Institutions	697,000
26 Dept. of Social Services	420,721
27 Dept. of Roads	361
28 Dept. of Veterans Affairs	6,783
29 Dept. of Water Resources	30,049

FIFTY-EIGHTH DAY - APRIL 14, 1986

2235

31 Military Department	38,538
32 Bd. of Educ. Lands-Funds	3,528
33 Game & Parks Commission	122,206
34 Nebraska Library Commission	21,034
35 Liquor Contol Commission	11,654
37 Workmens Compensation Court	6,820
46 Dept. of Corr. Services	685,172
47 Neb. Educ. TV Commission	91,946
48 Post Sec. Educ. Commission	1,810
49 Bd. of Trustees--St. Colleges	4,454
50 State Colleges	485,876
51 University Systemwide	3,076,542
54 St. Historical Society	40,434
55 Natural Resources Com.	38,808
64 State Patrol	363,908
65 Dept. of Adm. Services	85,573
67 Equal Opportunity Commission	14,565
69 Nebraska Arts Council	5,222
70 Foster Care Review Board	3,357
71 Nebraska Comm. on Aging	6,797
72 Economic Development	28,458
75 Investment Council	1,359
77 Ct. Industrial Relations	3,682
78 Nebraska Comm. on Law Enforce.	5,354
80 Dept. of Personnel	18,833
82 Com. Hearing Imparied	4,908
84 Environmental Control	18,744
87 Acctabty. & Discl. Com.	3,898
89 State Claims Bd.	21,674
90 Branch Rail Revit. Coun.	60
TOTAL	\$7,501,138

STATE AID VETO SUMMARY

<u>Program</u>	<u>Reduction</u>
Aid to Natural Resource Districts	\$ 19,563
Aid to Municipalities	486,764
Aid to Counties	475,110
Aid to Education	3,813,325
Technical Community Colleges	673,407
Total Aid Reduction	\$5,468,169

April 12, 1986

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE

Dear Mr. President and Senators:

I am returning LB 516 without my signature and with my objections.

LB 516 would create a system to determine when and where judicial vacancies should be filled. The purpose is to promote greater efficiency in the state's judicial system. Although I do not disagree with this general goal, I am not comfortable with the structure created in the bill.

Sincerely,
(Signed) ROBERT KERREY
Governor

April 12, 1986

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

I am hereby returning LB 1129 without my signature and with the following comments:

First of all, I view Legislative Retirement Pay as a fringe benefit, and as such, it is a part of wages. Furthermore, I believe the intent of the Constitution is to delegate to the people of Nebraska the responsibility and authority for determining the level of Legislative wages.

As Governor, I believe this veto is warranted and justified. Even if the courts were to stretch the meaning of our Constitution to permit this delegation of responsibility and authority, my belief is that at the time our Constitution was originally constructed, throughout the history of our state, and now, the people do not want the Legislature to set the level of their wages and benefits.

On the other hand, as a citizen and as one of the employers of our Legislative Representatives, I support and would vote for such a retirement program. As a citizen I believe the package of wages and

benefits offered to State Senators is insufficient given the time, effort, and sacrifice required of Nebraskans who serve in this capacity.

As a citizen I feel strongly that we should increase the pay and benefits of the members of our Unicameral. However, I am just one citizen and in this regard I have only one vote.

Based upon this belief I will immediately ask a group of twelve Nebraska citizens from both political parties and all three Legislative Districts to help us evaluate Legislative pay and benefits. I will ask these Nebraskans to recommend to all of us what we should pay these important State Representatives. I will ask them to listen to the people, to investigate the relative pay in other states, and to submit their conclusions to all of us.

Finally, I will accept their findings and will work to place the issue on the ballot so we all can decide if a change is warranted. It is only in this way that we can act responsibly and retain the authority granted to us by our Constitution.

I hope that the members of the Nebraska Legislature understand that I support the goal of improving your pay and benefits. However, it is the people themselves who must make this important decision.

Sincerely,
(Signed) ROBERT KERREY
Governor

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 414.

MOTION - Overrule Speaker's Agenda

Mr. Schmit moved to overrule the Speaker and proceed to take up the items in the order that they appear on the agenda.

Mr. Schmit withdrew his pending motion.

WITHDRAW - Amendment to LB 992

Mr. Carsten withdrew his pending amendment, AM2235, found in the Journal on page 1208 to LB 992.

PRESIDENT MCGINLEY PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 992.

A BILL FOR AN ACT relating to rules of administrative agencies; to amend sections 84-901, 84-902, 84-905.01, 84-906, 84-906.05, 84-907, 84-907.01, 84-907.02, and 84-908, Reissue Revised Statutes of Nebraska, 1943, and section 84-906.03, Revised Statutes Supplement, 1984; to abolish the office and position of Revisor of Regulations, the Legislature's Administrative Rules and Regulations Review Committee, and the Administrative Rules and Regulations Review Committee; to provide powers and duties for the Secretary of State; to harmonize provisions; and to repeal the original sections, and also sections 84-901.01, 84-901.02, 84-904, 84-906.02, and 84-908.01 to 84-908.05, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Abboud	Conway	Hoagland	Nelson	Rogers
Baack	Eret	Johnson, R.	Nichol	Rupp
Barrett	Haberman	Labeledz	Pappas	Sieck
Beyer	Harris	Lamb	Peterson	Smith
Carsten	Hartnett	Lynch	Pirsch	Vickers
Chizek	Hefner	Miller	Remmers	Wesely
Chronister	Higgins	Morehead		

Voting in the negative, 2:

DeCamp Schmit

Present and not voting, 2:

McFarland Withem

Excused and not voting, 12:

Chambers	Hall	Johnson, V.	Lundy	Scofield
Goll	Hannibal	Landis	Marsh	Warner
Goodrich	Johnson, L.			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 992A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 992, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 33:

Abboud	Conway	Johnson, R.	Nichol	Rupp
Baack	DeCamp	Labeledz	Pappas	Schmit
Barrett	Eret	Lamb	Peterson	Sieck
Beyer	Haberman	Lynch	Pirsch	Smith
Carsten	Harris	Miller	Remmers	Vickers
Chizek	Hefner	Morehead	Rogers	Wesely
Chronister	Hoagland	Nelson		

Voting in the negative, 0.

Present and not voting, 4:

Hartnett	Higgins	McFarland	Withem
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Excused and not voting, 12:

Chambers	Hall	Johnson, V.	Lundy	Scofield
Goll	Hannibal	Landis	Marsh	Warner
Goodrich	Johnson, L.			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 68.

A BILL FOR AN ACT relating to child care; to amend section 79-444, Reissue Revised Statutes of Nebraska, 1943, and section 71-1910, Revised Statutes Supplement, 1984; to redefine a term; to authorize local support of before-and-after-school services as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 27:

Abboud	Harris	Lynch	Pappas	Schmit
Beyer	Hefner	Miller	Pirsch	Sieck
Chizek	Higgins	Morehead	Remmers	Smith
Conway	Hoagland	Nelson	Rogers	Vickers
DeCamp	Labedz	Nichol	Rupp	Wesely
Eret	Lamb			

Voting in the negative, 5:

Baack	Barrett	Chronister	Haberman	Peterson
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Present and not voting, 5:

Carsten	Hartnett	Johnson, R.	McFarland	Withem
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Excused and not voting, 12:

Chambers	Hall	Johnson, V.	Lundy	Scofield
Goll	Hannibal	Landis	Marsh	Warner
Goodrich	Johnson, L.			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 143.

A BILL FOR AN ACT relating to interest, loans, and debt; to amend sections 45-101.04 and 45-338, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to installment contracts; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 33:

Abboud	Baack	Barrett	Beyer	Carsten
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Chizek	Hall	Lamb	Peterson	Schmit
Chronister	Harris	Lynch	Pirsch	Sieck
Conway	Hefner	McFarland	Remmers	Smith
DeCamp	Hoagland	Nelson	Rogers	Vickers
Eret	Johnson, R.	Nichol	Rupp	Wesely
Haberman	Labeledz	Pappas		

Voting in the negative, 2:

Higgins	Morehead
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Present and not voting, 3:

Hartnett	Miller	Withem
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Excused and not voting, 11:

Chambers	Hannibal	Johnson, V.	Lundy	Scofield
Goll	Johnson, L.	Landis	Marsh	Warner
Goodrich				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 174.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1510, Reissue Revised Statutes of Nebraska, 1943, and section 77-1502, Revised Statutes Supplement, 1984; to provide for notice of certain final decisions on property assessments; to change provisions relating to appeals from actions of a county board of equalization; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Abboud	Chronister	Hall	Labeledz	Miller
Baack	Conway	Harris	Lamb	Morehead
Barrett	DeCamp	Hefner	Lundy	Nelson
Beyer	Eret	Higgins	Lynch	Nichol
Carsten	Goll	Hoagland	Marsh	Pappas
Chizek	Haberman	Johnson, R.	McFarland	Peterson

Pirsch	Rogers	Schmit	Smith	Wesely
Remmers	Rupp	Sieck	Vickers	Withem

Voting in the negative, 0.

Present and not voting, 1:

Hartnett

Excused and not voting, 8:

Chambers	Hannibal	Johnson, V.	Scofield	Warner
Goodrich	Johnson, L.	Landis		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 309.

A BILL FOR AN ACT relating to ground water; to amend sections 46-289, 46-684, 46-687, and 46-690, Reissue Revised Statutes of Nebraska, 1943, and section 33-105, Revised Statutes Supplement, 1985; to change a provision relating to certain fees; to provide a fee; to change a provision relating to the approval of an application involving an interbasin transfer; to authorize the amendment of a permit involving industrial ground water; to change provisions relating to the revocation and enforcement of a permit; to change a penalty; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Abboud	Eret	Hoagland	McFarland	Remmers
Baack	Goll	Johnson, L.	Miller	Rogers
Barrett	Haberman	Johnson, R.	Morehead	Rupp
Beyer	Hall	Labeledz	Nelson	Schmit
Carsten	Hannibal	Lamb	Nichol	Sieck
Chizek	Harris	Lundy	Pappas	Smith
Chronister	Hartnett	Lynch	Peterson	Vickers
Conway	Hefner	Marsh	Pirsch	Withem
DeCamp	Higgins			

Voting in the negative, 1:

Wesely

Excused and not voting, 6:

Chambers	Johnson, V.	Landis	Scofield	Warner
Goodrich				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 318.

A BILL FOR AN ACT relating to public health; to amend sections 33-150 and 71-161.01, Reissue Revised Statutes of Nebraska, 1943, and section 71-204, Revised Statutes Supplement, 1984; to adopt the Nebraska Cosmetology Act; to create a fund; to provide penalties; to harmonize provisions; to change a provision relating to the practice of barbering; to repeal current provisions relating to cosmetology; to provide for severability; and to repeal the original sections, and also sections 71-312.01 to 71-320, 71-321, 71-322, and 71-322.02 to 71-339, Reissue Revised Statutes of Nebraska, 1943, and section 71-320.01, Revised Statutes Supplement, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Abboud	Goll	Johnson, L.	McFarland	Rupp
Baack	Goodrich	Johnson, R.	Miller	Schmit
Barrett	Haberman	Johnson, V.	Nelson	Scofield
Beyer	Hall	Labedz	Nichol	Sieck
Carsten	Hannibal	Lamb	Pappas	Smith
Chizek	Harris	Landis	Peterson	Vickers
Chronister	Hartnett	Lundy	Pirsch	Wesely
Conway	Hefner	Lynch	Remmers	Withem
Eret	Higgins	Marsh	Rogers	

Voting in the negative, 0.

Present and not voting, 3:

DeCamp Hoagland Morehead

Excused and not voting, 2:

Chambers Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 318A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 318, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Goll	Johnson, L.	McFarland	Rupp
Baack	Goodrich	Johnson, R.	Miller	Schmit
Barrett	Haberman	Johnson, V.	Nelson	Scofield
Beyer	Hall	Labeledz	Nichol	Sieck
Carsten	Hannibal	Lamb	Pappas	Smith
Chizek	Harris	Landis	Peterson	Vickers
Chronister	Hartnett	Lundy	Pirsch	Wesely
Conway	Hefner	Lynch	Remmers	Withem
Eret	Higgins	Marsh	Rogers	

Voting in the negative, 0.

Present and not voting, 3:

DeCamp Hoagland Morehead

Excused and not voting, 2:

Chambers Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 419.

A BILL FOR AN ACT relating to schools; to amend sections 79-490 and 79-492, Reissue Revised Statutes of Nebraska, 1943, and section 79-1333.01, Revised Statutes Supplement, 1984; to change provisions relating to transportation allowances for pupils; to change provisions relating to financial support for school districts; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Abboud	Goll	Hoagland	McFarland	Rogers
Baack	Goodrich	Johnson, L.	Miller	Rupp
Barrett	Haberman	Johnson, R.	Morehead	Schmit
Beyer	Hall	Labeledz	Nelson	Scofield
Carsten	Hannibal	Lamb	Nichol	Sieck
Chizek	Harris	Landis	Pappas	Smith
Chronister	Hartnett	Lundy	Peterson	Vickers
Conway	Hefner	Lynch	Pirsch	Wesely
DeCamp	Higgins	Marsh	Remmers	Withem
Eret				

Voting in the negative, 1:

Johnson, V.

Excused and not voting, 2:

Chambers Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 461.

A BILL FOR AN ACT relating to educational telecommunications; to amend sections 79-2101, 79-2103, 79-2106.01, and 79-2109, Revised Statutes Supplement, 1984; to expand the scope of the Nebraska Educational Telecommunications Act; to provide additional powers and duties; to redefine a term; to eliminate a restriction on a fund; and to repeal the original sections, and also section 79-2108, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 28:

Baack	Hall	Johnson, R.	Miller	Sieck
Chizek	Hannibal	Johnson, V.	Nelson	Smith
Conway	Harris	Landis	Nichol	Vickers
Eret	Hartnett	Lundy	Pappas	Wesely
Goll	Higgins	Marsh	Scofield	Withem
Goodrich	Hoagland	McFarland		

Voting in the negative, 18:

Abboud	Chronister	Johnson, L.	Peterson	Rogers
Barrett	DeCamp	Labeledz	Pirsch	Rupp
Beyer	Haberman	Lamb	Remmers	Schmit
Carsten	Hefner	Morehead		

Present and not voting, 1:

Lynch

Excused and not voting, 2:

Chambers Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 474.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-1576 and 2-1579, Reissue Revised Statutes of Nebraska, 1943; to adopt the Erosion and Sediment Control Act; to change legislative intent; to change provisions relating to conservation grants; to eliminate certain provisions relating to natural resources districts' rules and regulations and a referendum; and to repeal the original sections, and also sections 2-3244 to 2-3250, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Goll	Johnson, L.	McFarland	Rogers
Baack	Goodrich	Johnson, R.	Miller	Rupp
Barrett	Haberman	Johnson, V.	Morehead	Schmit
Beyer	Hall	Labeledz	Nelson	Scofield
Carsten	Hannibal	Lamb	Nichol	Sieck
Chizek	Harris	Landis	Pappas	Smith
Chronister	Hartnett	Lundy	Peterson	Vickers
Conway	Hefner	Lynch	Pirsch	Wesely
DeCamp	Higgins	Marsh	Remmers	Withem
Eret	Hoagland			

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 474A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 474, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Conway	Hannibal	Johnson, R.	Marsh
Baack	DeCamp	Harris	Johnson, V.	McFarland
Barrett	Eret	Hartnett	Labeledz	Miller
Beyer	Goll	Hefner	Lamb	Morehead
Carsten	Goodrich	Higgins	Landis	Nelson
Chizek	Haberman	Hoagland	Lundy	Nichol
Chronister	Hall	Johnson, L.	Lynch	Pappas

Peterson	Rogers	Scofield	Smith	Wesely
Pirsch	Rupp	Sieck	Vickers	Withem
Remmers	Schmit			

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

EXPLANATION OF VOTE

Had I been present, I would have voted yes on LB 318 and LB 318A.

(Signed) Patricia Morehead

RESOLUTION

LEGISLATIVE RESOLUTION 436.

Introduced by Lamb, 43rd District.

WHEREAS, 1986 marks the one hundredth anniversary of Anselmo, Nebraska; and

WHEREAS, Anselmo was named after Anselmo Smith who was a civil engineer and who platted the towns along the Burlington Railroad for the Lincoln Townsite Company; and

WHEREAS, when Anselmo Smith arrived on the ground where the town was to be platted, he was so impressed by the beautiful country that he suggested this site would bear his given name; and

WHEREAS, Victoria Creek rises in the plains to the west, passes underground through Anselmo, and rises to the surface again in the form of mineral springs in the Helena Valley. The springs are a major attraction in Victoria Springs State Park; and

WHEREAS, a centennial celebration offers a community a unique opportunity to reflect upon those citizens whose efforts were responsible for the community's many accomplishments; and

WHEREAS, Anselmo has been, is, and will continue to be an outstanding community, and the citizens of Anselmo deserve special recognition during the Big Sky Centennial Celebration which takes place on June 26 through June 28, 1986.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature acknowledges the efforts and achievements of the pioneers who settled Anselmo and the present residents of the community who continue that heritage and spirit.
2. That the Legislature congratulates and extends best wishes to the people of Anselmo on this great occasion.
3. That the Legislature recognizes and commends Anselmo on its one hundredth anniversary.
4. That a copy of this resolution be delivered to Howard Gaffney, chairperson of the village board of Anselmo, and the Custer County Chief Newspaper.

Laid over.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 603.

(Signed) Timothy Hall, Chairperson

**Enrollment and Review Change to LB 603
(Final Reading Copy)**

The following changes, required to be reported for publication in the Journal, have been made:

ER0257

1. In AM2864 without section 6 which was adopted by means of the V. Johnson amendment adopted April 9, 1986, found on page 2169 of the Journal:

- a. Amendment 1 has been struck;
- b. Sections 4 and 5 have been renumbered as sections 6 and 7, respectively;
- c. On page 1, the matter beginning with "Strike" in line 7 through "insert" in line 8 has been struck and "Insert" inserted; and in line 19 an underscored comma has been inserted after "section";
- d. On page 2, line 3, "of such act" has been inserted after "1324"; in line 17 "the" has been struck; in line 18 "provisions of" has been struck; and in line 22 "sections 1 to 3 of" has been inserted after "of"; and

e. On page 3, line 14, "by the Secretary of State to carry out his or her duties pursuant to" has been inserted after "and"; in line 19, "section" has been struck and "sections 9-403, 9-414, and" inserted; and in line 20 "is" has been struck and "are" inserted.

2. In the DeCamp amendment, AM3024, adopted April 9, 1986:

a. Sections 1 and 3 have been renumbered as sections 4 and 5, respectively;

b. On page 1, line 13; page 2, lines 7, 13, 14, 15, 18, and 23; and page 5, lines 5 through 8, 12, 16, and 23, the new matter has been struck and the old matter reinstated;

c. On page 8, line 7, "10," has been struck and shown as stricken; and

d. On page 10, line 9, "on or" has been inserted after "made".

3. On page 1, the matter beginning with "secured" in line 2 through line 5 has been struck and "filing; to amend sections 9-403, 9-414, and 9-420, Uniform Commercial Code; to provide duties for the Secretary of State relating to a federal act; to provide for the deposit of certain fees; to authorize the removal of a lapsed financing statement; to change provisions relating to the transmittal of certain lien information; to harmonize provisions; and to repeal the original sections." inserted.

(Signed) Mary E. Sommermeyer
E & R Attorney

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 563.

A BILL FOR AN ACT relating to historical properties; to state legislative findings; to provide requirements for improvements made on state-owned historical structures; to designate the George Norris House; and to provide powers and duties for the Nebraska State Historical Society.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Abboud	Barrett	Carsten	Chronister	DeCamp
Baack	Beyer	Chizek	Conway	Eret

Goll	Higgins	Lundy	Nichol	Schmit
Goodrich	Hoagland	Lynch	Pappas	Scofield
Haberman	Johnson, L.	Marsh	Peterson	Sieck
Hall	Johnson, V.	McFarland	Pirsch	Smith
Hannibal	Labedz	Miller	Remmers	Vickers
Harris	Lamb	Morehead	Rogers	Wesely
Hartnett	Landis	Nelson	Rupp	Withem
Hefner				

Voting in the negative, 0.

Present and not voting, 1:

Johnson, R.

Excused and not voting, 2:

Chambers Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 635. With Emergency.

A BILL FOR AN ACT relating to insurance; to amend sections 44-320 and 44-371, Reissue Revised Statutes of Nebraska, 1943; to permit certain transactions involving officers of domestic insurance companies as prescribed; to change provisions relating to the exemption of certain proceeds and benefits as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Abboud	Eret	Hefner	Lundy	Peterson
Baack	Goll	Higgins	Lynch	Pirsch
Barrett	Goodrich	Hoagland	Marsh	Remmers
Carsten	Haberman	Johnson, L.	McFarland	Rogers
Chizek	Hall	Johnson, V.	Morehead	Rupp
Chronister	Hannibal	Labedz	Nelson	Schmit
Conway	Harris	Lamb	Nichol	Scofield
DeCamp	Hartnett	Landis	Pappas	Sieck

Smith Vickers Wesely Withem

Voting in the negative, 0.

Present and not voting, 3:

Beyer Johnson, R. Miller

Excused and not voting, 2:

Chambers Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 765.

A BILL FOR AN ACT relating to the Department of Economic Development; to authorize the sale or lease of certain real estate.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Abboud	Eret	Higgins	Marsh	Rogers
Baack	Goll	Hoagland	McFarland	Rupp
Barrett	Goodrich	Johnson, L.	Morehead	Schmit
Beyer	Haberman	Johnson, V.	Nelson	Scofield
Carsten	Hall	Labeledz	Nichol	Sieck
Chizek	Hannibal	Lamb	Pappas	Smith
Chronister	Harris	Landis	Peterson	Vickers
Conway	Hartnett	Lundy	Pirsch	Wesely
DeCamp	Hefner	Lynch	Remmers	Withem

Voting in the negative, 0.

Present and not voting, 2:

Johnson, R. Miller

Excused and not voting, 2:

Chambers Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 768. With Emergency.

A BILL FOR AN ACT relating to tractor engine testing; to amend sections 2-2701 to 2-2703 and 2-2705 to 2-2711, Reissue Revised Statutes of Nebraska, 1943; to define terms; to change provisions relating to the testing of tractor models; to require permits as prescribed; to provide powers and duties; to provide for fees; to create funds; to provide for enforcement; to eliminate certain provisions relating to tractor engine testing; to eliminate a penalty; to repeal the original sections, and also sections 2-2704, 2-2712, and 2-2713, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Abboud	Eret	Higgins	McFarland	Rupp
Baack	Goll	Hoagland	Morehead	Schmit
Barrett	Goodrich	Johnson, L.	Nelson	Scofield
Beyer	Haberman	Labeledz	Nichol	Sieck
Carsten	Hall	Lamb	Pappas	Smith
Chizek	Hannibal	Landis	Peterson	Vickers
Chronister	Harris	Lundy	Pirsch	Wesely
Conway	Hartnett	Lynch	Remmers	Withem
DeCamp	Hefner	Marsh	Rogers	

Voting in the negative, 1:

Johnson, V.

Present and not voting, 2:

Johnson, R. Miller

Excused and not voting, 2:

Chambers Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 768A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 768, Eighty-ninth Legislature, Second Session, 1986; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud	Goll	Hoagland	Marsh	Remmers
Baack	Goodrich	Johnson, L.	McFarland	Rogers
Barrett	Haberman	Johnson, R.	Miller	Rupp
Beyer	Hall	Johnson, V.	Morehead	Schmit
Carsten	Hannibal	Labeledz	Nelson	Scofield
Chizek	Harris	Lamb	Nichol	Sieck
Chronister	Hartnett	Landis	Pappas	Smith
Conway	Hefner	Lundy	Peterson	Wesely
DeCamp	Higgins	Lynch	Pirsch	Withem
Eret				

Voting in the negative, 0.

Present and not voting, 1:

Vickers

Excused and not voting, 2:

Chambers Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 771.

A BILL FOR AN ACT relating to law enforcement; to amend section 81-1444, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to bonds required for law enforcement reserve officers as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Abboud	Goll	Johnson, L.	Miller	Rupp
Baack	Goodrich	Johnson, R.	Morehead	Schmit
Barrett	Haberman	Johnson, V.	Nelson	Scofield
Beyer	Hall	Labeledz	Nichol	Sieck
Carsten	Hannibal	Lamb	Pappas	Smith
Chizek	Harris	Landis	Peterson	Vickers
Chronister	Hartnett	Lundy	Pirsch	Warner
Conway	Hefner	Lynch	Remmers	Wesely
DeCamp	Higgins	Marsh	Rogers	Withem
Eret	Hoagland	McFarland		

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 775.

A BILL FOR AN ACT relating to pseudorabies; to adopt the Pseudorabies Control Act; to create a fund; to provide penalties; and to provide an operative date.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Abboud	Barrett	Carsten	Chronister	DeCamp
Baack	Beyer	Chizek	Conway	Eret

Goll	Higgins	Lundy	Pappas	Scofield
Goodrich	Hoagland	Lynch	Peterson	Sieck
Haberman	Johnson, L.	Marsh	Pirsch	Smith
Hall	Johnson, R.	McFarland	Remmers	Vickers
Hannibal	Johnson, V.	Miller	Rogers	Warner
Harris	Labedz	Morehead	Rupp	Wesely
Hartnett	Lamb	Nelson	Schmit	Withem
Hefner	Landis	Nichol		

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 775A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 775, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Abboud	Goodrich	Johnson, L.	Miller	Rupp
Baack	Haberman	Johnson, R.	Morehead	Schmit
Barrett	Hall	Johnson, V.	Nelson	Scofield
Beyer	Hannibal	Labedz	Nichol	Sieck
Carsten	Harris	Lamb	Pappas	Smith
Chronister	Hartnett	Landis	Peterson	Vickers
Conway	Hefner	Lundy	Pirsch	Warner
DeCamp	Higgins	Lynch	Remmers	Wesely
Eret	Hoagland	Marsh	Rogers	Withem
Goll				

Voting in the negative, 0.

Present and not voting, 2:

Chizek McFarland

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 808.

A BILL FOR AN ACT relating to cities of the second class and villages; to amend section 17-938, Reissue Revised Statutes of Nebraska, 1943; to authorize the reclamation of certain cemetery lots and subdivisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Haberman	Johnson, R.	Miller	Rupp
Baack	Hall	Johnson, V.	Morehead	Schmit
Barrett	Hannibal	Labeledz	Nelson	Scofield
Beyer	Harris	Lamb	Nichol	Sieck
Carsten	Hartnett	Landis	Pappas	Smith
Chronister	Hefner	Lundy	Peterson	Vickers
Conway	Higgins	Lynch	Pirsch	Warner
DeCamp	Hoagland	Marsh	Remmers	Wesely
Goll	Johnson, L.	McFarland	Rogers	Withem
Goodrich				

Voting in the negative, 0.

Present and not voting, 2:

Chizek Eret

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 829.

A BILL FOR AN ACT relating to care management services for the elderly; to state intent; to provide powers and duties for the Department of Social Services, Department on Aging, and area agencies on aging; to provide for the establishment of long-term care management units; to provide for fees; to provide for reimbursement; and to create a fund.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Goodrich	Johnson, R.	Miller	Rupp
Baack	Haberman	Johnson, V.	Morehead	Schmit
Barrett	Hall	Labeledz	Nelson	Scofield
Beyer	Hannibal	Lamb	Nichol	Sieck
Carsten	Harris	Landis	Pappas	Smith
Chronister	Hartnett	Lundy	Peterson	Vickers
Conway	Hefner	Lynch	Pirsch	Warner
DeCamp	Higgins	Marsh	Remmers	Wesely
Eret	Hoagland	McFarland	Rogers	Withem
Goll	Johnson, L.			

Voting in the negative, 0.

Present and not voting, 1:

Chizek

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 829A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 829, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud	Goll	Hoagland	McFarland	Rogers
Baack	Goodrich	Johnson, L.	Miller	Rupp
Barrett	Haberman	Johnson, R.	Morehead	Scofield
Beyer	Hall	Johnson, V.	Nelson	Sieck
Carsten	Hannibal	Lamb	Nichol	Smith
Chronister	Harris	Landis	Pappas	Vickers
Conway	Hartnett	Lundy	Pirsch	Wesely
DeCamp	Hefner	Lynch	Remmers	Withem
Eret	Higgins	Marsh		

Voting in the negative, 0.

Present and not voting, 5:

Chizek	Labedz	Peterson	Schmit	Warner
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Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 850. With Emergency.

A BILL FOR AN ACT relating to economic development; to adopt the Research and Development Authority Act; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Abboud	Beyer	Chronister	Goll	Hall
Baack	Carsten	Conway	Goodrich	Hannibal
Barrett	Chizek	Eret	Haberman	Harris

Hefner	Labeledz	Miller	Pirsch	Smith
Higgins	Lamb	Morehead	Remmers	Vickers
Hoagland	Landis	Nelson	Rogers	Warner
Johnson, L.	Lundy	Nichol	Rupp	Wesely
Johnson, R.	Marsh	Pappas	Scofield	Withem
Johnson, V.	McFarland	Peterson	Sieck	

Voting in the negative, 0.

Present and not voting, 4:

DeCamp	Hartnett	Lynch	Schmit
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Excused and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 850A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 850, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Abboud	Goll	Johnson, R.	Morehead	Rupp
Baack	Goodrich	Johnson, V.	Nelson	Scofield
Barrett	Hall	Labeledz	Nichol	Sieck
Beyer	Hannibal	Lamb	Pappas	Smith
Carsten	Harris	Landis	Peterson	Vickers
Chizek	Hefner	Lundy	Pirsch	Warner
Chronister	Hoagland	Marsh	Remmers	Wesely
Conway	Johnson, L.	McFarland	Rogers	Withem
Eret				

Voting in the negative, 1:

Haberman

Present and not voting, 6:

DeCamp	Higgins	Lynch	Miller	Schmit
Hartnett				

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 878.

A BILL FOR AN ACT relating to social security numbers; to amend section 60-403, Reissue Revised Statutes of Nebraska, 1943; to require social security numbers on applications for motor vehicle operator's licenses for use as prescribed; to eliminate a requirement that social security numbers be used on operator's licenses and other documents; and to repeal the original section, and also section 68-633, Reissue Revised Statutes of Nebraska, 1943.

Mr. Schmit requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 25:

Baack	Eret	Hartnett	Morehead	Scofield
Chambers	Haberman	Higgins	Pappas	Sieck
Chronister	Hall	Labeledz	Remmers	Vickers
Conway	Hannibal	Landis	Rogers	Wesely
DeCamp	Harris	Miller	Schmit	Withem

Voting in the negative, 22:

Abboud	Goll	Johnson, R.	Lynch	Pirsch
Barrett	Goodrich	Johnson, V.	Marsh	Rupp
Beyer	Hefner	Lamb	Nelson	Smith
Carsten	Hoagland	Lundy	Nichol	Warner
Chizek	Johnson, L.			

Present and not voting, 2:

McFarland Peterson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 881.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-1240, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to tank vehicles; to provide for a duty in altering anhydrous ammonia tanks or containers as prescribed; to prohibit certain uses of anhydrous ammonia tanks or containers; to provide a penalty; to provide an exemption as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Abboud	Eret	Hoagland	Miller	Rupp
Baack	Goll	Johnson, L.	Morehead	Schmit
Barrett	Goodrich	Johnson, R.	Nelson	Scofield
Beyer	Haberman	Johnson, V.	Nichol	Sieck
Carsten	Hall	Labeledz	Pappas	Smith
Chambers	Hannibal	Lamb	Peterson	Vickers
Chizek	Harris	Lundy	Pirsch	Warner
Chronister	Hartnett	Lynch	Remmers	Wesely
Conway	Hefner	Marsh	Rogers	Withem
DeCamp	Higgins	McFarland		

Voting in the negative, 0.

Present and not voting, 1:

Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Withem asked unanimous consent to be excused until he returns.
No objections. So ordered.

LEGISLATIVE BILL 894.

A BILL FOR AN ACT relating to ground water; to amend sections 46-656 to 46-658, 46-659, 46-663, 46-666, 46-673, 46-673.03, 46-673.05, 46-673.07, 46-673.09, and 46-674, Reissue Revised Statutes of Nebraska, 1943; to provide for the control of contaminants in ground water; to state findings; to define terms; to provide powers and duties; to provide for special ground water quality protection areas; to provide a penalty; to harmonize provisions; and to repeal the original sections, and also section 46-658.01, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Abboud	Eret	Hoagland	Marsh	Rogers
Baack	Goll	Johnson, L.	McFarland	Rupp
Barrett	Goodrich	Johnson, R.	Morehead	Schmit
Beyer	Haberman	Johnson, V.	Nelson	Scofield
Carsten	Hall	Labedz	Nichol	Sieck
Chambers	Hannibal	Lamb	Pappas	Smith
Chizek	Harris	Landis	Peterson	Vickers
Chronister	Hartnett	Lundy	Pirsch	Warner
Conway	Hefner	Lynch	Remmers	Wesely
DeCamp	Higgins			

Voting in the negative, 0.

Present and not voting, 1:

Miller

Excused and not voting, 1:

Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 894A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 894, Eighty-ninth Legislature, Second Session, 1986; and to state intent relating to a report.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Abboud	Eret	Higgins	Lynch	Rogers
Baack	Goll	Hoagland	Marsh	Rupp
Beyer	Goodrich	Johnson, L.	McFarland	Schmit
Carsten	Haberman	Johnson, R.	Morehead	Scofield
Chambers	Hall	Johnson, V.	Nelson	Sieck
Chizek	Hannibal	Labeledz	Nichol	Smith
Chronister	Harris	Lamb	Pappas	Vickers
Conway	Hartnett	Landis	Pirsch	Warner
DeCamp	Hefner	Lundy	Remmers	Wesely

Voting in the negative, 0.

Present and not voting, 3:

Barrett	Miller	Peterson
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Excused and not voting, 1:

Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 900. With Emergency.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3901 to 2-3906, 2-3908 to 2-3912, 2-3914, 2-3915, 2-3917 to 2-3919, 2-3922 to 2-3925, 2-3928 to 2-3930, 2-3935, and 2-3938 to 2-3947, Reissue Revised Statutes of Nebraska, 1943; to harmonize internal references in the Nebraska Pasteurized Milk Law; to change a provision relating to the restriction of the sale of milk and milk products; to change a provision relating to regulatory functions

performed by political subdivisions; to define and redefine terms; to change provisions relating to the quality testing of milk, herd health requirements, storage, sanitation, and water requirements, and pasteurization; to provide a fee; to provide powers and duties for the Department of Agriculture; to eliminate provisions related to the sale of milk and cream; to harmonize provisions; to provide an operative date; to repeal the original sections, and also sections 2-3933, 81-258 to 81-261, and 81-263, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Abboud	Goll	Johnson, L.	McFarland	Rogers
Baack	Goodrich	Johnson, R.	Miller	Rupp
Barrett	Haberman	Johnson, V.	Morehead	Schmit
Beyer	Hannibal	Labeledz	Nelson	Scofield
Carsten	Harris	Lamb	Nichol	Sieck
Chizek	Hartnett	Landis	Pappas	Smith
Chronister	Hefner	Lundy	Peterson	Vickers
Conway	Higgins	Lynch	Pirsch	Wesely
DeCamp	Hoagland	Marsh	Remmers	Withem
Eret				

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Hall	Warner
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 900A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 900, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Abboud	Goll	Johnson, R.	Miller	Rupp
Baack	Goodrich	Johnson, V.	Morehead	Schmit
Barrett	Haberman	Labeledz	Nelson	Scofield
Beyer	Hannibal	Lamb	Nichol	Sieck
Carsten	Harris	Landis	Pappas	Smith
Chizek	Hartnett	Lundy	Peterson	Vickers
Chronister	Hefner	Lynch	Pirsch	Warner
Conway	Higgins	Marsh	Remmers	Wesely
DeCamp	Hoagland	McFarland	Rogers	Withem
Eret	Johnson, L.			

Voting in the negative, 0.

Present and not voting, 2:

Chambers Hall

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Carsten asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 929.

A BILL FOR AN ACT relating to governmental funds; to amend sections 43-648 and 79-4,160, Reissue Revised Statutes of Nebraska, 1943, sections 77-27,137.01 and 79-1333, Revised Statutes Supplement, 1984, and section 77-27,137, Revised Statutes Supplement, 1985; to provide duties for the State Treasurer and the Director of Administrative Services; to change provisions relating to the distribution of certain funds; to delete obsolete language; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Abboud	Goodrich	Johnson, R.	Miller	Rupp
Baack	Haberman	Johnson, V.	Morehead	Schmit
Barrett	Hall	Labedz	Nelson	Scofield
Beyer	Hannibal	Lamb	Nichol	Sieck
Chizek	Harris	Landis	Pappas	Smith
Chronister	Hartnett	Lundy	Peterson	Vickers
Conway	Hefner	Lynch	Pirsch	Warner
DeCamp	Higgins	Marsh	Remmers	Wesely
Eret	Hoagland	McFarland	Rogers	Withem
Goll	Johnson, L.			

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Carsten

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 930.

A BILL FOR AN ACT relating to the Director of Administrative Services; to amend section 77-2215, Reissue Revised Statutes of Nebraska, 1943, and sections 81-104.01 and 81-1117.01, Revised Statutes Supplement, 1984; to change provisions relating to issuance of duplicate warrants, establishment of petty cash funds, and processing of payroll vouchers; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Chronister	Goodrich	Hartnett	Johnson, R.
Baack	Conway	Haberman	Hefner	Johnson, V.
Barrett	DeCamp	Hall	Higgins	Labedz
Beyer	Eret	Hannibal	Hoagland	Lamb
Chizek	Goll	Harris	Johnson, L.	Landis

Lundy	Morehead	Pirsch	Schmit	Vickers
Lynch	Nelson	Remmers	Scofield	Warner
Marsh	Nichol	Rogers	Sieck	Wesely
McFarland	Pappas	Rupp	Smith	Withem
Miller	Peterson			

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Carsten

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 931.

A BILL FOR AN ACT relating to the Nebraska National Guard; to amend sections 85-506, 85-507, and 85-508, Reissue Revised Statutes of Nebraska, 1943, and section 85-505, Revised Statutes Supplement, 1984; to change provisions relating to the tuition credit allowed National Guard members and their families as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Abboud	Eret	Johnson, R.	Miller	Rogers
Baack	Goll	Johnson, V.	Morehead	Rupp
Barrett	Hall	Labedz	Nelson	Schmit
Beyer	Hannibal	Lamb	Nichol	Scofield
Chizek	Hartnett	Landis	Pappas	Sieck
Chronister	Hefner	Lundy	Peterson	Smith
Conway	Hoagland	Lynch	Pirsch	Warner
DeCamp	Johnson, L.	Marsh	Remmers	Withem

Voting in the negative, 5:

Goodrich Haberman Harris Vickers Wesely

Present and not voting, 3:

Chambers Higgins McFarland

Excused and not voting, 1:

Carsten

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 942.

A BILL FOR AN ACT relating to special education; to amend sections 43-611, 43-643, 43-646.02, 43-646.08, and 43-648, Reissue Revised Statutes of Nebraska, 1943, and section 43-649, Revised Statutes Supplement, 1985; to state intent; to provide for rules and regulations; to change provisions for reimbursement for costs related to certain handicapped children; to authorize cooperative agreements; to require certain pilot projects; to change and provide reporting requirements; to change provisions relating to preparation and review of plans and budgets; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Abboud	Goodrich	Johnson, R.	Miller	Rupp
Baack	Haberman	Johnson, V.	Morehead	Schmit
Barrett	Hall	Labeledz	Nelson	Scofield
Beyer	Hannibal	Lamb	Nichol	Sieck
Chizek	Harris	Landis	Pappas	Smith
Chronister	Hartnett	Lundy	Peterson	Vickers
Conway	Hefner	Lynch	Pirsch	Warner
DeCamp	Higgins	Marsh	Remmers	Wesely
Eret	Hoagland	McFarland	Rogers	Withem
Goll	Johnson, L.			

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Carsten

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 959.

A BILL FOR AN ACT relating to the Department of Economic Development; to require the department to issue a housing authority manual as prescribed; and to provide a fee.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Abboud	Goodrich	Johnson, R.	Miller	Rupp
Baack	Haberman	Johnson, V.	Morehead	Schmit
Barrett	Hall	Labeledz	Nelson	Scofield
Beyer	Hannibal	Lamb	Nichol	Sieck
Chizek	Harris	Landis	Pappas	Smith
Chronister	Hartnett	Lundy	Peterson	Vickers
Conway	Hefner	Lynch	Pirsch	Warner
DeCamp	Higgins	Marsh	Remmers	Wesely
Eret	Hoagland	McFarland	Rogers	Withem
Goll	Johnson, L.			

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Carsten

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 959A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 959, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Goll	Hoagland	Miller	Rupp
Baack	Goodrich	Johnson, L.	Morehead	Schmit
Barrett	Haberman	Johnson, V.	Nelson	Scofield
Beyer	Hall	Labeledz	Nichol	Sieck
Chizek	Hannibal	Lamb	Pappas	Smith
Chronister	Harris	Landis	Pirsch	Vickers
Conway	Hartnett	Lundy	Remmers	Wesely
DeCamp	Hefner	Marsh	Rogers	Withem
Eret	Higgins	McFarland		

Voting in the negative, 0.

Present and not voting, 5:

Chambers	Johnson, R.	Lynch	Peterson	Warner
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Excused and not voting, 1:

Carsten

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 963. With Emergency.

A BILL FOR AN ACT relating to credit unions; to amend section 21-17,120.01, Revised Statutes Supplement, 1985; to revise the power of credit unions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Abboud	Goodrich	Johnson, L.	Miller	Rupp
Baack	Haberman	Johnson, R.	Morehead	Schmit
Barrett	Hall	Johnson, V.	Nelson	Scofield
Beyer	Hannibal	Labedz	Nichol	Sieck
Chizek	Harris	Lamb	Pappas	Smith
Chronister	Hartnett	Landis	Peterson	Vickers
Conway	Hefner	Lynch	Pirsch	Warner
DeCamp	Higgins	Marsh	Remmers	Wesely
Eret	Hoagland	McFarland	Rogers	Withem
Goll				

Voting in the negative, 0.

Present and not voting, 2:

Chambers Lundy

Excused and not voting, 1:

Carsten

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 992, 992A, 68, 143, 174, 309, 318, 318A, 419, 461, 474, 474A, 563, 635, 765, 768, 768A, 771, 775, 775A, 808, 829, 829A, 850, 850A, 878, and 881.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 983. With Emergency.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-141, Reissue Revised Statutes of Nebraska, 1943, and section 8-157, Revised Statutes Supplement, 1985; to authorize a bank to amortize loan losses in certain instances as prescribed; to provide for renewal, extension, and servicing of certain loans within lending limits as prescribed; to change provisions relating to the establishment of auxiliary offices; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Abboud	Goll	Hoagland	Miller	Rupp
Baack	Goodrich	Johnson, L.	Morehead	Schmit
Barrett	Haberman	Johnson, R.	Nelson	Scofield
Beyer	Hall	Labeledz	Nichol	Sieck
Chizek	Hannibal	Lamb	Pappas	Smith
Chronister	Harris	Landis	Peterson	Vickers
Conway	Hartnett	Lundy	Pirsch	Warner
DeCamp	Hefner	Marsh	Remmers	Withem
Eret	Higgins	McFarland	Rogers	

Voting in the negative, 3:

Chambers Johnson, V. Wesely

Present and not voting, 1:

Lynch

Excused and not voting, 1:

Carsten

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Chronister asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 991.

A BILL FOR AN ACT relating to state statute books; to amend section 49-707, Reissue Revised Statutes of Nebraska, 1943; to provide for sale or disposal of superseded books; to eliminate a duty of the Secretary of State regarding such books; to repeal the original section, and also sections 49-510 and 49-511, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Goll	Johnson, L.	Miller	Rupp
Baack	Goodrich	Johnson, R.	Morehead	Schmit
Barrett	Haberman	Johnson, V.	Nelson	Scofield
Beyer	Hall	Labeledz	Nichol	Sieck
Chambers	Hannibal	Lamb	Pappas	Smith
Chizek	Hartnett	Landis	Peterson	Vickers
Conway	Hefner	Lundy	Pirsch	Warner
DeCamp	Higgins	Marsh	Remmers	Wesely
Eret	Hoagland	McFarland	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 2:

Harris Lynch

Excused and not voting, 2:

Carsten Chronister

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 993.

A BILL FOR AN ACT relating to the Legislature; to repeal provisions relating to the engrossing and enrolling clerk, the office of the Nebraska Unicameral Research Institute, and the Legislative Council Executive Director; to eliminate a certain committee report; to eliminate certain powers and duties relating to the Nebraska Gasohol and Energy Development Act; and to repeal sections 50-118,

50-127, 50-401.02, 50-401.03, 50-426 to 50-429, 66-817, and 66-818, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Goodrich	Johnson, L.	McFarland	Rupp
Baack	Haberman	Johnson, R.	Morehead	Schmit
Barrett	Hall	Johnson, V.	Nelson	Scofield
Beyer	Hannibal	Labeledz	Nichol	Sieck
Chambers	Harris	Lamb	Pappas	Smith
Chizek	Hartnett	Landis	Peterson	Vickers
Conway	Hefner	Lundy	Pirsch	Warner
DeCamp	Higgins	Lynch	Remmers	Wesely
Eret	Hoagland	Marsh	Rogers	Withem
Goll				

Voting in the negative, 0.

Present and not voting, 1:

Miller

Excused and not voting, 2:

Carsten Chronister

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 994.

A BILL FOR AN ACT relating to the statutes; to amend section 49-702, Reissue Revised Statutes of Nebraska, 1943; to delete provisions governing the 1943 Statute Commission; to delete a provision relating to pocket parts to the statutes; and to repeal the original section, and also sections 49-601 to 49-616, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Goll	Hoagland	McFarland	Rupp
Baack	Goodrich	Johnson, L.	Morehead	Schmit
Barrett	Haberman	Johnson, R.	Nelson	Scofield
Beyer	Hall	Johnson, V.	Nichol	Sieck
Chambers	Hannibal	Lamb	Peterson	Smith
Chizek	Harris	Landis	Pirsch	Vickers
Conway	Hartnett	Lundy	Remmers	Warner
DeCamp	Hefner	Marsh	Rogers	Wesely
Eret	Higgins			

Voting in the negative, 0.

Present and not voting, 5:

Labeledz	Lynch	Miller	Pappas	Withem
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Excused and not voting, 2:

Carsten	Chronister
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Messrs. Pappas and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 996.

A BILL FOR AN ACT relating to the Legislature; to amend sections 50-405, 50-416, 50-418, 50-419, and 50-419.01, Reissue Revised Statutes of Nebraska, 1943; to change references to the Budget Committee of the Legislature; to delete obsolete language; to delete references to the Legislative Council Budget Committee; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Baack	Barrett	Beyer	Chambers
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Chizek	Hannibal	Johnson, V.	Morehead	Schmit
Conway	Harris	Labeledz	Nelson	Scofield
DeCamp	Hartnett	Lamb	Nichol	Sieck
Eret	Hefner	Landis	Peterson	Smith
Goll	Higgins	Lundy	Pirsch	Vickers
Goodrich	Hoagland	Lynch	Remmers	Warner
Haberman	Johnson, L.	Marsh	Rogers	Wesely
Hall	Johnson, R.	McFarland	Rupp	

Voting in the negative, 0.

Present and not voting, 1:

Miller

Excused and not voting, 4:

Carsten Chronister Pappas Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1005.

A BILL FOR AN ACT relating to insurance; to amend sections 44-2824, 44-2825, 44-2827, 44-2829, 44-2832, and 44-2833, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the Nebraska Hospital-Medical Liability Act, health care providers, claims, and liability limits; to provide for the legal defense of a fund; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Abboud	Goll	Higgins	Lundy	Peterson
Baack	Goodrich	Hoagland	Lynch	Pirsch
Barrett	Haberman	Johnson, L.	Marsh	Remmers
Beyer	Hall	Johnson, R.	McFarland	Rogers
Chizek	Hannibal	Johnson, V.	Miller	Rupp
Conway	Harris	Labeledz	Morehead	Schmit
DeCamp	Hartnett	Lamb	Nelson	Scofield
Eret	Hefner	Landis	Nichol	Sieck

Smith Vickers Warner Wesely

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 4:

Carsten Chronister Pappas Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Messrs. L. Johnson, Hartnett, and Mrs. Labedz asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 1008.

A BILL FOR AN ACT relating to environmental control; to amend sections 81-1502, 81-1505, and 81-1531.02, Revised Statutes Supplement, 1984; to define a term; to provide for additional considerations in adopting regulations as prescribed; to change provisions relating to uranium mining as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Abboud	Goll	Hoagland	McFarland	Schmit
Baack	Goodrich	Johnson, R.	Morehead	Scofield
Barrett	Haberman	Johnson, V.	Nelson	Sieck
Beyer	Hall	Lamb	Nichol	Smith
Chambers	Hannibal	Landis	Peterson	Vickers
Chizek	Harris	Lundy	Remmers	Warner
Conway	Hefner	Lynch	Rogers	Wesely
DeCamp	Higgins	Marsh	Rupp	Withem
Eret				

Voting in the negative, 0.

Present and not voting, 2:

Miller Pirsch

Excused and not voting, 6:

Carsten Hartnett Johnson, L. Labedz Pappas
Chronister

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Override Veto on LB 516

Messrs. Hoagland, Baack, and Barrett moved that LB 516 become law notwithstanding the objections of the Governor.

Laid over.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 894, 894A, 900, 900A, 929, 930, 931, 942, 959, 959A, 963, 983, 991, 993, 994, 996, 1005, and 1008.

VISITORS

Visitors to the Chamber were six 5th and 6th grade students and teacher from Trumble Elementary; 15 seniors and sponsor from Elmwood High School; 55 women from the Dawson County Extension Club, Lexington; 30 women from the Clay Center Extension group; and Jane Fox, David Brandt, and Robert Hunt from Kearney State College.

RECESS

At 11:59 a.m., on a motion by Mr. Hall, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:34 p.m., Mr. Carsten presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Chronister, R. Johnson, Lamb, Schmit, and Mrs. Labedz who were excused until they arrive.

APPROPRIATIONS COMMITTEE REPORT ON LB 1251 AND LB 1252

Pursuant to Rule 6, Section 14, the Appropriations Committee has reviewed the Governor's line item vetoes of LB 1251 and LB 1252. Pursuant to their review, the Appropriations Committee by majority vote recommends that the Legislature override the line item reductions in the amounts noted in the attached listing titled "Appropriations Committee Veto Override Recommendations."

(Signed) Jerome Warner, Chairperson

MOTION - Override Veto on LB 1251

The Appropriations Committee moved the following overrides of the Governor's line item vetoes of LB 1251:

1. Section 10, page 18, subsection (8), lines 3 and 5; page 19, subsection (12) lines 22 and 25; page 20, subsection (13), lines 8 and 11.
2. Section 15, page 28, subsections (3) and (4), lines 13, 16, 21 and 24.
3. Section 17, page 34, subsections (4) and (5), lines 3, 6, 20 and 22.
4. Section 20, page 38, subsection (3), lines 12 and 14.
5. Section 22, page 42, subsection (3), lines 1, 3 and 8; page 43, subsection (5) and (6) lines 3, 6, 11, 15, 19 and 23, and page 44, subsection (6), line 1.
6. Section 23, page 51, subsection (3), line 24; page 52, subsection (3) line 2; page 56, subsection (6) lines 15 and 18.
7. Section 31, page 66, subsection (2) lines 8 and 11.
8. Section 45, page 76, lines 24 and 25.

9. Section 46, page 78, subsection (1) lines 4 and 8; page 79, subsection (2) lines 21 and 25; page 81, subsection (3), lines 20 and 24; page 83, subsection (4), lines 7 and 11.

10. Section 47, page 85, subsection (1), lines 4 and 6; page 89, subsection (2) lines 5, 6, 21 and 22, and on page 90, lines 4 and 9; page 90, subsection (3) and (4) lines 15, 16, 24 and 25; and on page 91, subsection (4) line 5.

11. Section 62, page 107, lines 9 and 12.

12. Section 63, page 108, lines 14 and 15.

13. Section 73, page 119, lines 20 and 21.

14. Section 75, page 120, subsection (1) lines 19 and 22.

15. Section 9, page 12, subsection (3) lines 2, 3 and 5.

Mr. V. Johnson requested a division of the question on the Appropriations Committee motion.

The Chair sustained the division of the question.

The first Appropriations Committee motion is as follows:

We move the following overrides of the Governor's line item vetoes of LB 1251:

1. Section 10, page 18, subsection (8), lines 3 and 5; page 19, subsection (12) lines 22 and 25; page 20, subsection (13), lines 8 and 11.

2. Section 15, page 28, subsections (3) and (4), lines 13, 16, 21 and 24.

3. Section 17, page 34, subsections (4) and (5), lines 3, 6, 20 and 22.

4. Section 20, page 38, subsection (3), lines 12 and 14.

5. Section 22, page 42, subsection (3), lines 1, 3 and 8; page 43, subsection (5) and (6) lines 3, 6, 11, 15, 19 and 23, and page 44, subsection (6), line 1.

6. Section 23, page 51, subsection (3), line 24; page 52, subsection (3) line 2; page 56, subsection (6) lines 15 and 18.

7. Section 31, page 66, subsection (2) lines 8 and 11.
8. Section 45, page 76, lines 24 and 25.
9. Section 46, page 78, subsection (1) lines 4 and 8; page 79, subsection (2) lines 21 and 25; page 81, subsection (3), lines 20 and 24; page 83, subsection (4), lines 7 and 11.
10. Section 47, page 85, subsection (1), lines 4 and 6; page 89, subsection (2) lines 5, 6, 21 and 22, and on page 90, lines 4 and 9; page 90, subsection (3) and (4) lines 15, 16, 24 and 25; and on page 91, subsection (4) line 5.
11. Section 62, page 107, lines 9 and 12.
12. Section 63, page 108, lines 14 and 15.
13. Section 73, page 119, lines 20 and 21.
14. Section 75, page 120, subsection (1) lines 19 and 22.

SPEAKER NICHOL PRESIDING

Mr. Carsten asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Whereupon the President stated: "The question shall be, 'Shall LB 1251 pass notwithstanding the line-item veto of the Governor as stated above?'"

Voting in the affirmative, 37:

Baack	Goodrich	Johnson, V.	Morehead	Scofield
Barrett	Haberman	Landis	Nelson	Sieck
Chambers	Hannibal	Lundy	Nichol	Smith
Chizek	Harris	Lynch	Pappas	Vickers
Chronister	Hartnett	Marsh	Peterson	Warner
Conway	Higgins	McFarland	Remmers	Wesely
Eret	Hoagland	Miller	Rogers	Withem
Goll	Johnson, L.			

Voting in the negative, 9:

Abboud	DeCamp	Hefner	Lamb	Rupp
Beyer	Hall	Labedz	Pirsch	

Excused and not voting, 3:

Carsten Johnson, R. Schmit

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item veto of the Governor.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 14, 1986, at 1:55 p.m., were the following bills: 992, 992A, 68, 143, 174, 309, 318, 318A, 419, 461, 474, 474A, 563, 635, 765, 768, 768A, 771, 775, 775A, 808, 829, 829A, 850, 850A, 878, 881, 894, 894A, 900, 900A, 929, 930, 931, 942, 959, 959A, 963, 983, 991, 993, 994, 996, 1005, and 1008.

(Signed) Pam Moravec, Enrolling Clerk

MOTION - Override Veto on LB 1129

Mr. Chambers moved that LB 1129 be passed notwithstanding the objections of the governor.

Laid over.

MOTION - Override Veto on LB 1251

The second Appropriations Committee motion is as follows:

We move the following overrides of the Governor's line item vetoes of LB 1251:

15. Section 9, page 12, subsection (3) lines 2, 3 and 5.

Mr. Conway moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 11 nays, and 13 not voting.

Whereupon the President stated: "The question shall be, 'Shall LB 1251 pass notwithstanding the line-item veto of the Governor as stated above?' "

Voting in the affirmative, 35:

Baack	Goll	Johnson, L.	McFarland	Rogers
Barrett	Goodrich	Johnson, R.	Miller	Scofield
Beyer	Haberman	Lamb	Nelson	Sieck
Chambers	Hannibal	Landis	Nichol	Smith
Chizek	Hartnett	Lundy	Pappas	Vickers
Chronister	Hefner	Lynch	Peterson	Warner
Conway	Higgins	Marsh	Remmers	Withem

Voting in the negative, 12:

Abboud	Hall	Johnson, V.	Morehead	Rupp
DeCamp	Harris	Labeledz	Pirsch	Wesely
Eret	Hoagland			

Excused and not voting, 2:

Carsten Schmit

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item veto of the Governor.

The Appropriations Committee moved the following overrides of the Governor's veto of LB 1251:

- (1) Section 10, subsection (4), page 15, lines 5, 7, 9, 10, 15, 16 and 21 and on page 16, lines 1 and 16. (Agency 13, Program 14 - State Aid And School Services)
- (2) Section 74, page 120, lines 3, 4 and 6. (Agency 83, Program 051 - Aid to Technical Community Colleges)

Mr. V. Johnson requested a division of the question on the Appropriations Committee motion.

The Chair sustained the division of the question.

The first Appropriations Committee motion is as follows:

We move the following overrides of the Governor's line item vetos of LB 1251:

(1) Section 10, Subsection (4), page 15, lines 5, 7, 9, 10, 15, 16 and 21 and on page 16, lines 1 and 16. (Agency 13, Program 14 - State Aid And School Services)

PRESIDENT MCGINLEY PRESIDING

Mr. Lundy moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Whereupon the President stated: "The question shall be, 'Shall LB 1251 pass notwithstanding the line-item veto of the Governor as stated above?'"

Voting in the affirmative, 36:

Baack	Haberman	Johnson, V.	Morehead	Scofield
Barrett	Hannibal	Landis	Nelson	Sieck
Beyer	Harris	Lundy	Nichol	Smith
Chizek	Hartnett	Lynch	Pappas	Vickers
Chronister	Hoagland	Marsh	Pirsch	Warner
Conway	Johnson, L.	McFarland	Remmers	Wesely
Goll	Johnson, R.	Miller	Rogers	Withem
Goodrich				

Voting in the negative, 9:

Abboud	Eret	Hefner	Labeledz	Rupp
DeCamp	Hall	Higgins	Lamb	

Present and not voting, 2:

Chambers Peterson

Excused and not voting, 2:

Carsten Schmit

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item veto of the Governor.

The second Appropriations Committee motion is as follows:
We move the following overrides of the Governor's veto of LB 1251:

(2) Section 74, page 120, lines 3, 4 and 6. (Agency 83, Program 051-Aid to Technical Community Colleges)

Mr. R. Johnson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Nichol moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Nichol requested a roll call vote on the motion to override.

Whereupon the President stated: "The question shall be, 'Shall LB 1251 pass notwithstanding the line-item veto of the Governor as stated above?'"

Voting in the affirmative, 30:

Baack	Eret	Johnson, R.	Nelson	Sieck
Barrett	Goll	Landis	Nichol	Smith
Chambers	Haberman	Lynch	Pappas	Vickers
Chizek	Harris	Marsh	Remmers	Warner
Chronister	Higgins	Miller	Rupp	Wesely
Conway	Johnson, L.	Morehead	Scofield	Withem

Voting in the negative, 14:

Abboud	Goodrich	Hoagland	Lamb	Rogers
Beyer	Hall	Johnson, V.	McFarland	Schmit
DeCamp	Hefner	Labeledz	Pirsch	

Present and not voting, 4:

Hannibal	Hartnett	Lundy	Peterson
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Excused and not voting, 1:

Carsten

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item veto of the Governor.

The Chair declared the call raised.

The Appropriations Committee moved the following overrides of the Governor's veto of LB 1251:

(1) Section 24, subsection (3), page 58, lines 1, 3 and 7. (Agency 27, Program 569-Construction)

(2) Section 49, subsection (2), page 94, lines 5, 7 and 12. (Agency 55, Program 303-State Aid Small Watersheds)

Mr. Pappas requested a division of the question on the Appropriations Committee motion.

The Chair sustained the division of the question.

The first Appropriations Committee motion is as follows:

We move the following overrides of the Governor's veto of LB 1251:

(1) Section 24, subsection (3), page 58, lines 1, 3 and 7. (Agency 27, Program 569-Construction)

Whereupon the President stated: "The question shall be, 'Shall LB 1251 pass notwithstanding the line-item veto of the Governor as stated above?'"

Voting in the affirmative, 32:

Baack	Hall	Johnson, V.	Morehead	Scofield
Barrett	Hannibal	Landis	Nelson	Sieck
Chambers	Harris	Lynch	Nichol	Smith
Chizek	Hartnett	Marsh	Pappas	Warner
Eret	Higgins	McFarland	Pirsch	Wesely
Goll	Hoagland	Miller	Remmers	Withem
Goodrich	Johnson, L.			

Voting in the negative, 12:

Abboud	Haberman	Lamb	Rogers	Schmit
Conway	Hefner	Peterson	Rupp	Vickers
DeCamp	Labeledz			

Present and not voting, 4:

Beyer	Chronister	Johnson, R.	Lundy
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Excused and not voting, 1:

Carsten

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item veto of the Governor.

The second Appropriations Committee motion is as follows:

We move the following overrides of the Governor's veto of LB 1251: (2) Section 49, subsection (2), page 94, lines 5, 7 and 12. (Agency 55, Program 303-State Aid Small Watersheds)

Whereupon the President stated: "The question shall be, 'Shall LB 1251 pass notwithstanding the line-item veto of the Governor as stated above?'"

Voting in the affirmative, 31:

Baack	Goodrich	Johnson, L.	Miller	Rupp
Barrett	Hannibal	Lamb	Morehead	Scofield
Beyer	Hartnett	Landis	Nichol	Sieck
Carsten	Hefner	Lundy	Pappas	Vickers
Chronister	Higgins	Lynch	Remmers	Warner
Eret	Hoagland	Marsh	Rogers	Withem
Goll				

Voting in the negative, 12:

Abboud	Haberman	Johnson, V.	Peterson	Schmit
Conway	Hall	Labeledz	Pirsch	Wesely
DeCamp	Harris			

Present and not voting, 6:

Chambers	Johnson, R.	McFarland	Nelson	Smith
Chizek				

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item veto of the Governor.

The Appropriations Committee moved the following overrides of the Governor's veto of LB 1251:

(1) Section 22, subsection (7), page 44, lines 6, 7, 17, 21, 23; on page 45, lines 2, 4, 8, 10, 14, 16, 20, 22; on page 46, lines 1, 3, 7. (Agency 25, Program 424 - Community Mental Retardation)
 (2) Section 35, page 70, lines 20 and 22 (Agency 38 - Commission on Status of Women)

(3) Section 61, page 107, lines 2, 3 and 5 (Agency 68 - Commission on Mexican-Americans)

(4) Section 65, subsection 4, page 110, lines 22, 23 and 25 (Agency 72, Program 584 - Commission on Indian Affairs)

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hefner requested a division of the question on the Appropriations Committee motion.

The Chair sustained the division of the question.

The first Appropriations Committee motion is as follows:

We move the following overrides of the Governor's veto of LB 1251:

(1) Section 22, subsection (7), page 44, lines 6, 7, 17, 21, 23; on page 45, lines 2, 4, 8, 10, 14, 16, 20, 22; on page 46, lines 1, 3, 7. (Agency 25, Program 424 - Community Mental Retardation)

Mr. Warner moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

Mrs. Marsh requested a roll call vote on the motion to override.

Whereupon the President stated: "The question shall be, 'Shall LB 1251 pass notwithstanding the line-item veto of the Governor as stated above?'"

Voting in the affirmative, 31:

Baack	Conway	Higgins	Miller	Scofield
Barrett	Eret	Hoagland	Nelson	Sieck
Beyer	Goodrich	Lamb	Nichol	Smith
Carsten	Haberman	Landis	Pappas	Vickers
Chambers	Harris	Marsh	Remmers	Warner
Chizek	Hartnett	McFarland	Rogers	Wesely
Chronister				

Voting in the negative, 16:

Abboud	Hannibal	Johnson, V.	Morehead	Rupp
DeCamp	Hefner	Labeledz	Peterson	Schmit
Goll	Johnson, L.	Lundy	Pirsch	Withem
Hall				

Present and not voting, 1:

Johnson, R.

Excused and not voting, 1:

Lynch

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item veto of the Governor.

The Chair declared the call raised.

The second Appropriations Committee motion is as follows:

We move the following overrides of the Governor's veto of LB 1251:

(2) Section 35, page 70, lines 20 and 22 (Agency 38 - Commission on Status of Women)

(3) Section 61, page 107, lines 2, 3 and 5 (Agency 68 - Commission on Mexican-Americans)

(4) Section 65, subsection 4, page 110, lines 22, 23 and 25 (Agency 72, Program 584 - Commission on Indian Affairs)

Mrs. Marsh moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mrs. Marsh requested a roll call vote on the motion to override.

Whereupon the President stated: "The question shall be, 'Shall LB 1251 pass notwithstanding the line-item veto of the Governor as stated above?' "

Voting in the affirmative, 27:

Baack	Hall	Landis	Nichol	Smith
Carsten	Harris	Marsh	Pappas	Vickers
Chambers	Hartnett	McFarland	Schmit	Warner
Chizek	Higgins	Miller	Scofield	Wesely
Conway	Hoagland	Nelson	Sieck	Withem
Eret	Johnson, V.			

Voting in the negative, 19:

Abboud	Chronister	Goll	Haberman	Hefner
Barrett	DeCamp	Goodrich	Hannibal	Johnson, L.

Labeledz	Lundy	Peterson	Remmers	Rupp
Lamb	Morehead	Pirsch	Rogers	

Present and not voting, 2:

Beyer Johnson, R.

Excused and not voting, 1:

Lynch

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

The Chair declared the call raised.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 311.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 311

The following changes, required to be reported for publication in the Journal, have been made:

ER0247

1. In the Abboud amendment, AM2942, adopted April 8, 1986:

a. Amendment 1 has been incorporated into the Harris amendment, AM2829 with the following changes: On page 5, line 22, "operative" has been struck and "effective" inserted; and on page 6, lines 4 to 5, "Nebraska School Employees Retirement System" has been struck and "school retirement system of the State of Nebraska" inserted; in line 6 "or under the school retirement system established pursuant to section 79-1033" has been inserted after "state"; in line 7 "or retirement system" has been inserted after "state"; and in line 18 "operative" has been struck and "effective" inserted; and

b. Amendment 3 has been struck.

2. The amendment of section 84-1317 by the Wesely amendment, AM2590, has been incorporated into the Harris amendment, AM2829.

3. In the Harris amendment, AM2829, adopted April 8, 1986:

- a. On page 12, line 10, "is to" has been struck and "shall" inserted;
- b. On page 15, line 18, the second comma has been struck;
- c. On page 16, line 19, "survivors" has been struck, shown as stricken, and "survivors" inserted;
- d. On page 27, line 2, "on the" has been inserted after "or"; and in line 9 "factors" has been struck and "factor" inserted;
- e. On page 36, line 15; and page 37, line 7, the comma has been struck and shown as stricken;
- f. On page 37, line 11, "; and every" has been struck, shown as stricken, and ". Every" inserted;
- g. On page 39, line 2, the new matter has been struck and ", except" inserted and "that the" has been reinstated;
- h. On page 41, line 5, an underscored comma has been inserted after "disability"; and in line 18 the comma has been struck and shown as stricken;
- i. On page 42, line 9, the comma has been struck and shown as stricken;
- j. On page 43, line 17, an underscored comma has been inserted after the first "board";
- k. On page 45, line 20; and page 50, line 1, the second comma has been struck;
- l. On page 47, line 21, "year" has been inserted after "calendar";
- m. On page 49, line 21, "the" has been reinstated; and in line 22 "sections 84-1301 to 84-1331" has been struck, shown as stricken, and "State Employees Retirement Act" has been inserted;
- n. Section 33 and all amendments thereto have been struck and the following new section inserted:
 "Sec. 43. That original sections 23-2315, 24-704, 24-708, 24-710, 79-1514, 79-1522, 79-1532, 79-1552, 79-1556, 79-1565, 81-1325, 81-2022, 81-2025, 81-2026, 81-2031, 81-2032, 84-1322, 84-1324, and 84-1502, Reissue Revised Statutes of Nebraska, 1943, sections 23-2319, 24-701, 79-1521, 84-1301, 84-1307, 84-1311, 84-1317, 84-1319, 84-1320, 84-1321, 84-1332, and 84-1503, Revised Statutes Supplement, 1984, and sections 23-2301, 23-2310, 23-2312, 23-2317, 23-2322, and 79-1501, Revised Statutes Supplement, 1985, are repealed."; and
- o. Amendment 2 has been struck.

4. E & R amendment 2, AM5392, adopted April 8, 1986, has been struck.

5. In the Standing Committee amendments, AM2224, adopted March 17, 1986:

a. Section 3 has been incorporated into section 32 of the Harris amendment, AM2829; and

b. Section 4 and all amendments thereto have been struck.

6. On page 1, lines 3 through 14 have been struck and the following has been inserted "23-2315, 24-704, 24-708, 24-710, 79-1514, 79-1522, 79-1532, 79-1552, 79-1556, 79-1565, 81-1325, 81-2022, 81-2025, 81-2026, 81-2031, 81-2032, 84-1322, 84-1324, and 84-1502, Reissue Revised Statutes of Nebraska, 1943, sections 23-2319, 24-701, 79-1521, 84-1301, 84-1307, 84-1311, 84-1317, 84-1319, 84-1320, 84-1321, 84-1332, and 84-1503, Revised Statutes Supplement, 1984, and sections 23-2301, 23-2310, 23-2312, 23-2317, 23-2322, and 79-1501, Revised Statutes Supplement, 1985; to provide for a preretirement planning program; to define and redefine terms; to change provisions relating to employee retirement plans and the administration of such plans; to provide powers for and limit duties of the Public Employees Retirement Board; to provide for nonalienation of benefits; to provide exceptions; to provide when benefits begin; to provide for access to certain information; to provide an opportunity for certain employees to change retirement systems as prescribed; to change requirements for certain benefits; to change membership provisions; to change the early retirement age; to harmonize provisions; to repeal the original sections; and to declare an emergency."

(Signed) Mary E. Sommermeyer
E & R Attorney

MESSAGES FROM THE GOVERNOR

April 10, 1986

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointments to the Board of Public Roads Classifications and Standards requiring legislative confirmation:

Appointees:

Robert J. Stutzman, Department of Roads, P.O. Box 94759, Lincoln, NE 68509, 474-4987, Term: 4/10/86 to 11/3/89, Succeeds: is reappointed.

R. Doyle Hanson, Box 26, Newcastle, NE 68757, 355-2322, Term: 4/10/86 to 11/3/89, Succeeds: Heasty Reesman, deceased.

William D. Lindholm, Saunders County Highway Superintendent, Courthouse, Wahoo, NE 68066, 443-4281, Term: 4/10/86 to 11/3/89, Succeeds: is reappointed.

Patricia L. Peterson, 140 West Hawthorne, Minden, NE 68959, (308)832-1984, Term: 4/10/86 to 11/3/87, Succeeds: R. Doyle Hansen.

Marvin Athey, 919 Douglas, Imperial, NE 69033, (308)882-5151, Term: 4/10/86 to 11/3/89, Succeeds: is reappointed.

These appointments are respectfully submitted for your consideration.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/mr

cc: Staff Assistant to the Governor
Accountability and Disclosure Commission
Department of Administrative Services
Department of Roads

April 10, 1986

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

This is to inform the honorable members of the Legislature that I have made the following appointment to the Nebraska Commission on the Hearing Impaired requiring legislative confirmation:

Appointee:

Arthur Nelson, 9659 Suffolk Place, #124, Omaha, NE 68127,
Term: 4/10/86 to 1/31/92, Succeeds: Beverly Steskal, term expired.

This appointment is respectfully submitted for your consideration.

Sincerely,
 (Signed) ROBERT KERREY
 Governor

RK/mr

cc: Staff Assistant to the Governor
 Accountability and Disclosure Commission
 Department of Administrative Services
 Nebraska Commission for the Hearing Impaired

MOTION - Override Veto on LB 1251

Mr. Pappas moved to override the Governor's Line Item Veto of Aid to Municipalities in LB 1251, Section 9 Subsection (2) p. 11. line 18, 19 and 21. In the amount of \$486,764.00

Whereupon the President stated: "The question shall be, 'Shall LB 1251 pass notwithstanding the line item veto of the Governor as stated above?'"

Voting in the affirmative, 8:

Chronister	Hartnett	McFarland	Rogers	Smith
Haberman	Marsh	Pappas		

Voting in the negative, 28:

Baack	DeCamp	Harris	Nelson	Scofield
Barrett	Eret	Hoagland	Peterson	Vickers
Beyer	Goll	Johnson, L.	Pirsch	Warner
Chambers	Goodrich	Johnson, V.	Remmers	Wesely
Chizek	Hall	Labeledz	Rupp	Withem
Conway	Hannibal	Lamb		

Present and not voting, 12:

Abboud	Higgins	Lundy	Morehead	Schmit
Carsten	Johnson, R.	Miller	Nichol	Sieck
Hefner	Landis			

Excused and not voting, 1:

Lynch

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the line item veto of the Governor.

Mr. Hall moved to override the governor's veto of Section 30, page 64, subs. (2), (3) and (4) lines, 6, 8, 12, 14, 19 and 21; page 65, subsections (5) and (6), lines 1, 3, 8 and 10.

Mrs. Higgins asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Harris moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Hall moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Hall requested a roll call vote on the motion to override.

Whereupon the President stated: "The question shall be, 'Shall LB 1251 pass notwithstanding the line item veto of the Governor as stated above?' "

Voting in the affirmative, 10:

Baack	Conway	Johnson, V.	Pappas	Rupp
Chambers	Hall	Lynch	Rogers	Withem

Voting in the negative, 30:

Abboud	Goodrich	Johnson, L.	Miller	Schmit
Barrett	Hannibal	Johnson, R.	Morehead	Scofield
Beyer	Harris	Lamb	Nelson	Sieck
Carsten	Hartnett	Landis	Peterson	Vickers
DeCamp	Hefner	Lundy	Pirsch	Warner
Goll	Hoagland	Marsh	Remmers	Wesely

Present and not voting, 7:

Chizek	Eret	Labeledz	McFarland	Smith
Chronister	Haberman			

Excused and not voting, 2:

Higgins Nichol

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the line item veto of the Governor.

MOTION - Suspend Rules

Mr. DeCamp moved to suspend the rules, Rule 6, Section 11, and direct the Clerk to deliver LB 1251 to the Secretary of State.

Mr. DeCamp withdrew his pending motion.

MOTION - Override Veto on LB 1251

Messrs. R. Johnson and Schmit moved to override the Governor's line-item veto of the Nebraska Resources Development Fund (Program No. 307 of Agency 55) by restoring Sec. 49 (5) of LB 1251, page 95, lines 12, 14 and 19.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. R. Johnson moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. R. Johnson requested a roll call vote on the motion to override.

Whereupon the President stated: "The question shall be, 'Shall LB 1251 pass notwithstanding the line item veto of the Governor as stated above?' "

Voting in the affirmative, 18:

Baack	Eret	Marsh	Remmers	Sieck
Beyer	Johnson, R.	Miller	Rogers	Smith
Chizek	Lamb	Nelson	Schmit	Vickers
Conway	Lynch	Pappas		

Voting in the negative, 23:

Abboud	DeCamp	Hall	Hefner	Johnson, V.
Barrett	Goll	Hannibal	Hoagland	Labeledz
Carsten	Goodrich	Harris	Johnson, L.	Landis

Lundy	Morehead	Scofield	Wesely	Withem
McFarland	Rupp	Warner		

Present and not voting, 5:

Chambers	Chronister	Hartnett	Peterson	Pirsch
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Excused and not voting, 3:

Haberman	Higgins	Nichol
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Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the line item veto of the Governor.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 437.

Introduced by Lynch, 13th District.

WHEREAS, the Eighty-ninth Legislature of the State of Nebraska has enacted Legislative Bill 1250, restricting state and University of Nebraska employees' rights to bargain collectively concerning wage rates; and

WHEREAS, the restriction upon collective bargaining for university employees prevents employee organizations from petitioning the Nebraska Commission of Industrial Relations to resolve disputes over wages; and

WHEREAS, state employees will receive a three per cent salary increase for fiscal year 1986-87; and

WHEREAS, the 1986-87 Legislature cannot constitutionally insure that all university employees will be granted a three per cent salary increase; and

WHEREAS, in fiscal year 1984-85, the university did not establish uniform pay increases for employees of all campuses.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature expresses a desire that all University of Nebraska employees be granted pay increases in accordance with the percentage established in Legislative Bill 1250.

2. That a copy of this resolution be presented to the University of Nebraska Board of Regents.

Laid over.

LEGISLATIVE RESOLUTION 438.

Introduced by Higgins, 9th District.

WHEREAS, LeggOOns, a national leader in beachwear manufacturing located at 1105 Farnam Street in Omaha and doing business as TARMAC Enterprises, has had sales grow from \$175,000 in 1984, their first full year, to more than \$3,100,000 last year, and has a projected \$16,000,000 in sales for this year; and

WHEREAS, Thomas Ryan and Michael Kofoed, Omaha natives and owners-managers of LeggOOns, and Michael Scherr, owner-investor, have brought to Nebraska a unique, prosperous, business enterprise; and

WHEREAS, LeggOOns has fifteen full-time employees and has several other manufacturing contracts throughout the state; and

WHEREAS, in a time when the State of Nebraska is trying to promote economic development in the state, LeggOOns offers a perfect example of how successful, imaginative and innovative entrepreneurs can succeed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Thomas Ryan, Michael Kofoed, and Michael Scherr on their outstanding success.

2. That the Legislature commends these young men for their initiative and hard work in promoting an unconventional type of business in this state.

3. That a copy of this resolution be sent to Thomas Ryan, Michael Kofoed, and Michael Scherr.

Laid over.

LEGISLATIVE RESOLUTION 439.

Introduced by Withem, 14th District; Beyer, 3rd District; Vickers, 38th District; Hartnett, 45th District.

WHEREAS, Paul Basler will be retiring as superintendent for Papillion-La Vista Public Schools on July 1, 1986; and

WHEREAS, Paul Basler has had one of the longest active terms of service as a superintendent in Nebraska schools; and

WHEREAS, Paul Basler has served twenty-two years as a superintendent in Papillion-La Vista schools and seventeen years in other Nebraska schools; and

WHEREAS, Paul Basler supervised the growth of the Papillion-La Vista school system from a small Class B to one of the largest Class A systems in the state; and

WHEREAS, Paul Basler and his wife are also celebrating their forty-fourth wedding anniversary on April 19.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Legislature acknowledges the contributions Mr. Basler has made to public school administration in Nebraska.

2. That the Nebraska Legislature recognizes and commends Mr. Basler for his thirty-nine years of service to public schools in Nebraska.

3. That the Nebraska Legislature extends its congratulations and best wishes to Mr. Basler and his wife, Elvera, on their forty-fourth wedding anniversary.

4. That a copy of the resolution be sent Mr. and Mrs. Paul Basler of 404 Crest Drive, Papillion.

Laid over.

ATTORNEY GENERAL'S OPINION

Opinion No. 86046

April 14, 1986

To: Senator John DeCamp

Subject: Constitutionality of LB 90

QUESTION: Is LB 90, as amended, constitutional?

CONCLUSION: Yes.

You have submitted for our review amendment 2657 to LB 90 which is reflected in the 46th day - March 20, 1986 Legislative Journal.

The Sixth Amendment to the United States Constitution guarantees the defendant the right to confront his accusers. The Sixth Amendment has been made applicable through the Fourteenth

Amendment to the States. In addition, the Nebraska Constitution under Article I, Section 11 provides as follows:

In all criminal prosecutions the accused shall have the right to appear and defend in person or by counsel, to demand the nature and cause of accusation, and to have a copy thereof; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf; and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed. (Emphasis added).

It is generally agreed that the process of confrontation has two general purposes. The first and essential purpose of confrontation is to secure the opportunity of cross-examination. The right of cross-examination has not been without exceptions. The framers of the constitution did not enumerate the exceptions to the cross-examination principle. Over the years a number of exceptions have been legitimately developed and created and have withstood the test of court scrutiny.

In each instance, the focus of the court has been to ensure that there are indicia of reliability as to the testimony which is proposed so that the trier of fact has a satisfactory basis for evaluating the truth of the offered evidence.

In Kay v. United States, 255 F.2d 476 (4th Cir.) cert. denied 358 U.S. 825, 79 S.Ct. 42, 3 L.Ed.2d 65 held:

The confrontation clause was intended to prevent the trial of criminal cases upon affidavits, not to serve as a rigid and inflexible barrier against the orderly development of reasonable and necessary exceptions to the hearsay rule.

The power of Congress and of a state Legislature to provide for the admission of evidence is not subject to any arbitrary limitation . . . they may carve out a new exception to the hearsay rule, without violating constitutional rights, where there is reasonable necessity for it and where it is supported by an adequate basis for assurance that the evidence has those qualities of reliability and trustworthiness attributed to other evidence admissible under long-established exceptions to the hearsay rule.

It seems rather obvious that the Sixth Amendment's right to confrontation has an acknowledged legitimate possibility of expansion within recognized exceptions. Those exceptions must guarantee the trustworthiness of the testimony. The fundamental question again is whether the reliability of the evidence is such that cross-examination could impeach its credibility or authenticity.

In the usual situation, the Sixth Amendment confrontation clause requires that the prosecution either produce the witness or demonstrate the unavailability of the declarant whose statement it wishes to use against the defendant. A demonstration of

unavailability, however, is not required in every case. If the reliability may be established the Sixth Amendment does not necessarily require absolute confrontation.

In Ohio v. Roberts, 448 U.S. 56, 65 L.Ed.2d 597, 100 S.Ct. 2531, the court considered whether the admission at trial of an unavailable witnesses preliminary hearing testimony violated the defendant's right to confrontation. Basically, the court established a two-pronged test to avoid violation of confrontation clause. The test as established in Roberts resulted in the necessity of showing that the witness must be unavailable and secondly, that the offered testimony is supported by sufficient guarantees of trustworthiness.

To the extent that young children have been required to participate in the court setting, it has been shown that forcing the children to testify in court can cause severe emotional damage and that by reason thereof they are truly psychologically unavailable.

In reviewing the request for the video taped deposition it would appear that the court must consider the probability of psychological injury as a result of testifying; the degree of anticipated injury; the expected duration of the injury and finally, whether the expected injury or psychological damage is sufficiently greater than the reaction of the average victim of a criminal act.

In State v. Roy, 214 Neb. 204, 333 N.W.2d 398, the Nebraska Supreme Court cited U.S. v. Iron Shell, 633 F.2d 77 (8th Cir. 1980) cert. denied 450 U.S. 1001, 101 S.Ct., 1709, 68 L.Ed.2d 203 (1981) for the proposition that the confrontation clause is not violated where the statement which is admitted into evidence has sufficient indicia of reliability to afford the trier of fact a satisfactory basis for evaluating the truth of the statements.

The court in Roy stated:

... the mission of the confrontation clause is to advance practical concern for the accuracy of the truth determination process in criminal trials by assuring that the trier of fact has a satisfactory basis for evaluating the truth of the prior statement.

214 Neb. at 207.

In Roy, the court was reviewing a jury's verdict of guilty on a charge of first degree sexual assault by the defendant upon his two-year old stepdaughter. The court concluded that the tender age of the victim, her battered physical condition and the startling nature of the event, together with the fact that the evidence has been elicited in connection with the child's fear of further injury provided a sufficient basis of reliability to qualify as an acceptable exception to the hearsay rule and therefore, the excited utterance of the child was permitted to be reviewed by the jury.

In State v. Melendez, 661 P.2d 654 (Ariz.App. 1982) the court reviewed an objection by the defendant as to confrontation in view

of the fact that he had been convicted by use of a video tape statement of the victim. The court recognized that it was required to balance the competing interest, particularly in view of the fact that the defendant and his counsel were present during the video taping and had an opportunity to cross-examine the victim. Given that situation, the court felt that the defendant had not been prejudiced and that the court's discretion was justified in allowing modern technology to meet the special needs of a witness. They point out that the Arizona Court was construing its Constitution which has language similar to the Nebraska Constitution requiring the defendant to "meet the witnesses against him face to face."

In U.S. v. Nick, 604 F.2d 1199 (1979) the court ruled

The question in each case must be whether a particular hearsay declaration, otherwise admissible, has such great probative value as evidence of a material fact and such a high degree of trustworthiness under all of the circumstances that its reception outweighs any risk to a defendant that unreliable evidence may be received against him, the deficiencies of which he cannot adequately test because he cannot cross-examine the declarant.

604 F.2d at 1203.

The problem in the Nick case resulted from the fact that the defendant objected to the mother's testimony concerning the child's statement to her which had been admitted on the basis of being excited utterances. The case presented a situation in which the problem was the declarant was not subject to cross-examination at any time, and, as a practical matter could not have been subjected to cross-examination even if the witness had been called to testify by reason of his extremely tender years.

The court in affirming the conviction provided that the essential confrontation clause issue presents a question as to whether the evidence has a high degree of reliability and trustworthiness and there is a demonstrated need for the evidence. The court goes on further to point out that availability of cross-examination is simply one of the means by which the quality of the reliability is tested.

The Iron Shell case cited earlier reviewed the Nick decision when it concluded that the confrontation clause had not been violated because of admissions of statements made to the treating position. In so holding, the court recognized that there were several special types of "unavailability" which would satisfy the concerns of the confrontation clause.

U.S. v. Cree, 778 F.2d 474 (1985) the conviction of the defendant was affirmed in regard to an assault on two young boys. The court concluded that the interest of justice was duly served by admission into evidence of testimony concerning the child's statements to the social worker and thereby avoided a potentially traumatic court room

experience. The statements were held to not violate the defendant's Sixth Amendment right to confront the witness. It would appear therefore, that again the court in the Eighth Circuit has recently concluded that the issues on admissibility of this type of evidence can rise or fall on the considerations of trustworthiness; materially; probative value; the interest of justice; and notice.

In U.S. v. Benfield, 593 F.2d 815 (1979) the Eighth Circuit reviewed the admissibility of a statement from a witness whose doctor said could not confront the defendant. A deposition of the witness was taken, the witness however was unaware that the defendant was present in the building observing the statement over a monitor.

In reversing the conviction, the court held that the exceptions to the confrontation clause must be narrowly set forth. The court went on, however, to recognize that electronic technology might permit the development of a constitutional use under a proper factual context.

In 1984 the Eighth Circuit again addressed the video tape exception in U.S. v. Terrazaz-Montano, 747 F.2d 467 holding that the facts warranted an exceptional circumstance. In affirming the conviction, the court held that the video statements of aliens, who had been returned to Mexico, could be used. The court reporter, the defendant's attorney and the presence of the defendant all added to the procedure which the court found approximated a traditional court room setting. In reaching its conclusion, the court held that the trial type setting satisfied the indicia of reliability necessary to satisfy the Sixth Amendment.

In conclusion, it would appear that the proposed legislation is aimed at obtaining trustworthy and credible evidence in regard to criminal acts and that it is consistent with the intent of the proposed legislation to facilitate and preserve such testimony of the child victim or child witness.

Sincerely,

ROBERT M. SPIRE

Attorney General

(Signed)

William L. Howland

Assistant Attorney General

WLH:jem

cc: Patrick J. O'Donnell

Clerk of the Legislature

1/07

SPEAKER NICHOL PRESIDING

SELECT FILE

LEGISLATIVE BILL 539. Mr. Miller offered the following amendment:

AM2981

- 1 1. In AM2933 strike amendment 1.
- 2 2. On page 2, line 10, after "cent" insert
- 3 "on the sale of motor vehicles and four per cent on all
- 4 other sales".

The Miller amendment lost with 4 ayes, 12 nays, and 33 present and not voting.

Mr. V. Johnson offered the following amendment:

AM3003

- 1 1. In AM2835, found on page 2108 of the
- 2 Journal, on page 2, line 8, strike "and" and show as
- 3 stricken; in line 9 after the comma insert "and on or
- 4 before June 30, 1987."; and in line 13 after "cent"
- 5 insert ", and (c) commencing with all amounts credited
- 6 on or after July 1, 1987, credit to the Highway
- 7 Allocation Fund all of the proceeds of the sales and use
- 8 taxes derived from motor vehicles, trailers, and
- 9 semitrailers".

Mr. V. Johnson moved for a call of the house. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

Mr. V. Johnson requested a roll call vote on his amendment.

Voting in the affirmative, 26:

Baack	Goodrich	Johnson, V.	Miller	Rogers
Beyer	Haberman	Lamb	Morehead	Rupp
Chambers	Hannibal	Landis	Nelson	Sieck
Chizek	Harris	Lynch	Pappas	Vickers
Conway	Hoagland	McFarland	Remmers	Wesely
Eret				

Voting in the negative, 16:

Barrett	Hartnett	Johnson, R.	Pirsch	Smith
Carsten	Hefner	Labeledz	Schmit	Warner
Chronister	Johnson, L.	Peterson	Scofield	Withem
DeCamp				

Present and not voting, 7:

Abboud	Hall	Lundy	Marsh	Nichol
Goll	Higgins			

The V. Johnson amendment was adopted with 26 ayes, 16 nays, and 7 present and not voting.

The Chair declared the call raised.

Mr. Warner offered the following amendment:

AM3029

- 1 1. Strike the original sections and all
- 2 amendments thereto and insert the following new
- 3 sections:
- 4 "Section 1. That section 77-2701.02, Revised
- 5 Statutes Supplement, 1984, be amended to read as
- 6 follows:
- 7 77-2701.02. Pursuant to section 77-2715.01,
- 8 the rate of the sales tax imposed by section 77-2703
- 9 shall be ~~three and one-half~~ four per cent.
- 10 Sec. 2. This act shall become operative on
- 11 January 1, 1987.
- 12 Sec. 3. That original section 77-2701.02,
- 13 Revised Statutes Supplement, 1984, is repealed."

Mr. Lundy moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Warner moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Warner requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Abboud	DeCamp	Hefner	Marsh	Rogers
Barrett	Goll	Johnson, L.	Morehead	Scofield
Carsten	Hannibal	Lamb	Peterson	Smith
Chronister	Hartnett	Lundy	Remmers	Warner

Voting in the negative, 26:

Baack	Chizek	Eret	Haberman	Hoagland
Beyer	Conway	Goodrich	Hall	Johnson, R.

Johnson, V.	McFarland	Nichol	Rupp	Vickers
Labedz	Miller	Pappas	Schmit	Wesely
Landis	Nelson	Pirsch	Sieck	Withem
Lynch				

Present and not voting, 2:

Harris Higgins

Absent and not voting, 1:

Chambers

The Warner amendment lost with 20 ayes, 26 nays, 2 present and not voting, and 1 absent and not voting.

Mr. Landis offered the following amendment:

add a new section to LB 539

"This act shall become operative on January 1, 1987."

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Landis moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Landis requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Baack	Goodrich	Johnson, V.	Miller	Sieck
Beyer	Hall	Labedz	Morehead	Vickers
Chizek	Hannibal	Landis	Nelson	Wesely
Conway	Harris	Lynch	Pappas	Withem
Eret	Hoagland	McFarland		

Voting in the negative, 22:

Abboud	Goll	Johnson, R.	Nichol	Schmit
Barrett	Haberman	Lamb	Remmers	Scofield
Carsten	Hartnett	Lundy	Rogers	Smith
Chronister	Hefner	Marsh	Rupp	Warner
DeCamp	Higgins			

Present and not voting, 3:

Johnson, L. Peterson Pirsch

Absent and not voting, 1:

Chambers

The Landis amendment lost with 23 ayes, 22 nays, 3 present and not voting, and 1 absent and not voting.

The Chair declared the call raised.

Mr. Warner moved to reconsider the adoption of the Landis amendment.

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

The Warner motion to reconsider the Landis amendment prevailed with 27 ayes, 5 nays, 16 present and not voting, and 1 excused and not voting.

The Landis amendment found in this day's Journal was reconsidered.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 4 nays, and 21 not voting.

Mr. Hoagland moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Landis amendment was adopted with 30 ayes, 8 nays, 10 present and not voting, and 1 excused and not voting.

Mr. Pappas offered the following amendment:

To provide that the 4% sales tax shall decrease to 3 1/2% effective July 17, 1987.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

The Pappas amendment lost with 7 ayes, 24 nays, 17 present and not voting, and 1 excused and not voting.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Mr. V. Johnson requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 27 ayes, 19 nays, 2 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 31. Mr. Warner withdrew his pending amendment, AM2710, printed separate from the Journal and referred to on page 1787.

Mr. V. Johnson withdrew his pending amendment, AM2861, found in the Journal on page 1905.

Mr. Warner offered the following amendment:
AM2964

- 1 1. Strike the original sections and all
- 2 amendments thereto and insert the following new
- 3 sections:
- 4 "Section 1. That section 77-2701.01, Revised
- 5 Statutes Supplement, 1984, as amended by section 1,
- 6 Legislative Bill 35, Eighty-ninth Legislature, Second
- 7 Special Session, 1985, be amended to read as follows:
- 8 77-2701.01. Pursuant to section 77-2715.01,
- 9 the rate of the income tax imposed by section 77-2715
- 10 shall be ~~nineteen per cent, except that for taxable~~
- 11 ~~years beginning or deemed to begin on or after January~~
- 12 ~~1, 1985, and on or before December 31, 1985, the rate~~
- 13 ~~shall be twenty per cent.~~
- 14 Sec. 2. This act shall be operative for all
- 15 taxable years commencing on or after January 1, 1986, or
- 16 deemed to commence on or after January 1, 1986, under
- 17 the Internal Revenue Code of 1954, as amended.
- 18 Sec. 3. That original section 77-2701.01,
- 19 Revised Statutes Supplement, 1984, as amended by section

20 1, Legislative Bill 35, Eighty-ninth Legislature, Second
 21 Special Session, 1985, is repealed.”.

Mr. DeCamp moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

PRESIDENT MCGINLEY PRESIDING

The Warner amendment was adopted with 25 ayes, 19 nays, 4 present and not voting, and 1 excused and not voting.

Mr. V. Johnson moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. V. Johnson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 18:

Carsten	Johnson, R.	Marsh	Rogers	Vickers
Conway	Johnson, V.	Miller	Scofield	Warner
Eret	Landis	Morehead	Sieck	Wesely
Hartnett	Lynch	Nelson		

Voting in the negative, 28:

Abboud	DeCamp	Harris	Lundy	Remmers
Baack	Goll	Hefner	Nichol	Rupp
Barrett	Goodrich	Higgins	Pappas	Schmit
Beyer	Haberman	Hoagland	Peterson	Smith
Chizek	Hall	Labeledz	Pirsch	Withem
Chronister	Hannibal	Lamb		

Present and not voting, 2:

Johnson, L. McFarland

Excused and not voting, 1:

Chambers

Failed to advance to E & R for Engrossment with 18 ayes, 28 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

EASE

The Legislature was at ease from 8:06 p.m. until 8:11 p.m.

SELECT FILE

LEGISLATIVE BILL 870. E & R amendment, AM5417, found in the Journal on page 1818 for the Fifty-First Day was adopted.

Mr. Goodrich withdrew his pending amendment, AM2554, found in the Journal on page 1481.

Mr. Goodrich offered the following amendment:

Amend LB 870 by adding the following new section:
Since an emergency exists, this act shall be in full force and take effect from and after its passage and approval, according to law.

The Goodrich amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Hannibal withdrew his pending amendment, AM2769, found in the Journal on page 1809.

Mr. Goodrich offered the following amendment:

1. On page 2, reinstate the stricken matter beginning with "Such" in line 23 through the first comma in line 24; and in line 24 after the reinstated comma insert "1987, but before July 15, 1987.".

2. On page 3, in lines 3 and 4, strike "1986", show as stricken, and insert "1987";

The Goodrich amendment was adopted with 26 ayes, 4 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 926. E & R amendments, AM5428, printed separate from the Journal and referred to on page 2161 for the Fifty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 43. Mr. Landis withdrew the pending Landis et al. amendment, AM2785, found in the Journal on page 1924.

Mr. Landis renewed his pending amendment, AM2936, found in the Journal on page 2064.

Mr. Carsten asked unanimous consent to be excused. No objections. So ordered.

Mr. Landis moved for a call of the house. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Mr. Haberman requested a record vote on the Landis amendment.

Voting in the affirmative, 25:

Baack	Goodrich	Johnson, V.	McFarland	Remmers
Beyer	Hall	Landis	Miller	Scofield
Chizek	Harris	Lundy	Nelson	Warner
Chronister	Hartnett	Lynch	Pappas	Wesely
Conway	Hoagland	Marsh	Pirsch	Withem

Voting in the negative, 17:

Abboud	Haberman	Johnson, L.	Peterson	Schmit
DeCamp	Hannibal	Lamb	Rogers	Smith
Eret	Hefner	Morehead	Rupp	Vickers
Goll	Higgins			

Present and not voting, 4:

Barrett	Labeledz	Nichol	Sieck
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Excused and not voting, 3:

Carsten	Chambers	Johnson, R.
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The Landis amendment was adopted with 25 ayes, 17 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mrs. Labeledz asked unanimous consent to be excused. No objections. So ordered.

Mr. Haberman requested a machine vote on the advancement of the bill.

Mr. Haberman requested a record vote on the advancement of the bill.

Mr. Landis moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Landis requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Baack	Conway	Hartnett	Lynch	Remmers
Beyer	DeCamp	Hoagland	Marsh	Scofield
Chambers	Goodrich	Johnson, V.	McFarland	Warner
Chizek	Hall	Landis	Miller	Wesely
Chronister	Harris	Lundy	Nelson	Withem

Voting in the negative, 15:

Abboud	Haberman	Higgins	Peterson	Schmit
Eret	Hannibal	Johnson, L.	Rogers	Smith
Goll	Hefner	Lamb	Rupp	Vickers

Present and not voting, 6:

Barrett	Nichol	Pappas	Pirsch	Sieck
Morehead				

Excused and not voting, 3:

Carsten	Johnson, R.	Labeledz
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Advanced to E & R for Engrossment with 25 ayes, 15 nays, 6 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 43A. E & R amendment, AM5228, found in the Journal on page 557 for the Fifteenth Day was adopted.

Mr. Landis offered the following amendment:

On page 2, line 12, strike "\$10,750" and insert "9,750"; in line 13 strike "6592" and insert "4842", in line 14, strike "6592" and insert "4842", in line 15, strike "6592" and insert "1908"; in line 16, strike

"7452" and insert "9952" and in line 17, strike "6592" and insert "4842"

The Landis amendment was adopted with 26 ayes, 7 nays, 13 present and not voting, and 3 excused and not voting.

Mr. Haberman requested a machine vote on the advancement of the bill.

Advanced to E & R for Engrossment with 26 ayes, 11 nays, 9 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 300. Messrs. Rupp and Schmit withdrew their pending amendment, AM2921, found in the Journal on page 2008.

Mr. Schmit moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of AM3017 to LB 300.

The Schmit motion to suspend the rules prevailed with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Mr. Schmit offered the following amendment:
AM3017

1 1. Strike the original sections and all
2 amendments thereto and insert the following new
3 sections:

4 "Section 1. That Laws 1985, LB 628, section
5 1, be amended to read as follows:

6 INTERSTATE COMPACT ON AGRICULTURAL
7 GRAIN MARKETING

8 ARTICLE I. PURPOSE

9 It is the purpose of this compact to protect,
10 preserve and enhance:

11 (a) The economic and general welfare of
12 citizens of the joining states engaged in the production
13 and sale of agricultural grains;

14 (b) the economies and very existence of local
15 communities in such states, the economies of which are
16 dependent upon the production and sale of agricultural
17 grains; and

18 (c) the continued production of agricultural
19 grains in such states in quantities necessary to feed
20 the increasing population of the United States and the
21 world.

1

ARTICLE II. DEFINITIONS

2 As used in this compact:

3 (a) State means any state of the United States
4 in which agricultural grains are produced for the
5 markets of the nation and world.

6 (b) Agricultural grains means wheat, durum,
7 spelt, triticale, oats, rye, corn, barley, buckwheat,
8 flaxseed, safflower, sunflower seed, soybeans, sorghum
9 grains, peas and beans.

10 ARTICLE III. COMMISSION

11 (a) Organization and Management

12 (1) There is hereby created an agency of the
13 member states to be known as the Interstate Agricultural
14 Grain Marketing Commission, hereinafter called the
15 commission. The commission shall consist of three
16 residents of each member state who shall have an
17 agricultural background and who shall be appointed as
18 follows: (1) One member appointed by the governor, who
19 shall serve at the pleasure of the governor; (2) one
20 senator appointed in the manner prescribed by the senate
21 of such state, except that two senators may be appointed
22 by the Governor of the State of Nebraska from the
23 unicameral legislature of the state of Nebraska; and (3)
24 one member of the house of representatives appointed in
1 the manner prescribed by the house of representatives of
2 such state. The member first appointed by the governor
3 shall serve for a term of one year and the senator and
4 representative first appointed shall each serve for a
5 term of two years; thereafter all members appointed
6 shall serve for two-year terms. The attorneys general
7 of member states or assistants designated thereby shall
8 be nonvoting members of the commission.

9 (2) Each member shall be entitled to one vote.
10 A member must be present to vote and no voting by proxy
11 shall be permitted. The commission shall not act unless
12 a majority of the voting members are present, and no
13 action shall be binding unless approved by a majority of
14 the total number of voting members present.

15 (3) The commission shall be a body corporate
16 of each member state and shall adopt an official seal to
17 be used as it may provide.

18 (4) The commission shall hold an annual
19 meeting and such other regular meetings as its bylaws
20 may provide and such special meetings as its executive
21 committee may determine. The commission bylaws shall
22 specify the dates of the annual and any other regular

23 meetings, and shall provide for the giving of notice of
24 annual, regular and special meetings. Notices of
1 special meetings shall include the reasons therefor and
2 an agenda of the items to be considered.

3 (5) The commission shall elect annually, from
4 among its voting members, a chairperson, a
5 vice-chairperson and a treasurer. The commission shall
6 appoint an executive director who shall serve at its
7 pleasure, and shall fix the duties and compensation of
8 such director. The executive director shall be
9 secretary of the commission. The commission shall make
10 provision for the bonding of such of its officers and
11 employees as it may deem appropriate.

12 (6) Irrespective of the civil service,
13 personnel or other merit system laws of any member
14 state, the executive director shall appoint or discharge
15 such personnel as may be necessary for the performance
16 of the functions of the commission and shall fix, with
17 the approval of the commission, their duties and
18 compensation. The commission bylaws shall provide for
19 personnel policies and programs. The commission may
20 establish and maintain, independently of or in
21 conjunction with any one or more of the member states, a
22 suitable retirement system for its full-time employees.
23 Employees of the commission shall be eligible for social
24 security coverage in respect of old age and survivors
1 insurance provided that the commission takes such steps
2 as may be necessary pursuant to federal law to
3 participate in such program of insurance as a
4 governmental agency or unit. The commission may
5 establish and maintain or participate in such additional
6 programs of employee benefits as may be appropriate.
7 The commission may borrow, accept or contract for the
8 services of personnel from any state, the United States,
9 or any other governmental entity.

10 (7) The commission may accept for any of its
11 purposes and functions any and all donations and grants
12 of money, equipment, supplies, materials and services,
13 conditional or otherwise, from any governmental entity,
14 and may utilize and dispose of the same.

15 (8) The commission may establish one or more
16 offices for the transacting of its business.

17 (9) The commission shall adopt bylaws for the
18 conduct of its business. The commission shall publish
19 its bylaws in convenient form, and shall file a copy of

20 the bylaws and any amendments thereto with the
21 appropriate agency or officer in each of the member
22 states.

23 (10) The commission annually shall make to the
24 governor and legislature of each member state a report
1 covering its activities for the preceding year. Any
2 donation or grant accepted by the commission or services
3 borrowed shall be reported in the annual report of the
4 commission, and shall include the nature, amount and
5 conditions, if any, of the donation, gift, grant or
6 services borrowed and the identity of the donor or
7 lender. The commission may make additional reports as
8 it may deem desirable.

9 (b) Committees

10 (1) The commission may establish such
11 committees from its membership as its bylaws may provide
12 for the carrying out of its functions.

13 ARTICLE IV. POWERS AND DUTIES OF COMMISSION

14 (a) The commission shall conduct comprehensive
15 and continuing studies and investigations of
16 agricultural grain marketing practices, procedures and
17 controls and their relationship to and effect upon the
18 citizens and economies of the member states.

19 (b) The commission shall make recommendations
20 for the correction of weaknesses and solutions to
21 problems in the present system of agricultural grain
22 marketing or the development of alternatives thereto,
23 including the development, drafting, and recommendation
24 of proposed state or federal legislation.

1 (c) The commission is hereby authorized to do
2 all things necessary and incidental to the
3 administration of its functions under this compact.

4 ARTICLE V. FINANCE

5 (a) The commission shall submit to the
6 governor of each member state a budget of its estimated
7 expenditures for such period as may be required by the
8 laws of that state for presentation to the legislature
9 thereof.

10 (b) The moneys necessary to finance the
11 general operations of the commission not otherwise
12 provided for in carrying forth its duties,
13 responsibilities and powers as stated herein shall be
14 appropriated to the commission by the member states,
15 when authorized by the respective legislatures.

16 Appropriations by member states for the financing of the
17 operations of the commission in the initial biennium of
18 the compact shall be in the amount of fifty thousand
19 dollars (\$50,000) for each member state; thereafter the
20 total amount of appropriations requested shall be
21 apportioned among the member states in the manner
22 determined by the commission. Failure of a member state
23 to provide its share of financing shall be cause for the
24 state to lose its membership in the compact.

1 (c) The commission shall not incur any
2 obligations of any kind prior to the making of
3 appropriations adequate to meet the same; nor shall the
4 commission pledge the credit of any of the member
5 states, except by and with the authority of the member
6 state.

7 (d) The commission shall keep accurate
8 accounts of all receipts and disbursements. The
9 receipts and disbursements of the commission shall be
10 subject to the audit and accounting procedures
11 established under its bylaws. However, all receipts and
12 disbursements of funds handled by the commission shall
13 be audited yearly by a certified or licensed public
14 accountant and the report of the audit shall be included
15 in and become part of the annual report of the
16 commission.

17 (e) The accounts of the commission shall be
18 open for inspection at any reasonable time.

19 **ARTICLE VI. ELIGIBLE PARTIES, ENTRY**
20 **INTO FORCE, WITHDRAWAL AND TERMINATION**

21 (a) Any agricultural grain marketing state may
22 become a member of this compact.

23 (b) This compact shall become effective
24 initially when enacted into law by any five states prior
1 to July 1, ~~1987~~ 1988, and in additional states upon
2 their enactment of the same into law.

3 (c) Any member state may withdraw from this
4 compact by enacting a statute repealing the compact, but
5 such withdrawal shall not become effective until one
6 year after the enactment of such statute and the
7 notification of the commission thereof by the governor
8 of the withdrawing state. A withdrawing state shall be
9 liable for any obligations which it incurred on account
10 of its membership up to the effective date of
11 withdrawal, and if the withdrawing state has

12 specifically undertaken or committed itself to any
13 performance of an obligation extending beyond the
14 effective date of withdrawal, it shall remain liable to
15 the extent of such obligation.

16 (d) This compact shall terminate one year
17 after the notification of withdrawal by the governor of
18 any member state which reduces the total membership in
19 the compact to less than five states.

20 Sec. 2. That original Laws 1985, LB 628,
21 section 1, is repealed.”.

The Schmit amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

WITHDRAW - Amendment to LB 645A

Mr. Beyer withdrew his pending amendment found in the Journal on page 2090 to LB 645A.

MOTION - Return LB 645A to Select File

Mr. Warner moved to return LB 645A to Select File for the pending Appropriations Committee specific amendment. AM2950, found in the Journal on page 2117.

The Chair declared the call raised.

The Warner motion to return prevailed with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 645A. The pending Appropriations Committee specific amendment, AM2950, found in the Journal on page 2117 was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 645A to Select File

Mr. Beyer moved to return LB 645A to Select File for the following specific amendment:

AM2992

1 1. Strike original section 1 and insert the
2 following new section:
3 "Section 1. There is hereby appropriated
4 \$320,000 from the General Fund for the period July 1,
5 1986, to June 30, 1987, to the University of
6 Nebraska-Lincoln Institute of Agriculture and Natural
7 Resources for Program 715 for the Nebraska Forest
8 Service. It is the intent of the Legislature that (1)
9 the total General Fund allocation for the Nebraska
10 Forest Service shall be \$470,000 for fiscal year 1986-87
11 and (2) \$307,869 from various fund sources shall be used
12 for the operation of the rural fire program."

The Beyer motion to return prevailed with 25 ayes, 8 nays, 13 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 645A. The Beyer specific amendment, AM2992, found in this day's Journal was adopted with 26 ayes, 10 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 1258 to Select File

Mr. V. Johnson moved to return LB 1258 to Select File for his specific amendment, AM2715, found in the Journal on page 2068.

The V. Johnson motion to return prevailed with 28 ayes, 0 nays, 18 present and to voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1258. The V. Johnson specific amendment, AM2715, found in the Journal on page 2068 was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 1258 to Select File

Mr. Lynch moved to return LB 1258 to Select File for his specific amendment, AM2884, found in the Journal on page 2073.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mrs. Labedz requested a record vote on the Lynch motion to return.

Voting in the affirmative, 16:

Abboud	Hall	Higgins	Lynch	Pirsch
Chizek	Hartnett	Johnson, V.	Marsh	Remmers
DeCamp	Hefner	Labedz	Nichol	Sieck
Goodrich				

Voting in the negative, 14:

Barrett	Lamb	Miller	Rupp	Warner
Eret	Landis	Nelson	Scofield	Withem
Goll	Lundy	Peterson	Smith	

Present and not voting, 16:

Baack	Conway	Hoagland	Morehead	Schmit
Beyer	Hannibal	Johnson, L.	Pappas	Vickers
Chambers	Harris	McFarland	Rogers	Wesely
Chronister				

Excused and not voting, 3:

Carsten Haberman Johnson, R.

The Lynch motion to return lost with 16 ayes, 14 nays, 16 present and not voting, and 3 excused and not voting.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 43, 43A, 300, 539, 870, and 926.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 300

The following changes, required to be reported for publication in the Journal, have been made:

ER0261

1. Changes have been made as necessary to incorporate adopted amendments.

Enrollment and Review Change to LB 539

The following changes, required to be reported for publication in the Journal, have been made:

ER0258

1. Changes have been made as necessary to incorporate adopted amendments.

(Signed) Mary E. Sommermeyer
E & R Attorney

MOTION - Return LB 333 to Select File

Mr. Chambers moved to return LB 333 to Select File for the following specific amendment:

AM3023

(Amendments to Final Reading Copy)

- 1 1. On page 2, line 2, after the semicolon
- 2 insert "to provide for termination of certain fees;".
- 3 2. On page 10, after line 17, insert the
- 4 following:
- 5 "(6) When the State Treasurer certifies that
- 6 the assets in the fund exceed two and one half million
- 7 dollars, the additional docket fees prescribed in
- 8 section 7 of the act and the additional charge for
- 9 supplying a certified copy of the record of any birth as
- 10 provided in sections 71-612, 71-617.15, 71-627, and
- 11 71-628 shall be terminated."

The Chambers motion to return prevailed with 29 ayes, 1 nay, 16 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 333. The Chambers specific amendment, AM3023, found in this day's Journal was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 355 to Select File

Mr. Wesely moved to return LB 355 to Select File for the specific amendment, AM2940, found in the Journal on page 2161.

The Wesely motion to return prevailed with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 355. The Wesely et al. amendment, AM2940, found in the Journal on page 2161 was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Return LB 355A to Select File

Mr. Goll moved to return LB 355A to Select File for his specific amendment, AM2904, found in the Journal on page 2080.

The Goll motion to return prevailed with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 355A. The Goll specific amendment, AM2904, found in the Journal on page 2080 was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

WITHDRAW - Amendment to LB 921

Mr. Wesely withdrew his pending amendment, AM2943, found in the Journal on page 2092.

MOTION - Return LB 921 to Select File

Mr. Wesely moved to return LB 921 to Select File for the specific Wesely-Smith amendment:

(Amendment on file in the Clerk's Office - Room 2018 - AM3054.)

The Wesely motion to return prevailed with 25 ayes, 1 nay, 20 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 921. The Wesely-Smith specific amendment, AM3054, on file and referred to in this day's Journal was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

MOTION - Return LB 967 to Select File

Ms. Scofield moved to return LB 967 to Select File for the following Scofield - Wesely - Hannibal - Morehead - Conway - Nichol - Goodrich - Pappas - Warner - Vickers - Baack specific amendment: AM3001

(Amendments to Final Reading Copy)

- 1 1. On page 1, strike beginning with "the" in
- 2 line 1 through "sections" in line 7 and insert "business
- 3 development; to state intent; to appropriate funds; and
- 4 to declare an emergency".
- 5 2. Strike the original sections and insert
- 6 the following new sections:
- 7 "Section 1. There is hereby appropriated (1)
- 8 \$100,000 from the General Fund for the period July 1,
- 9 1986, to June 30, 1987, and (2) \$100,000 from the
- 10 General Fund for the period July 1, 1987, to June 30,
- 11 1988, to the University of Nebraska at Omaha, to
- 12 establish Nebraska Business Development Centers in North
- 13 Platte and Scottsbluff, Nebraska.
- 14 It is the intent of the Legislature that
- 15 cooperative planning for the establishment of Nebraska
- 16 Business Development Centers in North Platte and
- 17 Scottsbluff be undertaken by a committee comprised of
- 18 representatives from the University of Nebraska at
- 19 Omaha, Chadron State College, Kearney State College, and
- 20 the Department of Economic Development. It is further
- 1 the intent of the Legislature that the Nebraska Business
- 2 Development Centers in North Platte and Scottsbluff be

3 utilized in subsequent fiscal years to facilitate the
4 delivery of cooperative master's degree program
5 offerings in business administration. Plans for
6 establishment of the centers shall include facility and
7 staffing considerations that facilitate such program
8 offerings.

9 Sec. 2. It is the intent of the Legislature
10 that the Department of Economic Development shall
11 continue to provide funding to the Nebraska Technical
12 Assistance Center and that the Nebraska Technical
13 Assistance Center continue to provide assistance to
14 individuals, companies, and local governments in solving
15 technical problems.

16 Sec. 3. There is hereby appropriated (1)
17 \$42,000 from the General Fund for the period July 1,
18 1986, to June 30, 1987, and (2) \$42,000 from the General
19 Fund for the period July 1, 1987, to June 30, 1988, to
20 the Department of Economic Development, for Program 616,
21 to aid in carrying out the provisions of section 2 of
22 this act.

23 No expenditures for permanent and temporary
24 salaries and per diems for state employees shall be made
1 from funds appropriated in this section.

2 Sec. 4. Since an emergency exists, this act
3 shall be in full force and take effect, from and after
4 its passage and approval, according to law."

The Scofield motion to return prevailed with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 967. The Scofield et al. amendment, AM3001, found in this day's Journal was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 1259 to Select File

Mr. Vickers moved to return LB 1259 to Select File for the following specific amendment:

Page 3, strike beginning with "Quintin" in line 13 to "Fund" in line 16, and insert:

“the Clerk of the U.S. District Court for the District of Nebraska for payment of the judgment rendered in the case of Rose v. State, Case No. CV 80-0-164.”

The Vickers motion to return prevailed with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1259. The Vickers specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Recess

Mr. Hoagland moved to recess until 11:00 p.m.

Mr. Schmit moved to suspend the rules, Rule 7, Section 9, to permit discussion of the motion to recess.

Mr. Schmit withdrew his motion to suspend the rules.

Mr. Hefner asked unanimous consent to be excused. No objections. So ordered.

The Hoagland motion to recess lost with 10 ayes, 12 nays, 23 present and not voting, and 4 excused and not voting.

MOTION - Return LB 889 to Select File

Mr. V. Johnson moved to return LB 889 to Select File for his specific amendment, AM2934, found in the Journal on page 2150.

The V. Johnson motion to return prevailed with 28 ayes, 1 nay, 16 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 889. The V. Johnson specific amendment, AM2934, found in the Journal on page 2150 was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION - Return LB 812 to Select File

Mr. Miller moved to return LB 812 to Select File for the following specific amendment:

AM3039

(Amendments to Final Reading Copy)

- 1 1. On page 2, line 21; page 3, line 4; page
- 2 4, lines 9 and 23; page 5, lines 2 and 18; page 6, line
- 3 1; and page 8, line 11, before "need" insert "elected
- 4 after November 1986".

The Miller motion to return prevailed with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 812. The Miller specific amendment, AM3039, found in this day's Journal was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

VISITORS

Visitors to the Chamber were Carsten Pruser, Wolfsburg, West Germany, and William Heusel from Hooper; 16 eighth grade students and teacher from Humphrey St. Francis; 23 fourth grade students and teacher from Williams Elementary School, Columbus; 66 eighth grade students and teacher from St. Thomas Moore, Omaha; 19 twelfth grade students and teacher from Adams High School; and 17 eleventh and twelfth grade students and teachers from Kearney High School.

MOTION - Recess

Mr. Landis moved to recess until 11:15 p.m. The motion prevailed with 23 ayes, 11 nays, and 15 not voting, and at 10:00 p.m., on a motion by Mr. Landis, the Legislature recessed until 11:15 p.m.

AFTER RECESS

The Legislature reconvened at 11:15 p.m., Speaker Nichol presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Barrett, Carsten, Chambers, Chronister, Eret, Haberman, Hannibal, Hefner, Hoagland, R. Johnson, V. Johnson, Landis, Miller, Rupp, Schmit, Sieck, Warner, Wesely, Mesdames Morehead, Smith, and Ms. Scofield who were excused.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 333, 645A, 812, 889, 967, and 1259.

Correctly Engrossed

The following bills were correctly engrossed: 355, 355A, 921, and 1258.

(Signed) Timothy Hall, Chairperson

Enrollment and Review Change to LB 333

The following changes, required to be reported for publication in the Journal, have been made:

ER0263

1. Enrollment and Review changes were made to this bill as necessary.

Enrollment and Review Changes to LB 355

The following changes, required to be reported for publication in the Journal, have been made:

ER0187

1. In the Lynch et al. amendment, AM2940, adopted April 14, 1986, amendments 2, 3, and 4 were to the Wesely-Goll amendment, AM2562.

2. E & R amendment 2 has been struck.

3. In the Wesely-Goll amendment, AM2562, adopted March 24, 1986:

a. On page 1, line 13, the second comma has been struck; in line 18 "and" has been struck; and in line 20 "and

(5) Department shall mean the Department of Health" has been inserted after "Training";

b. On page 5, line 11 "amount" has been struck and "amounts" inserted;

c. On page 10, the matter beginning with "in" in line 11 through "(e)" in line 13 has been struck and shown as stricken; and in line 15 "; and (f)" has been struck, shown as stricken, and ", and (e)" inserted; and

d. Internal references have been changed to reflect the additional section added by the Lynch-Goll amendment adopted March 24, 1986.

4. On page 1, the matter beginning with "sections" in line 2 through "sections" in line 8 has been struck and "section 33-150, Reissue Revised Statutes of Nebraska, 1943, section 71-101, Revised Statutes Supplement, 1984, and sections 71-102, 71-110, 71-112, 71-113, 71-131, and 71-162, Revised Statutes Supplement, 1985; to define terms; to provide for licensed athletic trainers as prescribed; to create a fund; to provide powers and duties; to increase the limit on biennial renewal fees; to harmonize provisions; to provide an operative date; and to repeal the original sections" inserted.

Enrollment and Review Change to LB 645A (Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:

ER0262

1. On page 1, the matter beginning with the first "to" in line 1 through line 4 has been struck and "relating to appropriations; to increase a salary expenditure; to provide for the reduction of certain funds as prescribed; to appropriate funds; and to declare an emergency." inserted.

Enrollment and Review Change to LB 921

The following changes, required to be reported for publication in the Journal, have been made:

ER0265

1. Changes have been made as necessary to incorporate adopted amendments.

Enrollment and Review Change to LB 1258 (Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:

ER0260

1. In the V. Johnson amendment, AM2715, adopted April 14, 1986:

a. The amendments, which were drafted to the green copy, have been incorporated in the final reading copy;

b. On page 1, line 17, the first "the" has been struck; and

c. On page 2, line 10, "sections 77-3501 to 77-3529" has been struck, shown as stricken, and "Chapter 77, article 35" inserted.

2. On page 1, line 4, "77-3511," has been inserted after the first comma; and in line 12 "to change certain filing and other deadlines;" has been inserted after the second semicolon.

3. On page 2, line 3, "and" has been struck; and in line 4 "; and to declare an emergency" has been inserted after "sections".

Enrollment and Review Change to LB 1259

The following changes, required to be reported for publication in the Journal, have been made:

ER0264

1. Changes have been made as necessary to incorporate adopted amendments.

(Signed) Mary E. Sommermeyer
E & R Attorney

ADJOURNMENT

At 11:18 p.m., on a motion by Mr. DeCamp, the Legislature adjourned until 8:30 a.m., Tuesday, April 15, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-NINTH DAY - APRIL 15, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

FIFTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 15, 1986

Pursuant to adjournment, the Legislature met at 8:35 a.m., Speaker Nichol presiding.

PRAYER

The prayer was offered by Dr. Robert Palmer, Westminster Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Hall, V. Johnson, Schmit, Sieck, Wesely, Mesdames Higgins, Labedz, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2233, line 27, strike "Froce" and insert "Force".
Page 2234, line 30, strike "Marshall" and insert "Marshal".
The Journal for the Fifty-Eighth Day was approved as corrected.

MOTION - Reconsider Action on LB 1251

Mr. Lynch moved to reconsider the Appropriations Committee motion to override the Governors line item veto of LB 1251, relating to Agency 38, Commission on Status of Women; Agency 68, Commission on Mexican Americans; and Agency 72, Program 584 Commission on Indian Affairs.

Laid over.

RESOLUTIONS**LEGISLATIVE RESOLUTION 440.**

Introduced by Lamb, 43rd District.

WHEREAS, the county registrar has historically been responsible for recording birth and death information upon ledgers; and

WHEREAS, these ledgers have been maintained at the county seat; and

WHEREAS, county officials have a genuine and legitimate need for access to these records for verification of legal filings; and

WHEREAS, recording of vital statistics is now a state responsibility; and

WHEREAS, recording of these vital statistics by the state has been accomplished with little consideration of the requirements and use of these materials by county officials; and

WHEREAS, the Department of Health has ordered county registrars to forward these ledgers to the state for storage and possible destruction; and

WHEREAS, this action has negated the ability of county officials to verify birth and death information.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Department of Health rescind its order requiring that birth and death ledgers be forwarded to the state.

2. That the Department of Health establish a method which would allow county officials to gain access to the state's record of vital statistics.

3. That the Health and Human Services Committee of the Legislature continue to monitor the actions of county officials and the Department of Health in regard to recording of vital statistics and make a report together with recommendations to the Ninetieth Legislature, First Session on the retention, access, and confidentiality of birth, death, and other vital statistical information by the Department of Health, county officials, and the general public.

Laid over.

LEGISLATIVE RESOLUTION 383. Read. Considered.

LR 383 was adopted with 25 ayes, 0 nays, and 24 not voting.

LEGISLATIVE RESOLUTION 412. Read. Considered.

LR 412 was adopted with 28 ayes, 0 nays, and 21 not voting.

LEGISLATIVE RESOLUTION 413. Read. Considered.

LR 413 was adopted with 28 ayes, 0 nays, and 21 not voting.

LEGISLATIVE RESOLUTION 416. Read. Considered.

LR 416 was adopted with 28 ayes, 0 nays, and 21 not voting.

LEGISLATIVE RESOLUTION 418. Read. Considered.

Mr. Lamb asked unanimous consent to have his name added as co-introducer to LR 418. No objections. So ordered.

Mr. Remmers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

LR 418 was adopted with 32 ayes, 0 nays, and 17 not voting.

LEGISLATIVE RESOLUTION 424. Read. Considered.

LR 424 was adopted with 33 ayes, 0 nays, and 16 not voting.

MESSAGE FROM THE GOVERNOR

April 14, 1986

Mr. Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 286, 286A, 579, 579A, 759, 763, 950, 1253, 1254, 284, 284A, 433, 575, 575A, 1123, 788, 813, 842, 925, 925A, 853, 851 and 851A were received in my office on April 10, 1986.

These bills were signed by me on April 14, 1986 and delivered to the Secretary of State.

Sincerely,

(Signed) ROBERT KERREY
Governor

RK/jm

MOTION - Return LB 1017 to Select File

Mr. R. Johnson moved to return LB 1017 to Select File for the following specific amendment:

To strike the enacting clause on LB 1017.

Mr. R. Johnson withdrew his pending motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1017.

A BILL FOR AN ACT relating to sales and income tax; to amend section 77-2702, Revised Statutes Supplement, 1985; to change the definition of retailer as prescribed; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 31:

Barrett	Hall	Hoagland	Marsh	Scotfield
Chizek	Hannibal	Johnson, L.	Miller	Sieck
Chronister	Harris	Johnson, V.	Morehead	Vickers
Conway	Hartnett	Landis	Nichol	Warner
DeCamp	Hefner	Lundy	Pappas	Wesely
Goll	Higgins	Lynch	Pirsch	Withem
Goodrich				

Voting in the negative, 15:

Abboud	Carsten	Johnson, R.	Peterson	Rupp
Baack	Eret	Lamb	Remmers	Schmit
Beyer	Haberman	Nelson	Rogers	Smith

Present and not voting, 2:

Chambers McFarland

Excused and not voting, 1:

Labeledz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1025.

A BILL FOR AN ACT relating to corporations; to adopt the Name Protection Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Abboud	Goll	Johnson, L.	Miller	Rupp
Baack	Goodrich	Johnson, R.	Morehead	Schmit
Barrett	Haberman	Johnson, V.	Nelson	Scofield
Beyer	Hall	Lamb	Nichol	Sieck
Carsten	Hannibal	Landis	Pappas	Smith
Chizek	Harris	Lundy	Peterson	Vickers
Chronister	Hartnett	Lynch	Pirsch	Warner
Conway	Hefner	Marsh	Remmers	Wesely
DeCamp	Higgins	McFarland	Rogers	Withem
Eret	Hoagland			

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Labeledz

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1048.

A BILL FOR AN ACT relating to retirement; to amend section 79-1051, Reissue Revised Statutes of Nebraska, 1943, and sections 79-1051.03, 79-1051.04, and 79-1056.06, Revised Statutes Supplement, 1984; to provide for an adjustment to certain annuities; to provide restrictions on certain investments; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

Abboud	Eret	Hoagland	McFarland	Rupp
Baack	Goll	Johnson, L.	Miller	Schmit
Barrett	Goodrich	Johnson, R.	Morehead	Scofield
Beyer	Haberman	Johnson, V.	Nelson	Sieck
Carsten	Hall	Labeledz	Nichol	Smith
Chambers	Hannibal	Lamb	Pappas	Vickers
Chizek	Harris	Landis	Peterson	Warner
Chronister	Hartnett	Lundy	Pirsch	Wesely
Conway	Hefner	Lynch	Remmers	Withem
DeCamp	Higgins	Marsh	Rogers	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1051.

A BILL FOR AN ACT relating to asbestos; to define terms; to provide for certain licenses; to provide duties; to create a fund; to provide licensure qualifications; to provide record requirements; to provide for the disciplining of certain licensees; to provide exceptions; to provide for certification; to provide penalties; and to provide for notice and a hearing.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

Abboud	Eret	Hoagland	McFarland	Rupp
Baack	Goll	Johnson, L.	Miller	Schmit
Barrett	Goodrich	Johnson, R.	Morehead	Scofield
Beyer	Haberman	Johnson, V.	Nelson	Sieck
Carsten	Hall	Labeledz	Nichol	Smith
Chambers	Hannibal	Lamb	Pappas	Vickers
Chizek	Harris	Landis	Peterson	Warner
Chronister	Hartnett	Lundy	Pirsch	Wesely
Conway	Hefner	Lynch	Remmers	Withem
DeCamp	Higgins	Marsh	Rogers	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1051A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1051, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	DeCamp	Hefner	Lynch	Rupp
Baack	Eret	Higgins	McFarland	Schmit
Barrett	Goll	Hoagland	Miller	Scofield
Beyer	Goodrich	Johnson, L.	Morehead	Sieck
Carsten	Haberman	Johnson, R.	Nelson	Smith
Chambers	Hall	Labeledz	Nichol	Vickers
Chizek	Hannibal	Lamb	Pappas	Warner
Chronister	Harris	Landis	Pirsch	Wesely
Conway	Hartnett	Lundy	Remmers	Withem

Voting in the negative, 0.

Present and not voting, 4:

Johnson, V. Marsh Peterson Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1056.

A BILL FOR AN ACT relating to counties; to amend section 23-1114, Reissue Revised Statutes of Nebraska, 1943; to change the time for fixing the salaries of certain officers; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Eret	Hoagland	Miller	Rupp
Baack	Goll	Johnson, L.	Morehead	Schmit
Barrett	Goodrich	Johnson, R.	Nelson	Scofield
Beyer	Haberman	Labeledz	Nichol	Sieck
Carsten	Hall	Lamb	Pappas	Smith
Chambers	Hannibal	Landis	Peterson	Vickers
Chizek	Harris	Lundy	Pirsch	Warner
Chronister	Hartnett	Lynch	Remmers	Wesely
Conway	Hefner	McFarland	Rogers	Withem
DeCamp	Higgins			

Voting in the negative, 0.

Present and not voting, 2:

Johnson, V. Marsh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1063.

A BILL FOR AN ACT relating to dogs; to amend section 54-614, Reissue Revised Statutes of Nebraska, 1943; to change the license tax; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Goodrich	Johnson, L.	Miller	Rupp
Baack	Haberman	Johnson, R.	Morehead	Scofield
Barrett	Hall	Labeledz	Nelson	Sieck
Beyer	Hannibal	Lamb	Nichol	Smith
Carsten	Harris	Landis	Pappas	Vickers
Chizek	Hartnett	Lundy	Peterson	Warner
Chronister	Hefner	Lynch	Pirsch	Wesely
Conway	Higgins	Marsh	Remmers	Withem
DeCamp	Hoagland	McFarland	Rogers	

Voting in the negative, 0.

Present and not voting, 5:

Chambers	Eret	Goll	Johnson, V.	Schmit
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1080.

A BILL FOR AN ACT relating to nonstate funds; to eliminate requirements for review and approval of nonstate funds received by state agencies; and to repeal sections 81-1131 to 81-1135, 81-1137, and 81-1138, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Abboud	Chronister	Hall	Johnson, L.	Lynch
Baack	Conway	Hannibal	Johnson, R.	Marsh
Barrett	DeCamp	Harris	Johnson, V.	McFarland
Beyer	Eret	Hartnett	Labeledz	Morehead
Carsten	Goll	Hefner	Lamb	Nelson
Chambers	Goodrich	Higgins	Landis	Nichol
Chizek	Haberman	Hoagland	Lundy	Pappas

Peterson	Rogers	Scofield	Vickers	Wesely
Pirsch	Rupp	Sieck	Warner	Withem
Remmers	Schmit	Smith		

Voting in the negative, 0.

Present and not voting, 1:

Miller

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1093.

A BILL FOR AN ACT relating to education; to amend sections 43-611 and 43-641, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to transportation reimbursement for special education; to provide for a salary adjustment for certain teachers of the deaf and visually handicapped as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Baack	Goll	Johnson, R.	Morehead	Scofield
Beyer	Haberman	Johnson, V.	Nelson	Sieck
Carsten	Hall	Labeledz	Nichol	Smith
Chambers	Hannibal	Lamb	Pappas	Vickers
Chizek	Harris	Landis	Remmers	Warner
Chronister	Hefner	Lundy	Rogers	Wesely
Conway	Hoagland	Lynch	Rupp	Withem
DeCamp	Johnson, L.	McFarland	Schmit	

Voting in the negative, 8:

Abboud	Eret	Hartnett	Marsh	Pirsch
Barrett	Goodrich	Higgins		

Present and not voting, 2:

Miller	Peterson
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1105.

A BILL FOR AN ACT relating to county assessors; to amend section 77-421, Revised Statutes Supplement, 1984; to provide an examination fee to be set by the Tax Commissioner as prescribed; to eliminate the Certified Assessment Evaluator award; to repeal the original section, and also section 77-427, Revised Statutes Supplement, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Eret	Higgins	Lynch	Pirsch
Baack	Goll	Hoagland	Marsh	Remmers
Barrett	Goodrich	Johnson, L.	McFarland	Rupp
Beyer	Haberman	Johnson, R.	Miller	Schmit
Carsten	Hall	Johnson, V.	Morehead	Scofield
Chambers	Hannibal	Labeledz	Nelson	Vickers
Chizek	Harris	Lamb	Nichol	Warner
Chronister	Hartnett	Landis	Pappas	Wesely
Conway	Hefner	Lundy	Peterson	Withem
DeCamp				

Voting in the negative, 1:

Sieck

Present and not voting, 2:

Rogers Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1105A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1105, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Abboud	Eret	Higgins	Lynch	Pirsch
Baack	Goll	Hoagland	Marsh	Remmers
Barrett	Goodrich	Johnson, L.	McFarland	Rupp
Beyer	Haberman	Johnson, R.	Miller	Schmit
Carsten	Hall	Johnson, V.	Morehead	Scofield
Chizek	Hannibal	Labeledz	Nelson	Vickers
Chronister	Harris	Lamb	Nichol	Warner
Conway	Hartnett	Landis	Pappas	Wesely
DeCamp	Hefner	Lundy	Peterson	Withem

Voting in the negative, 1:

Sieck

Present and not voting, 3:

Chambers Rogers Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1131.

A BILL FOR AN ACT relating to roads; to amend section 39-1405, Reissue Revised Statutes of Nebraska, 1943; to authorize the county to contract with certain incorporated associations of homeowners as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Abboud	Baack	Barrett	Beyer	Carsten
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Chambers	Hall	Johnson, V.	Nelson	Schmit
Chizek	Hannibal	Labeledz	Nichol	Scofield
Chronister	Harris	Lamb	Pappas	Sieck
Conway	Hartnett	Landis	Peterson	Smith
DeCamp	Hefner	Lundy	Pirsch	Vickers
Eret	Higgins	Lynch	Remmers	Warner
Goll	Hoagland	Marsh	Rogers	Wesely
Goodrich	Johnson, L.	McFarland	Rupp	Withem
Haberman	Johnson, R.	Morehead		

Voting in the negative, 0.

Present and not voting, 1:

Miller

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1143.

A BILL FOR AN ACT relating to oil, fuels, and energy; to adopt the Petroleum Products Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Abboud	Eret	Hoagland	McFarland	Rupp
Baack	Goll	Johnson, L.	Morehead	Schmit
Barrett	Goodrich	Johnson, R.	Nelson	Scofield
Beyer	Haberman	Johnson, V.	Nichol	Sieck
Carsten	Hall	Labeledz	Pappas	Smith
Chambers	Hannibal	Lamb	Peterson	Vickers
Chizek	Harris	Landis	Pirsch	Warner
Chronister	Hartnett	Lundy	Remmers	Wesely
Conway	Hefner	Lynch	Rogers	Withem
DeCamp	Higgins	Marsh		

Voting in the negative, 0.

Present and not voting, 1:

Miller

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1143A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1143, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Abboud	Eret	Hoagland	McFarland	Rupp
Baack	Goll	Johnson, L.	Morehead	Schmit
Barrett	Goodrich	Johnson, R.	Nelson	Scofield
Beyer	Haberman	Johnson, V.	Nichol	Sieck
Carsten	Hall	Labeledz	Pappas	Smith
Chambers	Hannibal	Lamb	Peterson	Vickers
Chizek	Harris	Landis	Pirsch	Warner
Chronister	Hartnett	Lundy	Remmers	Wesely
Conway	Hefner	Lynch	Rogers	Withem
DeCamp	Higgins	Marsh		

Voting in the negative, 0.

Present and not voting, 1:

Miller

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1158.

A BILL FOR AN ACT relating to elections; to amend sections 32-828, 32-829, 32-831, 32-834, and 32-848, Reissue Revised Statutes of Nebraska, 1943; to provide for absentee ballots and registration for certain military personnel and other citizens as prescribed; to provide for a special write-in ballot as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Eret	Higgins	Lynch	Rogers
Baack	Goll	Hoagland	Marsh	Rupp
Barrett	Goodrich	Johnson, L.	McFarland	Scofield
Beyer	Haberman	Johnson, R.	Miller	Sieck
Chambers	Hall	Johnson, V.	Morehead	Smith
Chizek	Hannibal	Labedz	Nelson	Vickers
Chronister	Harris	Lamb	Nichol	Warner
Conway	Hartnett	Landis	Peterson	Wesely
DeCamp	Hefner	Lundy	Remmers	Withem

Voting in the negative, 3:

Carsten	Pappas	Pirsch
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Present and not voting, 1:

Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1160.

A BILL FOR AN ACT relating to drugs and narcotics; to amend section 28-405, Reissue Revised Statutes of Nebraska, 1943; to change the controlled substances schedules; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Carsten	Eret	Hall	Higgins
Baack	Chizek	Goll	Hannibal	Hoagland
Barrett	Chronister	Goodrich	Harris	Johnson, L.
Beyer	Conway	Haberman	Hartnett	Johnson, R.

Johnson, V.	Lynch	Nelson	Rogers	Smith
Labedz	Marsh	Pappas	Rupp	Vickers
Lamb	McFarland	Peterson	Schmit	Warner
Landis	Miller	Pirsch	Scofield	Wesely
Lundy	Morehead	Remmers	Sieck	Withem

Voting in the negative, 0.

Present and not voting, 4:

Chambers	DeCamp	Hefner	Nichol
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1190.

A BILL FOR AN ACT relating to the Department of Social Services; to create a cash fund.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Abboud	Goll	Johnson, L.	Miller	Rupp
Baack	Goodrich	Johnson, R.	Morehead	Schmit
Barrett	Haberman	Johnson, V.	Nelson	Scofield
Beyer	Hall	Labedz	Nichol	Sieck
Carsten	Hannibal	Lamb	Pappas	Smith
Chizek	Harris	Landis	Peterson	Vickers
Chronister	Hartnett	Lundy	Pirsch	Warner
Conway	Hefner	Lynch	Remmers	Wesely
DeCamp	Higgins	Marsh	Rogers	Withem
Eret	Hoagland	McFarland		

Voting in the negative, 0.

Present and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1184.

A BILL FOR AN ACT relating to insurance; to amend section 44-379, Reissue Revised Statutes of Nebraska, 1943; to provide conditions for cancellation of policies; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Abboud	Goll	Johnson, L.	Miller	Rupp
Baack	Goodrich	Johnson, R.	Morehead	Schmit
Barrett	Haberman	Johnson, V.	Nelson	Scofield
Beyer	Hall	Labeledz	Nichol	Sieck
Carsten	Hannibal	Lamb	Pappas	Smith
Chizek	Harris	Landis	Peterson	Vickers
Chronister	Hartnett	Lundy	Pirsch	Warner
Conway	Hefner	Lynch	Remmers	Wesely
DeCamp	Higgins	Marsh	Rogers	Withem
Eret	Hoagland	McFarland		

Voting in the negative, 0.

Present and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1203.

A BILL FOR AN ACT relating to boiler inspection; to amend sections 48-701 to 48-710 and 48-712 to 48-718, Reissue Revised Statutes of Nebraska, 1943; to adopt the Boiler Inspection Act; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Goll	Johnson, L.	McFarland	Rogers
Baack	Goodrich	Johnson, R.	Miller	Rupp
Barrett	Haberman	Johnson, V.	Morehead	Schmit
Beyer	Hall	Labeledz	Nelson	Scofield
Carsten	Hannibal	Lamb	Nichol	Sieck
Chambers	Harris	Landis	Pappas	Smith
Chizek	Hartnett	Lundy	Peterson	Vickers
Chronister	Hefner	Lynch	Pirsch	Wesely
DeCamp	Higgins	Marsh	Remmers	Withem
Eret	Hoagland			

Voting in the negative, 0.

Present and not voting, 2:

Conway Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1208.

A BILL FOR AN ACT relating to the risk management program; to amend sections 81-8,239.01, 81-8,239.02, 81-8,239.05, and 81-8,239.06, Reissue Revised Statutes of Nebraska, 1943; to eliminate references to agents; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

Abboud	Eret	Hoagland	McFarland	Rupp
Baack	Goll	Johnson, L.	Miller	Schmit
Barrett	Goodrich	Johnson, R.	Morehead	Scofield
Beyer	Haberman	Johnson, V.	Nelson	Sieck
Carsten	Hall	Labeledz	Nichol	Smith
Chambers	Hannibal	Lamb	Pappas	Vickers
Chizek	Harris	Landis	Peterson	Warner
Chronister	Hartnett	Lundy	Pirsch	Wesely
Conway	Hefner	Lynch	Remmers	Withem
DeCamp	Higgins	Marsh	Rogers	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1241.

A BILL FOR AN ACT relating to the Board of Parole; to amend section 83-192, Reissue Revised Statutes of Nebraska, 1943; to provide a parole review schedule for offenders as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Abboud	Eret	Hoagland	McFarland	Rupp
Baack	Goll	Johnson, L.	Miller	Schmit
Barrett	Goodrich	Johnson, R.	Morehead	Scofield
Beyer	Haberman	Johnson, V.	Nelson	Sieck
Carsten	Hall	Labedz	Nichol	Smith
Chambers	Hannibal	Lamb	Pappas	Vickers
Chizek	Harris	Landis	Peterson	Warner
Chronister	Hartnett	Lundy	Pirsch	Wesely
Conway	Hefner	Lynch	Remmers	Withem
DeCamp	Higgins	Marsh	Rogers	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1242.

A BILL FOR AN ACT relating to the Board of Parole; to amend section 83-1,111, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the review of the record of a committed offender as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

Abboud	Eret	Hoagland	McFarland	Rupp
Baack	Goll	Johnson, L.	Miller	Schmit
Barrett	Goodrich	Johnson, R.	Morehead	Scofield
Beyer	Haberman	Johnson, V.	Nelson	Sieck
Carsten	Hall	Labeledz	Nichol	Smith
Chambers	Hannibal	Lamb	Pappas	Vickers
Chizek	Harris	Landis	Peterson	Warner
Chronister	Hartnett	Lundy	Pirsch	Wesely
Conway	Hefner	Lynch	Remmers	Withem
DeCamp	Higgins	Marsh	Rogers	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 153. With Emergency.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 39-669.07, 39-669.08, 39-669.16, 60-403, 60-426, and 60-427, Reissue Revised Statutes of Nebraska, 1943, sections 28-106 and 29-2260, Revised Statutes Supplement, 1984, and section 60-430.01, Revised Statutes Supplement, 1985; to redefine a misdemeanor classification; to change provisions relating to driving while intoxicated as prescribed; to authorize the reduction of certain sentences; to prohibit the issuance of operator's licenses to certain persons; to provide for suspension or revocation of operator's licenses in certain instances; to require notice as prescribed; to impose certain reinstatement fees; to harmonize provisions; to provide penalties; to eliminate a prohibition and penalty relating to operation of a vehicle for which an operator's license is not required; to eliminate a penalty relating to motor vehicle homicide; to repeal the original sections, and also

sections 39-669.20 and 60-430.04, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Abboud	Goll	Johnson, L.	Miller	Rupp
Baack	Goodrich	Johnson, R.	Morehead	Schmit
Barrett	Haberman	Johnson, V.	Nelson	Scofield
Beyer	Hall	Labedz	Nichol	Sieck
Carsten	Hannibal	Lamb	Pappas	Smith
Chizek	Harris	Landis	Peterson	Vickers
Chronister	Hartnett	Lundy	Pirsch	Warner
Conway	Hefner	Marsh	Remmers	Wesely
DeCamp	Higgins	McFarland	Rogers	Withem
Eret	Hoagland			

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 1:

Chambers

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 1017, 1025, 1048, 1051, 1051A, 1056, 1063, 1080, 1093, 1105, 1105A, 1131, 1143, 1143A, 1158, 1160, 1190, 1184, 1203, and 1208.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 153A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 153, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Goll	Hoagland	McFarland	Rupp
Baack	Goodrich	Johnson, L.	Miller	Schmit
Barrett	Haberman	Johnson, R.	Morehead	Scofield
Beyer	Hall	Johnson, V.	Nelson	Sieck
Carsten	Hannibal	Labeledz	Nichol	Smith
Chizek	Harris	Lamb	Pappas	Vickers
Chronister	Hartnett	Landis	Peterson	Warner
Conway	Hefner	Lundy	Pirsch	Wesely
DeCamp	Higgins	Marsh	Remmers	Withem
Eret				

Voting in the negative, 0.

Present and not voting, 2:

Lynch Rogers

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 217.

A BILL FOR AN ACT relating to regulated substances; to amend sections 81-526 and 81-551, Reissue Revised Statutes of Nebraska, 1943, section 81-1504, Revised Statutes Supplement, 1984, and section 81-502, Revised Statutes Supplement, 1985; to adopt the Petroleum Products and Hazardous Substances Storage and Handling Act; to create a fund; to provide additional duties; to

provide for enforcement; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Eret	Higgins	McFarland	Rupp
Baack	Goll	Hoagland	Miller	Schmit
Barrett	Goodrich	Johnson, L.	Morehead	Scofield
Beyer	Haberman	Johnson, R.	Nelson	Sieck
Carsten	Hall	Johnson, V.	Pappas	Smith
Chizek	Hannibal	Labeledz	Peterson	Vickers
Chronister	Harris	Landis	Pirsch	Warner
Conway	Hartnett	Lundy	Remmers	Wesely
DeCamp	Hefner	Marsh	Rogers	Withem

Voting in the negative, 2:

Lamb Nichol

Present and not voting, 1:

Lynch

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 217A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 217, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Eret	Higgins	Miller	Schmit
Baack	Goll	Hoagland	Morehead	Scofield
Barrett	Goodrich	Johnson, L.	Nelson	Sieck
Beyer	Haberman	Johnson, R.	Nichol	Smith
Carsten	Hall	Labedz	Pappas	Vickers
Chizek	Hannibal	Landis	Pirsch	Warner
Chronister	Harris	Lundy	Remmers	Wesely
Conway	Hartnett	Marsh	Rogers	Withem
DeCamp	Hefner	McFarland	Rupp	

Voting in the negative, 1:

Lamb

Present and not voting, 3:

Johnson, V. Lynch Peterson

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 310.

A BILL FOR AN ACT relating to water; to amend sections 46-602 and 46-606, Reissue Revised Statutes of Nebraska, 1943; to adopt the Water Well Standards and Contractors' Licensing Act; to require additional information on a well registration form; to change provisions relating to certain well abandonment rules and regulations; to increase certain fees as prescribed; to provide an operative date; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Abboud	Beyer	Chronister	Eret	Haberman
Baack	Carsten	Conway	Goll	Hall
Barrett	Chizek	DeCamp	Goodrich	Hannibal

Harris	Johnson, V.	McFarland	Pirsch	Sieck
Hartnett	Labeledz	Miller	Remmers	Smith
Hefner	Lamb	Morehead	Rogers	Vickers
Higgins	Landis	Nelson	Rupp	Warner
Hoagland	Lundy	Nichol	Schmit	Wesely
Johnson, L.	Lynch	Pappas	Scofield	Withem
Johnson, R.	Marsh	Peterson		

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MR. CARSTEN PRESIDING

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 310A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 310, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Abboud	Goll	Johnson, L.	McFarland	Rupp
Baack	Goodrich	Johnson, R.	Miller	Schmit
Barrett	Haberman	Johnson, V.	Morehead	Scofield
Beyer	Hall	Labeledz	Nelson	Sieck
Carsten	Hannibal	Lamb	Pappas	Smith
Chizek	Harris	Landis	Peterson	Vickers
Chronister	Hartnett	Lundy	Pirsch	Warner
Conway	Hefner	Lynch	Remmers	Wesely
DeCamp	Higgins	Marsh	Rogers	Withem
Eret	Hoagland			

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Nichol

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 528.

A BILL FOR AN ACT relating to violations; to amend sections 29-2262, 29-2412, 48-115, 48-126.01, and 79-211, Reissue Revised Statutes of Nebraska, 1943; to define terms; to provide for community service as a sentencing alternative; to provide the length of community service required; to authorize an additional condition for probation; to change provisions relating to nonpayment of fines; to provide for workers' compensation benefits in certain situations; to change provisions relating to the reporting of nonattendance at school; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Goll	Hoagland	Marsh	Rogers
Baack	Goodrich	Johnson, L.	McFarland	Rupp
Barrett	Haberman	Johnson, R.	Miller	Schmit
Beyer	Hall	Johnson, V.	Morehead	Scofield
Carsten	Hannibal	Labedz	Nelson	Sieck
Chizek	Harris	Lamb	Pappas	Smith
Chronister	Hartnett	Landis	Peterson	Vickers
Conway	Hefner	Lundy	Pirsch	Wesely
DeCamp	Higgins	Lynch	Remmers	Withem
Eret				

Voting in the negative, 0.

Present and not voting, 1:

Warner

Excused and not voting, 2:

Chambers Nichol

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 757.

A BILL FOR AN ACT relating to schools; to amend sections 79-1331 and 79-1333.02, Reissue Revised Statutes of Nebraska, 1943, section 79-1333, Revised Statutes Supplement, 1984, section 79-4,119, Revised Statutes Supplement, 1972, as amended by Laws 1973, LB 358, section 4, and section 79-4,118, Reissue Revised Statutes of Nebraska, 1943, as amended by Laws 1973, LB 358, section 3, and Laws 1983, LB 203, section 1; to change provisions relating to textbooks as prescribed; to define a term; to change provisions relating to school district membership reports as prescribed; to change provisions relating to the determination of aid as prescribed; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Goll	Johnson, L.	McFarland	Rupp
Baack	Goodrich	Johnson, R.	Miller	Schmit
Barrett	Haberman	Johnson, V.	Morehead	Scofield
Beyer	Hall	Labedz	Nelson	Sieck
Carsten	Hannibal	Lamb	Pappas	Smith
Chizek	Harris	Landis	Peterson	Vickers
Chronister	Hartnett	Lundy	Pirsch	Warner
Conway	Hefner	Lynch	Remmers	Wesely
DeCamp	Higgins	Marsh	Rogers	Withem
Eret	Hoagland			

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Nichol

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 757A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 757, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Abboud	Eret	Higgins	McFarland	Rupp
Baack	Goll	Johnson, L.	Miller	Schmit
Barrett	Goodrich	Johnson, R.	Morehead	Scofield
Beyer	Haberman	Johnson, V.	Nelson	Sieck
Carsten	Hall	Labeledz	Pappas	Smith
Chizek	Hannibal	Lamb	Peterson	Vickers
Chronister	Harris	Landis	Pirsch	Warner
Conway	Hartnett	Lundy	Remmers	Wesely
DeCamp	Hefner	Marsh	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 2:

Hoagland Lynch

Excused and not voting, 2:

Chambers Nichol

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 782.

A BILL FOR AN ACT relating to nursing homes; to amend sections 71-2040, 71-6008, 71-6022, and 71-6037, Revised Statutes Supplement, 1984; to define a term; to provide a condition of licensure as prescribed; to provide an exception; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Goodrich	Johnson, L.	McFarland	Rupp
Baack	Haberman	Johnson, R.	Miller	Schmit
Barrett	Hall	Johnson, V.	Morehead	Scofield
Beyer	Hannibal	Labeledz	Nelson	Sieck
Carsten	Harris	Lamb	Pappas	Smith
Chizek	Hartnett	Landis	Peterson	Vickers
Chronister	Hefner	Lundy	Pirsch	Warner
Conway	Higgins	Lynch	Remmers	Wesely
DeCamp	Hoagland	Marsh	Rogers	Withem
Eret				

Voting in the negative, 0.

Present and not voting, 1:

Goll

Excused and not voting, 2:

Chambers Nichol

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Chronister asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 799. With Emergency.

A BILL FOR AN ACT relating to labor; to amend section 48-604, Revised Statutes Supplement, 1985; to exclude certain services from the term employment; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Abboud	Goll	Johnson, L.	McFarland	Rupp
Baack	Goodrich	Johnson, R.	Miller	Schmit
Barrett	Haberman	Johnson, V.	Morehead	Scofield
Beyer	Hall	Labeledz	Nelson	Sieck
Carsten	Hannibal	Lamb	Pappas	Smith
Chambers	Harris	Landis	Peterson	Vickers
Chizek	Hartnett	Lundy	Pirsch	Warner
Conway	Hefner	Lynch	Remmers	Wesely
DeCamp	Higgins	Marsh	Rogers	Withem
Eret	Hoagland			

Voting in the negative, 0.

Excused and not voting, 2:

Chronister Nichol

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 817.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-507.01, 77-803, 77-1211, 77-1247, 77-1337, and 77-1718, Reissue Revised Statutes of Nebraska, 1943, sections 77-202.01, 77-202.03, and 77-1502, Revised Statutes Supplement, 1984, and sections 77-605, 77-627, 77-1301.01, 77-1359, and 77-1360, Revised Statutes Supplement, 1985; to change provisions relating to tax exemptions, review of changes in valuations, and reappraisal contracts; to change certain penalties; to eliminate a reference to repealed statutes; to change requirements relating to assessor certification; to redefine a term; to change provisions relating to certification of land and protests and equalization of assessments; to eliminate a filing requirement relating to distress warrants; to eliminate provisions relating to tax levy certification, listing of certain personal property, assessor certification and training, and a penalty for car companies; and to repeal the original sections, and also sections 77-202.33, 77-1203 to 77-1206, 77-1326, and 77-1335, Reissue Revised Statutes of Nebraska, 1943, and section 77-632, Revised Statutes Supplement, 1985.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Goll	Johnson, L.	McFarland	Rupp
Baack	Goodrich	Johnson, R.	Miller	Schmit
Barrett	Haberman	Johnson, V.	Morehead	Scofield
Beyer	Hall	Labeledz	Nelson	Sieck
Carsten	Hannibal	Lamb	Pappas	Smith
Chambers	Harris	Landis	Peterson	Vickers
Chizek	Hartnett	Lundy	Pirsch	Warner
Conway	Hefner	Lynch	Remmers	Wesely
DeCamp	Higgins	Marsh	Rogers	Withem
Eret				

Voting in the negative, 0.

Present and not voting, 1:

Hoagland

Excused and not voting, 2:

Chronister Nichol

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 949

Mr. Hartnett withdrew his pending amendment found in the Journal on page 1169 to LB 949.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 949.

A BILL FOR AN ACT relating to public power districts: to amend sections 70-602, 70-603, 70-604, 70-604.01, 70-604.02, 70-604.05, 70-605, and 70-662, Reissue Revised Statutes of Nebraska, 1943, sections 70-610 and 70-612, Revised Statutes Supplement, 1984, and

sections 70-601, 70-604.03, and 70-619, Revised Statutes Supplement, 1985; to state intent; to redefine terms; to change provisions relating to the formation of districts and changes in such districts; to change provisions relating to a district's operating area; to change provisions relating to the election of directors; to change provisions relating to noncompliance with statutes; to change a provision relating to director qualifications; to harmonize provisions; to provide duties for the Revisor of Statutes; to eliminate a provision relating to construction of an act; and to repeal the original sections, and also section 70-604.07, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Abboud	Goll	Hoagland	McFarland	Rupp
Baack	Goodrich	Johnson, L.	Miller	Schmit
Barrett	Haberman	Johnson, V.	Morehead	Scofield
Beyer	Hall	Labedz	Nelson	Sieck
Carsten	Hannibal	Lamb	Pappas	Smith
Chambers	Harris	Landis	Peterson	Vickers
Chizek	Hartnett	Lundy	Pirsch	Warner
Conway	Hefner	Lynch	Remmers	Wesely
DeCamp	Higgins	Marsh	Rogers	Withem
Eret				

Voting in the negative, 0.

Present and not voting, 1:

Johnson, R.

Excused and not voting, 2:

Chronister Nichol

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 960

Mr. Pappas withdrew his pending amendment, AM3006, found in the Journal on page 2175 to LB 960.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 960. With Emergency.

A BILL FOR AN ACT relating to printing requirements; to amend sections 8-167, 8-213, 8-215, 8-408.01, 12-505, 12-701, 12-802, 17-511, 17-958, 17-971, 17-972, 19-922, 19-1103, 19-1303, 19-2203, 19-2404, 19-3316, 23-114.03, 23-318, 23-370, 23-1728, 31-309, 31-375, 31-909, 32-550, 32-708, 39-1502, 39-1503, 39-1513, 39-1724, 46-1,129, 46-229.03, 46-640, 51-216, 51-511, 66-436, 66-437, 72-410, 77-2206, 77-2804, 79-4,100, 79-810, and 79-1066, Reissue Revised Statutes of Nebraska, 1943; to provide for publication of certain notices in areas which do not publish newspapers as prescribed; to change numbering requirements of certain measures; to delete obsolete provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 36:

Abboud	Haberman	Johnson, L.	Miller	Rupp
Baack	Hannibal	Labeledz	Morehead	Schmit
Barrett	Harris	Lamb	Nelson	Scofield
Carsten	Hartnett	Landis	Peterson	Sieck
Conway	Hefner	Lundy	Pirsch	Smith
DeCamp	Higgins	Marsh	Remmers	Warner
Eret	Hoagland	McFarland	Rogers	Wesely
Goll				

Voting in the negative, 5:

Beyer	Goodrich	Johnson, V.	Pappas	Withem
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Present and not voting, 6:

Chambers	Hall	Johnson, R.	Lynch	Vickers
Chizek				

Excused and not voting, 2:

Chronister Nichol

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

VISITORS

Visitors to the Chamber were 70 fourth and fifth grade students and teachers from Crestridge Elementary School, Omaha; Al and Nancy Klare from Reading, Mass. and Mrs. Juliane C. Johnston from Lincoln; 41 fourth grade students and teachers from St. Bernards School, Omaha; Bruce Wegs and Larry Kelley from North Platte; 19 fifth and sixth grade students and teacher from Roseland Public School; and a group of students and teacher from Kearney State College.

MOTION - Recess

Mr. Withem moved to recess until 1:15 p.m. The motion prevailed, and at 11:47 a.m., on a motion by Mr. Withem, the Legislature recessed until 1:15 p.m.

AFTER RECESS

The Legislature reconvened at 1:18 p.m., Mr. V. Johnson presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Chronister, Goll, Haberman, Hall, Hannibal, Hefner, L. Johnson, Lamb, Lundy, McFarland, Schmit, Warner, Wesely, Withem, Mesdames Higgins, Labedz, Marsh, Morehead, Pirsch, and Ms. Scofield who were excused until they arrive.

REPORT

Received from the Department of Roads a statement of deposits to the Highway Cash Fund and Roads Operation Cash Fund for March, 1986.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 15, 1986, at 11:05 a.m., were the following bills: 1017, 1025, 1048, 1051, 1051A, 1056, 1063, 1080,

1093, 1105, 1105A, 1131, 1143, 1143A, 1158, 1160, 1190, 1184, 1203 & 1208.

(Signed) Pam Moravec, Enrolling Clerk

RESOLUTION

LEGISLATIVE RESOLUTION 441.

Introduced by Hall, 7th District.

WHEREAS, Article XXII, of the Constitution of the United States was ratified by the states and declared to be part of the Constitution of the United States on February 27, 1951; and

WHEREAS, Article XXII, known as the Twenty-second Amendment, states that no person shall be elected to the Office of President more than twice; and

WHEREAS, the current officeholder of the United States presidency, President Ronald Reagan, is constitutionally prohibited from serving beyond the duration of his current term; and

WHEREAS, the Twenty-second Amendment was proposed, ratified, and adopted partially in response to multiple presidential terms served by President Franklin Delano Roosevelt; and

WHEREAS, the Twenty-second Amendment has operated as a constitutional prohibition disqualifying individuals from serving beyond two presidential terms.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature urges the Congress of the United States to repeal Article XXII of the Constitution of the United States.

2. That copies of this resolution be sent to Nebraska's elected representatives in the United States Senate and the House of Representatives.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of the following governor appointments.

Public Works

Robert J. Stutzman - Board of Public Roads Classifications and Standards
R. Doyle Hanson - Board of Public Roads Classifications and Standards
William D. Lindholm - Board of Public Roads Classifications and Standards
Patricia L. Peterson - Board of Public Roads Classifications and Standards
Marvin Athey - Board of Public Roads Classifications and Standards

Health and Human Services

Arthur Nelson - NE Commission on the Hearing Impaired

(Signed) Calvin F. Carsten, Chairperson
Legislative Council
Executive Board

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions and bills: LRs 418, 416, 413, 412, 383, 424; LBs 1241, 1242, 153, 153A, 217, 217A, 310, 310A, 528, 757, 757A, 782, 799, 817, 949, and 960.

SPEAKER NICHOL PRESIDING

UNANIMOUS CONSENT - Member Excused

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1027. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 2-219, 9-127, 9-129, 9-135, 9-139, 9-140, 9-140.10, 9-151, 9-152, 9-155, 9-162, 9-167, 9-175, 14-102, 15-258, 16-226, 17-120, 17-207, 28-1101, 28-1105, 28-1110, 28-1113 to 28-1116.01, 57-702, 57-710, 57-919, 66-448, 77-27,107, 77-27,147, and 81-1559, Reissue Revised Statutes of Nebraska, 1943, sections 9-128, 9-132 to 9-134,

9-136 to 9-138, 9-140.03 to 9-140.06, 9-140.11, 9-140.12, 9-141 to 9-143, 9-144, 9-147, 9-149, 9-150, 9-154, 9-156 to 9-161, 9-163 to 9-166, 9-171, 9-172, 9-174, 9-177, 9-178, 9-181, 9-182, 9-190, 9-195 to 9-199, 77-631.02, 77-1250, 77-2704.01, and 77-2753, Revised Statutes Supplement, 1984, and sections 9-124 to 9-126, 9-140.01, 9-140.07 to 9-140.09, 9-140.13 to 9-140.16, 9-143.01 to 9-143.06, 9-145, 9-146, 9-148, 9-153, 9-170, 9-173, 9-178.01, 9-179, 9-183 to 9-186.04, 9-187 to 9-189, 9-199.01, 76-214, 77-2702 to 77-2704, and 77-2715, Revised Statutes Supplement, 1985; to adopt the Nebraska Bingo Act, the Nebraska Pickle Card Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Small Lottery and Raffle Act, the Nebraska County and City Lottery Act, and the Uniform State Tax Lien Registration and Enforcement Act; to change certain provisions relating to bingo, lotteries, raffles, gift enterprises, oil and gas taxes, tax credit gasoline, the sales and use tax, the income tax, and the Local Option Revenue Act; to redefine terms; to change penalties; to authorize the issuance of certain notes by municipalities; to authorize a tax amnesty; to provide duties for the Revisor of Statutes; to harmonize provisions; to eliminate the Bingo and Lottery Advisory Committee; to eliminate obsolete provisions; to eliminate provisions relating to tax liens and remedies for nonpayment of certain taxes; to provide operative dates; and to repeal the original sections, and also sections 9-176, 28-1116.02, 66-416, 66-416.01, 66-628, 66-628.01, and 77-27.106, Reissue Revised Statutes of Nebraska, 1943, sections 9-140.02, 9-168, 9-169, 9-191, 9-192, 9-193, 9-193.01, 9-194, 77-2712, and 77-27.104, Revised Statutes Supplement, 1984, and sections 77-2701.03 and 77-27.105, Revised Statutes Supplement, 1985; and to declare an emergency.

Pending.

MOTION - Return LB 1027 to Select File

Mr. Hannibal moved to return LB 1027 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Hannibal withdrew his pending motion to return.

Mr. V. Johnson moved to return LB 1027 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. V. Johnson withdrew his pending motion to return.

Mrs. Higgins moved to return LB 1027 to Select File for the following specific amendment:

Strike the enacting clause of LB 1027E.

Mrs. Higgins withdrew her pending motion to return.

Mr. Schmit moved to return LB 1027 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Schmit withdrew his pending motion to return.

BILLS ON FINAL READING

LEGISLATIVE BILL 1027. With Emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 23:

Carsten	Hartnett	Landis	Morehead	Sieck
Chizek	Hefner	Lundy	Nelson	Vickers
Chronister	Hoagland	Marsh	Pirsch	Warner
Conway	Johnson, V.	McFarland	Scofield	Wesely
Hall	Labedz	Miller		

Voting in the negative, 20:

Abboud	Chambers	Hannibal	Lamb	Rogers
Baack	DeCamp	Higgins	Pappas	Rupp
Barrett	Goll	Johnson, L.	Peterson	Smith
Beyer	Haberman	Johnson, R.	Remmers	Withem

Present and not voting, 6:

Eret	Harris	Lynch	Nichol	Schmit
Goodrich				

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 26:

Carsten	Hartnett	Landis	Miller	Scofield
Chizek	Hefner	Lundy	Morehead	Sieck
Chronister	Hoagland	Lynch	Nelson	Vickers
Goodrich	Johnson, V.	Marsh	Pirsch	Warner
Hall	Labedz	McFarland	Schmit	Wesely
Harris				

Voting in the negative, 23:

Abboud	Conway	Hannibal	Nichol	Rogers
Baack	DeCamp	Higgins	Pappas	Rupp
Barrett	Eret	Johnson, L.	Peterson	Smith
Beyer	Goll	Johnson, R.	Remmers	Withem
Chambers	Haberman	Lamb		

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 1027A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1027, Eighty-ninth Legislature, Second Session, 1986; and to reduce an appropriation.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 27:

Chizek	Hartnett	Lundy	Morehead	Scofield
Conway	Hefner	Lynch	Nelson	Sieck
Goodrich	Hoagland	Marsh	Nichol	Vickers
Hall	Johnson, V.	McFarland	Pirsch	Warner
Hannibal	Labedz	Miller	Schmit	Wesely
Harris	Landis			

Voting in the negative, 19:

Abboud	Carsten	Haberman	Lamb	Rupp
Baack	DeCamp	Higgins	Pappas	Smith
Barrett	Eret	Johnson, L.	Peterson	Withem
Beyer	Goll	Johnson, R.	Remmers	

Present and not voting, 3:

Chambers Chronister Rogers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Motion to LB 122

Mr. Warner withdrew his motion to return LB 122 to Select File for his specific amendment, AM2435, found in the Journal on page 1683.

MOTION - Return LB 122 to Select File

Mr. Warner moved to return LB 122 to Select File for the following specific amendment:

Strike the enacting clause.

PRESIDENT MCGINLEY PRESIDING

Mr. Warner requested a roll call vote on his motion to return.

Voting in the affirmative, 17:

Abboud	Goll	Johnson, R.	Morehead	Warner
Barrett	Hannibal	Landis	Rupp	Wesely
Carsten	Hoagland	Lundy	Sieck	Withem
Conway	Johnson, L.			

Voting in the negative, 22:

Baack	Haberman	Lamb	Nichol	Remmers
Chizek	Hall	Lynch	Pappas	Rogers
DeCamp	Harris	Marsh	Peterson	Scofield
Eret	Hefner	Nelson	Pirsch	Smith
Goodrich	Labeledz			

Present and not voting, 9:

Beyer Chambers Chronister Hartnett Higgins

Johnson, V. McFarland Miller Vickers

Absent and not voting, 1:

Schmit

The Warner motion to return lost with 17 ayes, 22 nays, 9 present and not voting, and 1 absent and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 122.

A BILL FOR AN ACT relating to the rules of the road; to amend section 39-6,181, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to certain special permits for exceeding maximum weight and length limitations; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Baack	Goodrich	Lamb	Nichol	Rupp
Beyer	Haberman	Landis	Pappas	Schmit
Chizek	Hall	Lynch	Peterson	Scofield
Chronister	Harris	Marsh	Pirsch	Sieck
Conway	Hefner	McFarland	Remmers	Smith
DeCamp	Higgins	Nelson	Rogers	Vickers
Eret	Labeledz			

Voting in the negative, 14:

Abboud	Goll	Johnson, L.	Lundy	Wesely
Barrett	Hannibal	Johnson, R.	Morehead	Withem
Carsten	Hoagland	Johnson, V.	Warner	

Present and not voting, 3:

Chambers Hartnett Miller

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendments to LB 525

Messrs. Warner and Hoagland withdrew their pending amendment, AM1914, found in the Journal on page 611 to LB 525.

Mr. Haberman withdrew his pending amendment, AM2078, found in the Journal on page 1180 to LB 525.

Mr. Warner withdrew his pending amendment, AM2285, found in the Journal on page 1233 to LB 525.

Mr. Lamb withdrew his pending amendment, AM2927, found in the Journal on page 2064 to LB 525.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 525.

A BILL FOR AN ACT relating to marriage; to amend sections 24-511, 33-110, 33-126.05, 42-104 to 42-108, 42-112, 42-113, 42-115, 42-121, and 71-614, Reissue Revised Statutes of Nebraska, 1943; to transfer the issuance of marriage licenses and related duties from county judges to county clerks; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Abboud	DeCamp	Higgins	McFarland	Rupp
Baack	Eret	Hoagland	Morehead	Schmit
Barrett	Goll	Johnson, L.	Nelson	Scofield
Beyer	Goodrich	Johnson, V.	Nichol	Sieck
Carsten	Hall	Labeledz	Pappas	Smith
Chambers	Hannibal	Landis	Peterson	Vickers
Chizek	Harris	Lundy	Pirsch	Wesely
Chronister	Hartnett	Marsh	Remmers	Withem
Conway	Hefner			

Voting in the negative, 5:

Haberman Johnson, R. Lamb Lynch Miller

Present and not voting, 2:

Rogers Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 1049 to Select File

Mr. Haberman moved to return LB 1049 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Haberman withdrew his pending motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1049. With Emergency.

A BILL FOR AN ACT relating to education; to provide for the Nebraska Commission for Special Education; to provide for interstate agreements with Iowa, Kansas, and Wyoming; to provide powers and duties; to provide when any compact shall become binding; to provide for dissolution of the commission; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 49:

Abboud	Chizek	Goodrich	Hefner	Labeledz
Baack	Chronister	Haberman	Higgins	Lamb
Barrett	Conway	Hall	Hoagland	Landis
Beyer	DeCamp	Hannibal	Johnson, L.	Lundy
Carsten	Eret	Harris	Johnson, R.	Lynch
Chambers	Goll	Hartnett	Johnson, V.	Marsh

McFarland	Nichol	Remmers	Scofield	Warner
Miller	Pappas	Rogers	Sieck	Wesely
Morehead	Peterson	Rupp	Smith	Withem
Nelson	Pirsch	Schmit	Vickers	

Voting in the negative, 0.

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1049A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1049, Eighty-ninth Legislature, Second Session, 1986; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Abboud	Goll	Johnson, L.	Miller	Rupp
Baack	Goodrich	Johnson, R.	Morehead	Schmit
Barrett	Haberman	Johnson, V.	Nelson	Scofield
Beyer	Hall	Labeledz	Nichol	Sieck
Carsten	Hannibal	Lamb	Pappas	Smith
Chambers	Harris	Landis	Peterson	Vickers
Chizek	Hartnett	Lundy	Pirsch	Warner
Chronister	Hefner	Lynch	Remmers	Wesely
Conway	Higgins	Marsh	Rogers	Withem
Eret	Hoagland	McFarland		

Voting in the negative, 0.

Present and not voting, 1:

DeCamp

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 1172 to Select File

Mr. Pappas moved to return LB 1172 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Pappas withdrew his pending motion to return.

Mr. Vickers moved to return LB 1172 to Select File for the following specific amendment:

to indefinitely postpone LB 1172

Mr. Vickers withdrew his pending motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1172.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-903, 85-904, 85-906, 85-916.01, 85-916.02, 85-969, 85-970, 85-973, 85-977, 85-981, 85-982, 85-985, 85-990, 85-992, 85-995 to 85-998, 85-9,100 to 85-9,102, 85-1007, 85-1008, 85-1102, 85-1103, 85-1105 to 85-1109, and 85-1111, Reissue Revised Statutes of Nebraska, 1943, sections 81-102, 85-901, 85-905, 85-907, 85-909, 85-911, 85-913, 85-954, 85-974, 85-994, 85-999, 85-9,103 to 85-9,105, and 85-9,107 to 85-9,109, Revised Statutes Supplement, 1984, and section 85-975, Revised Statutes Supplement, 1985; to name an act; to state intent; to adopt the Higher Education Planning and Review Act; to eliminate the Nebraska Coordinating Commission for Postsecondary Education; to provide for the appointment of a director; to create an agency; to provide for regional compacts and agreements; to provide powers and duties; to rename funds; to eliminate a fund; to harmonize provisions; and to repeal the original sections, and also sections 85-914, 85-915, and 85-983, Reissue Revised Statutes of Nebraska, 1943, and sections 85-902, 85-902.01, 85-908, 85-910, and 85-910.01, Revised Statutes Supplement, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 23:

Baack	Eret	Higgins	Lynch	Schmit
Chambers	Haberman	Hoagland	McFarland	Sieck
Chizek	Hall	Johnson, R.	Miller	Vickers
Chronister	Harris	Johnson, V.	Nelson	Withem
DeCamp	Hartnett	Labeledz		

Voting in the negative, 26:

Abboud	Goodrich	Landis	Pappas	Rupp
Barrett	Hannibal	Lundy	Peterson	Scofield
Beyer	Hefner	Marsh	Pirsch	Smith
Carsten	Johnson, L.	Morehead	Remmers	Warner
Conway	Lamb	Nichol	Rogers	Wesely
Goll				

Not voting, 0.

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

WITHDRAW - Amendments to LB 90

Mr. DeCamp withdrew his pending amendments, AM2460, found in the Journal on page 1302, AM2379, found in the Journal on page 1366, amendments (1), (2), and (3) found in the Journal on page 1728, and (4) found in the Journal on page 1729 to LB 90.

Mr. Hall withdrew his pending amendments found in the Journal on page 2161, AM3016, and AM3015, found in the Journal on page 2217.

MOTION - Return LB 90 to Select File

Mr. Hall moved to return LB 90 to Select File for the following specific amendment:

Strike the enacting clause on LB 90.

Mr. Hall withdrew his pending motion to return.

Mr. Hoagland moved to return LB 90 to Select File for the following specific amendment:

"Strike the enacting clause."

Mr. Hoagland withdrew his pending motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 90.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1917, Reissue Revised Statutes of Nebraska, 1943; to state intent; to authorize the taking of videotape depositions and in camera testimony of certain children as prescribed; to define a term; to provide for rules of procedure; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Abboud	Eret	Hoagland	McFarland	Rupp
Baack	Goll	Johnson, L.	Miller	Schmit
Barrett	Goodrich	Johnson, R.	Morehead	Scofield
Beyer	Haberman	Johnson, V.	Nelson	Sieck
Carsten	Hall	Labedz	Nichol	Smith
Chambers	Hannibal	Lamb	Pappas	Vickers
Chizek	Harris	Landis	Peterson	Warner
Chronister	Hartnett	Lundy	Pirsch	Wesely
Conway	Hefner	Lynch	Remmers	Withem
DeCamp	Higgins	Marsh	Rogers	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTIONS**LEGISLATIVE RESOLUTION 442.**

Introduced by Labedz, 5th District; Schmit, 23rd District; Warner, 25th District; Goodrich, 20th District.

WHEREAS, Bill K. Bloom of Omaha, Nebraska, who represented the twentieth legislative district from 1967-1971, passed away on April 14, 1986; and

WHEREAS, in addition to having been a valued member of the Nebraska Legislature, Mr. Bloom was also a former member of the Police Department of the City of Omaha and a leader in the Police Union and Credit Union movement; and

WHEREAS, his many years of service to the State of Nebraska and the City of Omaha are deserving of recognition by the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature extend their deepest sympathy to the family of Bill K. Bloom.

2. That a copy of this resolution be presented to the family of Bill K. Bloom as an expression of recognition of his accomplishments.

Laid over.

LEGISLATIVE RESOLUTION 443.

Introduced by DeCamp, 40th District.

WHEREAS, since the insolvency of several industrial loan and investment companies, and the collapse of the Nebraska Depository Institutions Guaranty Corporation (NDIGC) and the consequent monetary losses suffered by accountholders of such industrials, the Legislature has strenuously wrestled with the issues of whether, in what manner, and to what degree the State of Nebraska should recompense those accountholders; and

WHEREAS, the respectability and integrity of all elements of state and local government, as well as the quality of life in Nebraska, is potentially impaired so long as a large group of individuals, who may have been adversely affected by the collapse of the industrials, reasonably believe they have been unfairly treated by the institutions of government established to protect them; and

WHEREAS, the Legislature finds that despite the fact that the state has no legal liability to accountholders in the failed industrials, and despite the fact that a legal settlement approved by the Legislature eliminated any claim against the state arising out of the Commonwealth disaster, there still remains strong feelings among a significant percentage of the population that something could and should be done to make certain that the NDIGC's \$30,000 guarantee,

that affected accountholders reasonably believed was protecting them, is met in some way; and

WHEREAS, if "Nebraska, the good life," is to have meaning, then it is reasonable for government to mitigate, as much as possible within the law and within the Constitution, the damage resulting from the industrial failures and the collapse of the NDIGC; and

WHEREAS, the industrial failures have impacted certain senior citizens particularly hard, for which state government has a special responsibility; and

WHEREAS, during the course of the Legislature's consideration of the foregoing issues, the Legislature has limited the scope of its inquiry by adopting the perspective that the ramifications of the Industrial/NDIGC "problem" extend solely to the state's financial institutions; and

WHEREAS, the Legislature has heretofore ignored the fact that the NDIGC acted, in essence, as a private insurer of deposits held in its member institutions and, as such, the collapse of the NDIGC is a matter which reflects upon the safety, soundness and reputation of the state's domestic insurance companies.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature's Banking, Commerce and Insurance Committee and any other legislative member who wishes to participate, shall attempt over the next 90 days to determine whether there are reasonable compromises which may be agreed to by elements of state and local government and private industry which could be implemented to significantly mitigate the damage caused by the failure of industrial loan and investment companies, and by the collapse of the NDIGC.

2. That the Committee shall examine and explore any possible solution which involves no direct appropriation from the general fund, and which allows all elements of government and the private sector to work out such a solution.

3. That such Committee shall specifically examine the effects of the collapse of the NDIGC on Nebraska's domestic insurance companies, and explore the possibility and feasibility of implementing a legislative program, based upon the premises already adopted by the Legislature in the Nebraska Insurance Guaranty Association Act and the Nebraska Life and Health Insurance Guaranty Association Act, to compensate the failed industrial accountholders by requiring an assessment of all Nebraska insurance companies.

4. That the Committee shall report its findings and recommendations to the Legislature within 90 days.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 15, 1986, at 3:00 p.m., were the following bills: 1241, 1242, 153, 153A, 217, 217A, 310, 310A, 528, 757, 757A, 782, 799, 817, 949, & 960.

(Signed) Pam Moravec, Enrolling Clerk

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 1027.

(Signed) Timothy Hall, Chairperson

MOTION - Return LB 807 to Select File

Mrs. Nelson moved to return LB 807 to Select File for the Scofield specific amendment, AM2771, found in the Journal on page 1780.

Mrs. Nelson withdrew her pending motion to return.

Mr. Pappas moved to return LB 807 to Select File for the following specific amendment:

To return L.B. 807 to insert a new Section.

Sec (2) That after the effective date of this bill all trains having a caboose shall report to the Public Service Commission all incidents that require stopping the train from the rear end, or when the rear end crew aids or assists in the prevention of damage to life or property. The Public Service Commission shall yearly report to the legislature those incidents, on or before January 20th of each year.

Mr. Pappas withdrew his pending motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 807. With Emergency.

A BILL FOR AN ACT relating to railroads; to amend sections 74-598 to 74-5,100, 74-5,102, and 74-5,103, Revised Statutes Supplement, 1984; to change provisions relating to cabooses; to define terms; to provide additional violations; to provide additional powers and duties; to provide for a telemetry system as prescribed; to harmonize provisions; and to repeal the original sections; and to declare an emergency.

Mr. DeCamp requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 28:

Abboud	Goll	Johnson, L.	Miller	Rupp
Baack	Goodrich	Johnson, R.	Nichol	Sieck
Barrett	Hall	Lamb	Peterson	Smith
Carsten	Hannibal	Lundy	Pirsch	Warner
Chronister	Hartnett	Lynch	Remmers	Withem
DeCamp	Hefner	Marsh		

Voting in the negative, 20:

Beyer	Eret	Hoagland	Morehead	Schmit
Chambers	Haberman	Labedz	Nelson	Scofield
Chizek	Harris	Landis	Pappas	Vickers
Conway	Higgins	McFarland	Rogers	Wesely

Present and not voting, 1:

Johnson, V.

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 31:

Abboud	Chronister	Goodrich	Hefner	Lamb
Baack	Conway	Hall	Johnson, L.	Lundy
Barrett	DeCamp	Hannibal	Johnson, R.	Lynch
Carsten	Goll	Hartnett	Johnson, V.	Marsh

Miller	Pirsch	Rupp	Smith	Wesely
Nichol	Remmers	Sieck	Warner	Withem
Peterson				

Voting in the negative, 18:

Beyer	Haberman	Labedz	Nelson	Schmit
Chambers	Harris	Landis	Pappas	Scofield
Chizek	Higgins	McFarland	Rogers	Vickers
Eret	Hoagland	Morehead		

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

WITHDRAW - Amendment to LB 885

Mr. Haberman withdrew his pending amendment, AM3022, found in the Journal on page 2182 to LB 885.

UNANIMOUS CONSENT - Member Excused

Mr. Chronister asked unanimous consent to be excused until he returns. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 885.

A BILL FOR AN ACT relating to counties; to provide for the appointment of public defenders in certain counties as prescribed; to provide for a policy board; and to provide for certain contract provisions, support staff, and the payment of fees.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Abboud	Barrett	Carsten	Chizek	DeCamp
Baack	Beyer	Chambers	Conway	Eret

Goll	Higgins	Lundy	Pappas	Scofield
Goodrich	Hoagland	Lynch	Peterson	Sieck
Haberman	Johnson, L.	Marsh	Pirsch	Smith
Hall	Johnson, R.	McFarland	Remmers	Vickers
Hannibal	Johnson, V.	Miller	Rogers	Warner
Harris	Labeledz	Morehead	Rupp	Wesely
Hartnett	Lamb	Nelson	Schmit	Withem
Hefner	Landis	Nichol		

Voting in the negative, 0.

Excused and not voting, 1:

Chronister

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 890 to Select File

Mr. Vickers moved to return LB 890 to Select File for his specific amendment, AM2405, found in the Journal on page 1245.

Mr. Vickers withdrew his pending motion to return.

Mr. Vickers withdrew his pending amendments, AM2405, found in the Journal on page 1245, AM2404, found in the Journal on page 1246, and AM2997, found in the Journal on page 2174 to LB 890.

Mr. V. Johnson moved to return LB 890 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The V. Johnson motion to return lost with 15 ayes, 26 nays, 7 present and not voting, and 1 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 890.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,142.03 and 77-27,143, Reissue Revised Statutes of Nebraska, 1943, and sections 77-27,142 and 77-27,142.02, Revised Statutes Supplement, 1985; to change provisions relating to the municipal sales and use tax; to authorize increases as prescribed; to provide for termination; to change provisions relating to elections; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 28:

Baack	Goodrich	Higgins	Morehead	Scofield
Carsten	Haberman	Johnson, L.	Nelson	Sieck
Chizek	Hall	Labedz	Nichol	Smith
Conway	Hannibal	Lundy	Pappas	Warner
DeCamp	Harris	Marsh	Pirsch	Withem
Goll	Hartnett	McFarland		

Voting in the negative, 16:

Abboud	Hefner	Lamb	Peterson	Schmit
Barrett	Johnson, R.	Landis	Remmers	Vickers
Beyer	Johnson, V.	Miller	Rupp	Wesely
Eret				

Present and not voting, 4:

Chambers	Hoagland	Lynch	Rogers
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Excused and not voting, 1:

Chronister

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 807.

(Signed) Timothy Hall, Chairperson

MOTION - Suspend Rules

Mr. Nichol moved to suspend the rules, Rule 6, Section 7(b) to permit consideration of LBs 237, 237A, 783, 833, 835, 835A, 956, 997, 997A, 1001, 1001A, 1004, 1004A, 1124, 1124A, 1142, 1177, 1255, 1256, and LR 318 on final reading today.

The Nichol motion prevailed with 41 ayes, 0 nays, and 8 present and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 237.

A BILL FOR AN ACT relating to penal and correctional institutions; to amend sections 83-4,122 and 83-4,123, Reissue Revised Statutes of Nebraska, 1943; to provide for tape recording certain hearings; to provide for judicial review as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Abboud	Eret	Hoagland	McFarland	Rupp
Baack	Goll	Johnson, L.	Miller	Schmit
Barrett	Goodrich	Johnson, R.	Morehead	Scofield
Beyer	Haberman	Johnson, V.	Nelson	Sieck
Carsten	Hall	Labedz	Nichol	Smith
Chambers	Hannibal	Lamb	Pappas	Vickers
Chizek	Harris	Landis	Peterson	Warner
Chronister	Hartnett	Lundy	Pirsch	Wesely
Conway	Hefner	Lynch	Remmers	Withem
DeCamp	Higgins	Marsh	Rogers	

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 237A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 237, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	DeCamp	Hefner	Lynch	Rupp
Baack	Eret	Hoagland	Marsh	Schmit
Barrett	Goll	Johnson, L.	McFarland	Scofield
Beyer	Goodrich	Johnson, R.	Miller	Sieck
Carsten	Haberman	Johnson, V.	Nelson	Smith
Chambers	Hall	Labeledz	Nichol	Vickers
Chizek	Hannibal	Lamb	Pappas	Wesely
Chronister	Harris	Landis	Peterson	Withem
Conway	Hartnett	Lundy	Remmers	

Voting in the negative, 2:

Morehead Pirsch

Present and not voting, 3:

Higgins Rogers Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 783. With Emergency.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 39-6,182 and 60-305.12, Reissue Revised Statutes of Nebraska, 1943, and sections 60-1306 and 60-1307, Revised Statutes Supplement, 1985; to change provisions relating to the offense of operating an overweight motor vehicle; to provide powers and duties for the

Department of Motor Vehicles relating to information required on certain vehicles; to change the powers of carrier enforcement officers; to authorize a prohibition on the operation of a motor vehicle as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 48:

Abboud	Eret	Johnson, L.	Miller	Rupp
Baack	Goodrich	Johnson, R.	Morehead	Schmit
Barrett	Haberman	Johnson, V.	Nelson	Scofield
Beyer	Hall	Labeledz	Nichol	Sieck
Carsten	Hannibal	Lamb	Pappas	Smith
Chambers	Harris	Landis	Peterson	Vickers
Chizek	Hartnett	Lundy	Pirsch	Warner
Chronister	Hefner	Lynch	Remmers	Wesely
Conway	Higgins	Marsh	Rogers	Withem
DeCamp	Hoagland	McFarland		

Voting in the negative, 0.

Present and not voting, 1:

Goll

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 833.

A BILL FOR AN ACT relating to rules of the road; to amend sections 39-6,181 and 39-6,185, Reissue Revised Statutes of Nebraska, 1943; to provide an exception to load requirements for garbage trucks; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Abboud	Eret	Hoagland	Marsh	Remmers
Baack	Goll	Johnson, L.	McFarland	Rogers
Barrett	Goodrich	Johnson, R.	Miller	Rupp
Beyer	Haberman	Johnson, V.	Morehead	Scofield
Carsten	Hall	Labeledz	Nelson	Sieck
Chambers	Hannibal	Lamb	Nichol	Smith
Chizek	Harris	Landis	Pappas	Vickers
Chronister	Hartnett	Lundy	Peterson	Wesely
Conway	Hefner	Lynch	Pirsch	Withem
DeCamp	Higgins			

Voting in the negative, 1:

Warner

Present and not voting, 1:

Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 835 to Select File

Mr. Abboud moved to return LB 835 to Select File for the following specific amendment:

Strike the enacting clause.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 1027, 1027A, 122, 525, 1049, 1049A, 90, 807, 885, 890, 237, 237A, 783, and 833.

MOTION - Return LB 835 to Select File

The pending Abboud motion to return LB 835 to Select File for his specific amendment, to strike the enacting clause, was renewed.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

Mr. Schmit requested a record vote on the motion to return.

Voting in the affirmative, 16:

Abboud	Goll	Higgins	Lamb	Peterson
Barrett	Harris	Johnson, L.	Lynch	Rupp
Carsten	Hefner	Labedz	McFarland	Schmit
Eret				

Voting in the negative, 28:

Baack	Goodrich	Johnson, V.	Pappas	Smith
Beyer	Haberman	Lundy	Pirsch	Vickers
Chizek	Hannibal	Marsh	Remmers	Warner
Chronister	Hartnett	Miller	Scofield	Wesely
Conway	Hoagland	Nelson	Sieck	Withem
DeCamp	Johnson, R.	Nichol		

Present and not voting, 5:

Chambers	Hall	Landis	Morehead	Rogers
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The Abboud motion to return lost with 16 ayes, 28 nays, and 5 present and not voting.

Mr. Schmit moved to return LB 835 to Select File for the following specific amendment:

(Amendment on file in the Clerk's Office - Room 2018 - AM2982.)

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Harris moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Schmit withdrew his pending motion to return.

Mr. McFarland moved to return LB 835 to Select File for the following specific amendment:

strike Section 3.

Mr. McFarland withdrew his pending motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 835.

A BILL FOR AN ACT relating to telecommunications; to amend sections 75-109 and 75-604, Reissue Revised Statutes of Nebraska, 1943, and section 75-609, Revised Statutes Supplement, 1984; to state intent; to define terms; to provide for the deregulation of telecommunications; to provide procedures; to provide powers and duties; to provide for the limitation of rate increases as prescribed; to provide for the joint provision of service as prescribed; to limit jurisdiction as prescribed; to provide preemption; to provide for the billing of certain taxes and fees; to provide for equitable relief; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original sections.

Mr. DeCamp requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 28:

Baack	Goodrich	Lynch	Pirsch	Smith
Beyer	Hannibal	Marsh	Remmers	Vickers
Chizek	Hartnett	Miller	Rogers	Warner
Chronister	Hoagland	Nelson	Scofield	Wesely
Conway	Johnson, V.	Nichol	Sieck	Withem
DeCamp	Lundy	Pappas		

Voting in the negative, 21:

Abboud	Goll	Hefner	Labedz	Morehead
Barrett	Haberman	Higgins	Lamb	Peterson
Carsten	Hall	Johnson, L.	Landis	Rupp
Chambers	Harris	Johnson, R.	McFarland	Schmit
Eret				

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 835A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 835, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 31:

Baack	Haberman	Johnson, V.	Nichol	Sieck
Beyer	Hall	Lundy	Pappas	Smith
Carsten	Hannibal	Marsh	Pirsch	Vickers
Chronister	Hartnett	Miller	Remmers	Warner
Conway	Hoagland	Morehead	Rogers	Wesely
DeCamp	Johnson, L.	Nelson	Scofield	Withem
Goodrich				

Voting in the negative, 16:

Abboud	Goll	Higgins	Lamb	Peterson
Barrett	Harris	Johnson, R.	Landis	Rupp
Chambers	Hefner	Labeledz	McFarland	Schmit
Eret				

Present and not voting, 1:

Chizek

Excused and not voting, 1:

Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. R. Johnson asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 956.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 29-2262, Reissue Revised Statutes of Nebraska, 1943, section 28-933, Revised Statutes Supplement, 1984, and section 28-101, Revised Statutes Supplement, 1985; to authorize orders of restitution as prescribed; to provide powers and duties; to define the crime of terroristic threats; to provide a penalty; to eliminate an obsolete statute relating to terroristic threats; to harmonize provisions; and to repeal the original sections, and also section 28-311, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Abboud	Goll	Hoagland	Miller	Rupp
Baack	Goodrich	Johnson, L.	Morehead	Schmit
Barrett	Haberman	Johnson, V.	Nelson	Scofield
Beyer	Hall	Labedz	Nichol	Sieck
Carsten	Hannibal	Lamb	Pappas	Smith
Chronister	Harris	Landis	Peterson	Warner
Conway	Hartnett	Lundy	Pirsch	Wesely
DeCamp	Hefner	Marsh	Remmers	Withem
Eret	Higgins	McFarland	Rogers	

Voting in the negative, 2:

Chambers Vickers

Present and not voting, 1:

Chizek

Excused and not voting, 2:

Johnson, R. Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Schmit asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 997. With Emergency.

A BILL FOR AN ACT relating to education; to amend sections 79-4,140.05 to 79-4,140.08, Revised Statutes Supplement, 1984, and sections 79-329, 79-4,140.04, 79-1241, and 79-1247.05, Revised Statutes Supplement, 1985; to define and redefine terms; to provide procedures for the amendment, termination, or nonrenewal of contracts of certain employees of educational service units; to change powers of the State Board of Education concerning distribution of certain grant money; to provide a date for the distribution of funds; to change dates for certain duties of the State Board of Education and the State Department of Education; to delete obsolete material; to change provisions relating to teacher's certification; to change provisions relating to biennial course offerings; to establish a committee; to provide duties; to provide a termination date; to establish procedures and provide for removal from an educational service unit; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Abboud	DeCamp	Higgins	McFarland	Rupp
Baack	Goll	Hoagland	Miller	Scofield
Barrett	Goodrich	Johnson, L.	Morehead	Sieck
Beyer	Haberman	Johnson, V.	Nelson	Smith
Carsten	Hall	Labeledz	Nichol	Vickers
Chambers	Hannibal	Lamb	Pappas	Warner
Chizek	Harris	Landis	Pirsch	Wesely
Chronister	Hartnett	Lundy	Remmers	Withem
Conway	Hefner	Marsh	Rogers	

Voting in the negative, 0.

Present and not voting, 2:

Eret	Peterson
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Excused and not voting, 3:

Johnson, R. Lynch Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 997A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 997, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	DeCamp	Higgins	McFarland	Rogers
Baack	Eret	Hoagland	Miller	Rupp
Barrett	Goll	Johnson, L.	Morehead	Scofield
Beyer	Goodrich	Johnson, V.	Nelson	Sieck
Carsten	Haberman	Labedz	Nichol	Vickers
Chambers	Hall	Lamb	Pappas	Warner
Chizek	Hannibal	Landis	Pirsch	Wesely
Chronister	Hartnett	Lundy	Remmers	Withem
Conway	Hefner	Marsh		

Voting in the negative, 0.

Present and not voting, 3:

Harris Peterson Smith

Excused and not voting, 3:

Johnson, R. Lynch Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1001. With Emergency.

A BILL FOR AN ACT relating to bee husbandry; to amend sections 81-2,165, 81-2,166 to 81-2,171, 81-2,173, 81-2,176, and 81-2,177.01, Reissue Revised Statutes of Nebraska, 1943, and section 81-2,174, Revised Statutes Supplement, 1984; to define and redefine terms; to change provisions relating to the prevention and control of contagious and infectious bee diseases, parasites, and pests; to authorize inspections; to provide for fees; to harmonize provisions; to provide an operative date; to repeal the original sections, and also section 81-2,175, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

Abboud	DeCamp	Hefner	Marsh	Remmers
Baack	Eret	Higgins	McFarland	Rogers
Barrett	Goll	Hoagland	Miller	Rupp
Beyer	Goodrich	Johnson, L.	Morehead	Scofield
Carsten	Haberman	Johnson, V.	Nelson	Sieck
Chambers	Hall	Labedz	Nichol	Smith
Chizek	Hannibal	Lamb	Pappas	Vickers
Chronister	Harris	Landis	Peterson	Warner
Conway	Hartnett	Lundy	Pirsch	Wesely

Voting in the negative, 0.

Present and not voting, 1:

Withem

Excused and not voting, 3:

Johnson, R. Lynch Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1001A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1001, Eighty-ninth Legislature, Second Session, 1986; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

Abboud	DeCamp	Hefner	Marsh	Remmers
Baack	Eret	Higgins	McFarland	Rogers
Barrett	Goll	Hoagland	Miller	Rupp
Beyer	Goodrich	Johnson, L.	Morehead	Scofield
Carsten	Haberman	Johnson, V.	Nelson	Sieck
Chambers	Hall	Labeledz	Nichol	Smith
Chizek	Hannibal	Lamb	Pappas	Vickers
Chronister	Harris	Landis	Peterson	Wesely
Conway	Hartnett	Lundy	Pirsch	Withem

Voting in the negative, 0.

Present and not voting, 1:

Warner

Excused and not voting, 3:

Johnson, R. Lynch Schmit

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1004.

A BILL FOR AN ACT relating to motorcycles; to amend sections 60-403.01, 60-2109 to 60-2115, and 60-2117 to 60-2119, Reissue Revised Statutes of Nebraska, 1943, and section 60-2116, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 5, Eighty-ninth Legislature, Second Special Session, 1985; to adopt the Motorcycle Safety Education Act; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	DeCamp	Higgins	McFarland	Rogers
Baack	Eret	Hoagland	Miller	Rupp
Barrett	Goll	Johnson, L.	Morehead	Scofield
Beyer	Goodrich	Johnson, V.	Nichol	Sieck
Carsten	Haberman	Labeledz	Pappas	Smith
Chambers	Hall	Lamb	Peterson	Vickers
Chizek	Hannibal	Landis	Pirsch	Warner
Chronister	Harris	Lundy	Remmers	Wesely
Conway	Hefner	Marsh		

Voting in the negative, 2:

Hartnett Nelson

Present and not voting, 1:

Withem

Excused and not voting, 3:

Johnson, R. Lynch Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1004A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1004, Eighty-ninth Legislature, Second Session, 1986; and to reduce certain appropriations.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Barrett	Carsten	Chronister	DeCamp
Baack	Beyer	Chizek	Conway	Eret

Goll	Higgins	Lundy	Pappas	Sieck
Goodrich	Hoagland	Marsh	Peterson	Smith
Haberman	Johnson, L.	McFarland	Pirsch	Vickers
Hall	Johnson, V.	Miller	Remmers	Warner
Hannibal	Labedz	Morehead	Rogers	Wesely
Harris	Lamb	Nelson	Rupp	Withem
Hefner	Landis	Nichol	Scofield	

Voting in the negative, 1:

Hartnett

Present and not voting, 1:

Chambers

Excused and not voting, 3:

Johnson, R. Lynch Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Hall asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1124.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Employment Expansion and Investment Incentive Act; and to provide an operative date.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud	DeCamp	Hartnett	Lundy	Peterson
Baack	Eret	Hefner	Marsh	Pirsch
Barrett	Goll	Hoagland	McFarland	Remmers
Beyer	Goodrich	Johnson, L.	Morehead	Rogers
Carsten	Haberman	Labedz	Nelson	Rupp
Chizek	Hannibal	Lamb	Nichol	Scofield
Conway	Harris	Landis	Pappas	Sieck

Smith Wesely Withem

Voting in the negative, 5:

Higgins Johnson, V. Miller Vickers Warner

Present and not voting, 2:

Chambers Chronister

Excused and not voting, 4:

Hall Johnson, R. Lynch Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Withem asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1124A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1124, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud	Eret	Hoagland	Marsh	Pirsch
Baack	Goll	Johnson, L.	McFarland	Remmers
Barrett	Goodrich	Johnson, V.	Morehead	Rupp
Beyer	Haberman	Labeledz	Nelson	Scofield
Carsten	Hannibal	Lamb	Nichol	Smith
Chizek	Harris	Landis	Pappas	Warner
Conway	Hartnett	Lundy	Peterson	Wesely
DeCamp	Hefner			

Voting in the negative, 3:

Higgins Miller Vickers

Present and not voting, 4:

Chambers Chronister Rogers Sieck

Excused and not voting, 5:

Hall Johnson, R. Lynch Schmit Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 1142 to Select File

Mr. Hefner moved to return LB 1142 to Select File for the following specific amendment:

Strike enacting clause.

Mr. Hefner withdrew his pending motion to return.

Mr. V. Johnson moved to return LB 1142 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. V. Johnson withdrew his pending motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1142.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2734.02, Revised Statutes Supplement, 1984, and section 77-2701, Revised Statutes Supplement, 1985; to authorize the Tax Commissioner to adjust the income tax rate to reflect federal changes as prescribed; to require a hearing; to provide for the adjustment of the corporate tax rate; to harmonize provisions; and to repeal the original sections.

Mr. V. Johnson requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 22:

Carsten	Hartnett	Landis	Miller	Sieck
Chambers	Higgins	Lundy	Morehead	Vickers
Chizek	Hoagland	Marsh	Pirsch	Warner
Conway	Johnson, L.	McFarland	Scofield	Wesely
Goodrich	Johnson, V.			

Voting in the negative, 23:

Abboud	DeCamp	Harris	Nichol	Rogers
Baack	Eret	Hefner	Pappas	Rupp
Barrett	Goll	Labedz	Peterson	Smith
Beyer	Haberman	Lamb	Remmers	Withem
Chronister	Hannibal	Nelson		

Excused and not voting, 4:

Hall	Johnson, R.	Lynch	Schmit
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Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

RESOLUTIONS

LEGISLATIVE RESOLUTION 444.

Introduced by Pappas, 42nd District; Morehead, 30th District.

WHEREAS, NEBRASKAland Days was born in 1965 in Lincoln as a product of the Nebraska Game and Parks Commission; and

WHEREAS, it was originated for the purpose of promoting tourism within the state of Nebraska and to extol the tourism appeal of the innumerable historic and scenic areas within the state; and

WHEREAS, in 1968, following receipt of bids of interested Chambers' of Commerce, the permanent home of NEBRASKAland Days was moved to North Platte; and

WHEREAS, the celebration grew in size each year with a western orientation; and

WHEREAS, NEBRASKAland Days annually attracts well over 100,000 visitors to the community with an economic impact of over 2 million dollars.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE, SECOND SESSION:

1. The primary goal of NEBRASKAland Days is to provide the greatest amount of quality entertainment possible, to the greatest number of people possible, at the lowest price possible. In order to achieve that goal, NEBRASKAland Days is hereby declared the official state celebration of Nebraska.

2. The Governor may annually issue a proclamation recognizing NEBRASKAland Days activities inviting and urging the state of Nebraska to observe and participate in such activities.

3. That a copy of this resolution be sent to the NEBRASKAland Days Board of Directors, declaring NEBRASKAland Days as a statewide celebration.

Laid over.

LEGISLATIVE RESOLUTION 445.

Introduced by Schmit, 23rd District; Vickers, 38th District; R. Johnson, 34th District; Lamb, 43rd District.

WHEREAS, from April 1 through April 14, the live weight of cattle dropped at least ten dollars per head; and

WHEREAS, few cattle are entering the market due to the federal dairy "buy out" and this is at least partially responsible for the precipitous drop in cattle prices; and

WHEREAS, the federal dairy "buy out" will dramatically increase the number of head of cattle on the market during the next year; and

WHEREAS, even without the flooding of the market with the dairy cattle, beef cattle producers have been suffering under no and low profit market prices; and

WHEREAS, no and low profits have driven too many producers out of beef cattle production already, and many producers cannot afford to suffer further losses.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a delegation, consisting of five members of the Committee on Agriculture and five other members of the Legislature, meet with similar delegations from the states of Missouri and Iowa to discuss possible responses to this hardship upon beef cattle producers.

2. That a copy of this resolution be sent to legislative leaders and agricultural chairpersons in the states of Missouri and Iowa.

3. That a copy of this resolution be sent to Richard Lyng, Secretary of Agriculture, and the congressional delegations of Nebraska, Iowa, and Missouri.

Laid over.

UNANIMOUS CONSENT - Members Excused

Messrs. Goll and Chronister asked unanimous consent to be excused.
No objections. So ordered.

MR. ABOUD PRESIDING

UNANIMOUS CONSENT - Members Excused

Messrs. Chizek and Withem asked unanimous consent to be excused.
No objections. So ordered.

PRESIDENT MCGINLEY PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1177.

A BILL FOR AN ACT relating to persons with disabilities; to amend sections 8-206, 17-135, 21-610, 25-213, 25-21,152, 29-1822, 29-2537, 29-2540, 29-2541, 29-3205, 30-2902, 31-113, 42-103, 42-501, 42-502, 42-503, 43-604, 43-611, 43-620, 43-621, 43-631, 47-101, 55-106, 67-332, 68-1202, 75-321, 76-724, 77-1311, 77-1827, 77-1855, 79-1345, 79-2213, 83-112, 83-1,141, 83-1,142, 83-1,144, 83-1,144.01, 83-217, 83-218, 83-363, 83-381, 83-382, 83-386, 83-387, 83-389, 83-1101, 83-1103, 83-1104, 83-1108, 83-1112 to 83-1117, 83-1122, 83-1125, and 83-1128, Reissue Revised Statutes of Nebraska, 1943, sections 68-721, 71-901, 71-5858, 79-328, and 83-383, Revised Statutes Supplement, 1984, and sections 23-104.03 and 43-289, Revised Statutes Supplement, 1985; to change references to certain persons with disabilities; to harmonize provisions; to eliminate an obsolete provision; and to repeal the original sections, and also section 43-616.02, Reissue Revised Statutes of Nebraska, 1943.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Abboud

Baack

Barrett

Beyer

Carsten

Chambers	Hartnett	Lamb	Nelson	Rupp
Conway	Hefner	Landis	Nichol	Scofield
DeCamp	Higgins	Lundy	Pappas	Sieck
Eret	Hoagland	Marsh	Peterson	Smith
Goodrich	Johnson, L.	McFarland	Pirsch	Vickers
Haberman	Johnson, V.	Miller	Remmers	Warner
Hannibal	Labedz	Morehead	Rogers	Wesely
Harris				

Voting in the negative, 0.

Excused and not voting, 8:

Chizek	Goll	Johnson, R.	Schmit	Withem
Chronister	Hall	Lynch		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1255. With Emergency.

A BILL FOR AN ACT relating to certain claims against the state; to make appropriations for the payment of certain claims against the state; to provide how payments shall be made; to authorize certain write-offs as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 38:

Abboud	Eret	Hoagland	Morehead	Rogers
Baack	Goodrich	Johnson, L.	Nelson	Rupp
Barrett	Haberman	Labedz	Nichol	Scofield
Beyer	Hannibal	Lamb	Pappas	Sieck
Carsten	Harris	Landis	Peterson	Smith
Chambers	Hartnett	Lundy	Pirsch	Vickers
Conway	Hefner	Marsh	Remmers	Wesely
DeCamp	Higgins	Miller		

Voting in the negative, 0.

Present and not voting, 3:

Johnson, V. McFarland Warner

Excused and not voting, 8:

Chizek	Goll	Johnson, R.	Schmit	Withem
Chronister	Hall	Lynch		

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1256. With Emergency.

A BILL FOR AN ACT relating to certain claims against the state; to make appropriations for the payment of certain claims against the state and concomitant appropriations for the employer share of F.I.C.A. and retirement; to provide how payment shall be made; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

Abboud	Eret	Johnson, L.	Miller	Rupp
Baack	Goodrich	Johnson, V.	Morehead	Scofield
Barrett	Haberman	Labeledz	Nelson	Sieck
Carsten	Harris	Landis	Pappas	Smith
Chambers	Hartnett	Lundy	Pirsch	Vickers
Conway	Higgins	Marsh	Remmers	Warner
DeCamp	Hoagland	McFarland	Rogers	Wesely

Voting in the negative, 5:

Beyer	Hefner	Lamb	Nichol	Peterson
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Present and not voting, 2:

Hannibal	Withem
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Excused and not voting, 7:

Chizek	Goll	Johnson, R.	Lynch	Schmit
Chronister	Hall			

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 318CA.

A Resolution to propose an amendment to Article III, section 17, and the repeal of Article XV, section 3, of the Constitution of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

Section 1. That at the general election in November 1986 there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article III, section 17, and the repeal of Article XV, section 3, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

CI-17 "The Legislature shall have the sole power of impeachment, but a majority of the members elected must concur therein. Proceedings may be initiated in either a regular session or a special session of the Legislature. Upon the adoption of a resolution of impeachment, which resolution shall give reasonable notice of the acts or omissions alleged to constitute impeachable offenses but need not conform to any particular style, a notice of an impeachment of any officer, other than a Judge of the Supreme Court, shall be forthwith served upon the Chief Justice, by the Clerk of the Legislature, who shall thereupon call a session of the Supreme Court to meet at the Capitol in an expeditious fashion within ten days after such notice to try the impeachment. A notice of an impeachment of the Chief Justice or any Judge of the Supreme Court shall be served by the Clerk of the Legislature, upon the clerk ~~any Judge~~ of the judicial district within which the Capitol is located, and he or she thereupon shall ~~notify all the~~ choose, at random, seven Judges of the District Court in the State to meet ~~with him~~ within thirty days at the Capitol, to sit as a Court to try such impeachment, which Court shall organize by electing one of its number to preside. The case against the impeached civil officer shall be brought in the name of the Legislature and shall be managed by two senators, appointed by the

Legislature, who may make technical or procedural amendments to the articles of impeachment as they deem necessary. The trial shall be conducted in the manner of a civil proceeding and the impeached civil officer shall not be allowed to invoke a privilege against self-incrimination, except as otherwise applicable in a general civil case. No person shall be convicted without the concurrence of two-thirds of the members of the Court of impeachment that clear and convincing evidence exists indicating that such person is guilty of one or more impeachable offenses, but judgment in cases of impeachment shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, profit, or trust, in this State, but the party impeached, whether convicted or acquitted, shall nevertheless be liable to prosecution and punishment according to law. No officer shall exercise his or her official duties after he or she shall have been impeached and notified thereof, until he or she shall have been acquitted.

That Article XV, section 3, of the Constitution is repealed."

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by Article XVI, section 1, of the Constitution of Nebraska. The proposition for the submission of the proposed amendment shall be placed upon the ballot in the following form:

"A constitutional amendment to provide changes in the impeachment procedure.

For

Against".

Sec. 3. That the proposed amendment, if adopted, shall be in force and take effect immediately upon the completion of the canvass of the votes, at which time it shall be the duty of the Governor to proclaim it as a part of the Constitution of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 36:

Abboud	Eret	Johnson, L.	Miller	Rupp
Baack	Goodrich	Johnson, V.	Morehead	Scofield
Barrett	Hannibal	Labeledz	Nelson	Sieck
Beyer	Hartnett	Lamb	Pappas	Smith
Carsten	Hefner	Landis	Pirsch	Vickers
Chambers	Higgins	Lundy	Remmers	Warner
Conway	Hoagland	Marsh	Rogers	Wesely
DeCamp				

Voting in the negative, 3:

Haberman Harris Nichol

Present and not voting, 3:

McFarland Peterson Withem

Excused and not voting, 7:

Chizek Goll Johnson, R. Lynch Schmit
Chronister Hall

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills and resolution: 835, 835A, 956, 997, 997A, 1001, 1001A, 1004, 1004A, 1124, 1124A, 1177, 1255, 1256, and LR 318CA.

VISITORS

Visitors to the Chamber were 25 students and sponsor from Lincoln Christian School.

ADJOURNMENT

At 8:03 p.m., on a motion by Mr. Nichol, the Legislature adjourned until 9:00 a.m., Wednesday, April 16, 1986.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTIETH DAY - APRIL 16, 1986

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

SIXTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 16, 1986

Pursuant to adjournment, the Legislature met at 9:04 a.m., President McGinley presiding.

PRAYER

The prayer was offered by Mrs. Marsh.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Hall, V. Johnson, Landis, Schmit, Vickers, and Mrs. Higgins who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2328, show LB 1258 as Correctly Re-Engrossed instead of Correctly Engrossed.

The Journal for the Fifty-Eighth Day was approved as corrected.

The Journal for the Fifty-Ninth Day was approved.

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on April 16, 1986, at 8:30 a.m., was the following resolution: LR 318.

(Signed) Pam Moravec, Enrolling Clerk

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 16, 1986, at 8:25 a.m., were the following bills: 1027, 1027A, 122, 525, 1049, 1049A, 90, 807, 885, 890, 237, 237A, 783, 833, 835, 835A, 956, 997, 997A, 1001, 1001A, 1004, 1004A, 1124, 1124A, 1177, 1255, and 1256.

(Signed) Pam Moravec, Enrolling Clerk

MOTION - Suspend Rules

Mr. Nichol moved to suspend the rules, Rule 4, Section 5, and adopt LRs 419, 420, 421, 422, 423, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 438, 439, and 442.

The motion to suspend the rules and adopt the resolutions prevailed with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

MOTION - Suspend Rules

Mr. Nichol moved to suspend the rules, Rule 6, Section 7(b) to permit consideration of those bills bracketed for April 17 on final reading today.

The motion to suspend the rules prevailed with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 43.

A BILL FOR AN ACT relating to constitutional officers; to amend sections 84-201.01 and 84-721, Reissue Revised Statutes of Nebraska, 1943, and sections 24-201.01 and 75-104, Revised Statutes Supplement, 1984; to change the salaries of constitutional officers as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 25:

Baack Carsten Chambers Chizek Chronister

Conway	Hartnett	Lynch	Nelson	Scofield
Goodrich	Hoagland	Marsh	Pappas	Warner
Hall	Labeledz	McFarland	Pirsch	Wesely
Harris	Lundy	Miller	Remmers	Withem

Voting in the negative, 18:

Abboud	Haberman	Johnson, R.	Rogers	Sieck
DeCamp	Hannibal	Lamb	Rupp	Smith
Eret	Hefner	Morehead	Schmit	Vickers
Goll	Johnson, L.	Peterson		

Present and not voting, 3:

Barrett	Beyer	Nichol
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Excused and not voting, 3:

Higgins	Johnson, V.	Landis
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 43A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 43, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 27:

Baack	Conway	Hoagland	McFarland	Scofield
Barrett	Goodrich	Labeledz	Miller	Vickers
Carsten	Hall	Lundy	Morehead	Warner
Chambers	Hannibal	Lynch	Nelson	Wesely
Chizek	Harris	Marsh	Pappas	Withem
Chronister	Hartnett			

Voting in the negative, 16:

Abboud	Haberman	Johnson, L.	Peterson	Rupp
DeCamp	Hefner	Johnson, R.	Remmers	Schmit
Eret	Higgins	Lamb	Rogers	Smith
Goll				

Present and not voting, 3:

Beyer	Pirsch	Sieck
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Excused and not voting, 3:

Johnson, V.	Landis	Nichol
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 201

Messrs. V. Johnson and Wesely withdrew their pending amendment, AM1444, found in the Journal on page 2287 to LB 201.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 201.

A BILL FOR AN ACT relating to maternal and infant care; to state intent; to provide for funding of certain maternal and infant care; to establish a high-risk pregnancy support program; to define a term; to provide powers and duties; to create funds; to provide for rules and regulations; and to create a committee.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 33:

Baack	Chizek	Eret	Harris	Johnson, L.
Beyer	Chronister	Goll	Hartnett	Labedz
Carsten	Conway	Goodrich	Higgins	Landis
Chambers	DeCamp	Hall	Hoagland	Lundy

Marsh	Pappas	Rupp	Smith	Wesely
McFarland	Remmers	Schmit	Vickers	Withem
Miller	Rogers	Sieck		

Voting in the negative, 14:

Abboud	Hannibal	Lamb	Nichol	Scofield
Barrett	Hefner	Morehead	Peterson	Warner
Haberman	Johnson, R.	Nelson	Pirsch	

Present and not voting, 1:

Lynch

Excused and not voting, 1:

Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 201A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 201, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 33:

Baack	DeCamp	Hoagland	Miller	Schmit
Beyer	Eret	Johnson, L.	Morehead	Sieck
Carsten	Goll	Labeledz	Pappas	Vickers
Chambers	Goodrich	Landis	Remmers	Warner
Chizek	Hall	Lundy	Rogers	Wesely
Chronister	Harris	Marsh	Rupp	Withem
Conway	Higgins	McFarland		

Voting in the negative, 10:

Abboud	Haberman	Hefner	Nelson	Peterson
Barrett	Hannibal	Lamb	Nichol	Pirsch

Present and not voting, 5:

Hartnett Johnson, R. Lynch Scofield Smith

Excused and not voting, 1:

Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 300.

A BILL FOR AN ACT relating to the Interstate Compact on Agricultural Grain Marketing; to amend Laws 1985, LB 628, section 1; to change a date relating to when the compact becomes effective; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Goodrich	Johnson, L.	Miller	Rupp
Baack	Haberman	Johnson, R.	Morehead	Schmit
Barrett	Hall	Labedz	Nelson	Scofield
Beyer	Hannibal	Lamb	Nichol	Sieck
Carsten	Harris	Landis	Pappas	Smith
Chizek	Hartnett	Lundy	Peterson	Vickers
Conway	Hefner	Lynch	Pirsch	Warner
DeCamp	Higgins	Marsh	Remmers	Wesely
Eret	Hoagland	McFarland	Rogers	Withem
Goll				

Voting in the negative, 0.

Present and not voting, 2:

Chambers Chronister

Excused and not voting, 1:

Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 311. With Emergency.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2315, 24-704, 24-708, 24-710, 79-1514, 79-1522, 79-1532, 79-1552, 79-1556, 79-1565, 81-1325, 81-2022, 81-2025, 81-2026, 81-2031, 81-2032, 84-1322, 84-1324, and 84-1502, Reissue Revised Statutes of Nebraska, 1943, sections 23-2319, 24-701, 79-1521, 84-1301, 84-1307, 84-1311, 84-1317, 84-1319, 84-1320, 84-1321, 84-1332, and 84-1503, Revised Statutes Supplement, 1984, and sections 23-2301, 23-2310, 23-2312, 23-2317, 23-2322, and 79-1501, Revised Statutes Supplement, 1985; to provide for a preretirement planning program; to define and redefine terms; to change provisions relating to employee retirement plans and the administration of such plans; to provide powers for and limit duties of the Public Employees Retirement Board; to provide for nonalienation of benefits; to provide exceptions; to provide when benefits begin; to provide for access to certain information; to provide an opportunity for certain employees to change retirement systems as prescribed; to change requirements for certain benefits; to change membership provisions; to change the early retirement age; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Abboud	Goll	Hoagland	McFarland	Rogers
Baack	Goodrich	Johnson, L.	Miller	Rupp
Barrett	Haberman	Johnson, R.	Morehead	Schmit
Beyer	Hall	Labedz	Nelson	Sieck
Carsten	Hannibal	Lamb	Nichol	Smith
Chizek	Harris	Landis	Pappas	Vickers
Chronister	Hartnett	Lundy	Peterson	Warner
Conway	Hefner	Lynch	Pirsch	Wesely
DeCamp	Higgins	Marsh	Remmers	Withem
Eret				

Voting in the negative, 0.

Present and not voting, 2:

Chambers Scofield

Excused and not voting, 1:

Johnson, V.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 311A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 311, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Abboud	Goll	Hoagland	Miller	Rupp
Baack	Goodrich	Johnson, L.	Morehead	Schmit
Barrett	Haberman	Johnson, R.	Nelson	Scofield
Beyer	Hall	Labedz	Nichol	Sieck
Carsten	Hannibal	Lamb	Pappas	Smith
Chizek	Harris	Landis	Peterson	Vickers
Chronister	Hartnett	Lundy	Pirsch	Warner
Conway	Hefner	Marsh	Remmers	Wesely
DeCamp	Higgins	McFarland	Rogers	Withem
Eret				

Voting in the negative, 0.

Present and not voting, 2:

Chambers Lynch

Excused and not voting, 1:

Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 333.

A BILL FOR AN ACT relating to families; to amend section 33-106, Reissue Revised Statutes of Nebraska, 1943, sections 71-627 and 71-628, Revised Statutes Supplement, 1984, and sections 71-612 and 71-617.15, Revised Statutes Supplement, 1985; to state intent; to define terms; to create a board; to provide powers and duties relating to child abuse and neglect; to create a fund; to change provisions relating to certain fees; to provide for an additional docket fee for dissolution of marriage; to provide for termination of certain fees; to harmonize provisions; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Goll	Hoagland	McFarland	Rogers
Baack	Goodrich	Johnson, L.	Miller	Rupp
Barrett	Haberman	Johnson, R.	Morehead	Schmit
Beyer	Hall	Labedz	Nelson	Scofield
Chizek	Hannibal	Lamb	Nichol	Sieck
Chronister	Harris	Landis	Pappas	Smith
Conway	Hartnett	Lundy	Peterson	Vickers
DeCamp	Hefner	Lynch	Pirsch	Warner
Eret	Higgins	Marsh	Remmers	Wesely

Voting in the negative, 0.

Present and not voting, 3:

Carsten Chambers Withem

Excused and not voting, 1:

Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 333A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 333, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud	Eret	Higgins	McFarland	Rogers
Baack	Goll	Hoagland	Miller	Rupp
Barrett	Goodrich	Johnson, L.	Morehead	Schmit
Beyer	Haberman	Johnson, R.	Nichol	Sieck
Carsten	Hall	Lamb	Pappas	Smith
Chizek	Hannibal	Landis	Peterson	Vickers
Chronister	Harris	Lundy	Pirsch	Warner
Conway	Hartnett	Lynch	Remmers	Wesely
DeCamp	Hefner	Marsh		

Voting in the negative, 0.

Present and not voting, 5:

Chambers	Labedz	Nelson	Scofield	Withem
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Excused and not voting, 1:

Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 355.

A BILL FOR AN ACT relating to public health and welfare; to amend section 33-150, Reissue Revised Statutes of Nebraska, 1943, section 71-101, Revised Statutes Supplement, 1984, and sections 71-102, 71-110, 71-112, 71-113, 71-131, and 71-162, Revised Statutes Supplement, 1985; to define terms; to provide for licensed athletic trainers as prescribed; to create a fund; to provide powers and duties; to increase the limit on biennial renewal fees; to harmonize

provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Goll	Johnson, L.	Morehead	Schmit
Baack	Goodrich	Johnson, R.	Nelson	Scofield
Barrett	Hall	Labeledz	Nichol	Sieck
Beyer	Hannibal	Lamb	Pappas	Smith
Carsten	Harris	Landis	Peterson	Vickers
Chronister	Hartnett	Lundy	Pirsch	Warner
Conway	Hefner	Marsh	Remmers	Wesely
DeCamp	Higgins	McFarland	Rogers	Withem
Eret	Hoagland	Miller	Rupp	

Voting in the negative, 1:

Haberman

Present and not voting, 3:

Chambers Chizek Lynch

Excused and not voting, 1:

Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 355A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 355, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Goll	Johnson, L.	Morehead	Schmit
Baack	Goodrich	Johnson, R.	Nichol	Scofield
Barrett	Hall	Labeledz	Pappas	Sieck
Beyer	Hannibal	Lamb	Peterson	Smith
Carsten	Harris	Landis	Pirsch	Vickers
Chronister	Hartnett	Lundy	Remmers	Warner
Conway	Hefner	Marsh	Rogers	Wesely
DeCamp	Higgins	McFarland	Rupp	Withem
Eret	Hoagland	Miller		

Voting in the negative, 1:

Haberman

Present and not voting, 4:

Chambers Chizek Lynch Nelson

Excused and not voting, 1:

Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 539 to Select File

Mrs. Higgins moved to return LB 539 to Select File for the following specific amendment:

Strike the enacting clause.

Mrs. Higgins withdrew her pending motion to return.

Mr. Abboud moved to return LB 539 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Abboud withdrew his pending motion to return.

Mr. DeCamp moved to return LB 539 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. DeCamp withdrew his pending motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 539. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.02, Revised Statutes Supplement, 1984, section 77-2701.01, Revised Statutes Supplement, 1984, as amended by section 1, Legislative Bill 35, Eighty-ninth Legislature, Second Special Session, 1985, and section 77-27,132, Revised Statutes Supplement, 1984, as amended by section 23, Legislative Bill 599, Eighty-ninth Legislature, Second Session, 1986; to change the sales tax rate; to change provisions governing distribution of certain funds; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 30:

Baack	Eret	Johnson, L.	Miller	Scofield
Barrett	Goll	Landis	Morehead	Sieck
Carsten	Hannibal	Lundy	Nelson	Smith
Chizek	Harris	Lynch	Nichol	Warner
Chronister	Hartnett	Marsh	Peterson	Wesely
Conway	Hoagland	McFarland	Remmers	Withem

Voting in the negative, 18:

Abboud	Goodrich	Higgins	Pappas	Rupp
Beyer	Haberman	Johnson, R.	Pirsch	Schmit
Chambers	Hall	Labedz	Rogers	Vickers
DeCamp	Hefner	Lamb		

Excused and not voting, 1:

Johnson, V.

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency

clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 30:

Baack	Eret	Johnson, L.	Miller	Scofield
Barrett	Goll	Landis	Morehead	Sieck
Carsten	Hannibal	Lundy	Nelson	Smith
Chizek	Harris	Lynch	Nichol	Warner
Chronister	Hartnett	Marsh	Peterson	Wesely
Conway	Hoagland	McFarland	Remmers	Withem

Voting in the negative, 18:

Abboud	Goodrich	Higgins	Pappas	Rupp
Beyer	Haberman	Johnson, R.	Pirsch	Schmit
Chambers	Hall	Labeledz	Rogers	Vickers
DeCamp	Hefner	Lamb		

Excused and not voting, 1:

Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 600.

A BILL FOR AN ACT relating to domestic relations; to amend sections 42-364.08 and 42-372, Reissue Revised Statutes of Nebraska, 1943, sections 42-371, 43-512.03, and 43-512.07, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 19, 68, and 71, respectively, Legislative Bill 7, Eighty-ninth Legislature, Second Special Session, 1985, section 43-2,113, Revised Statutes Supplement, 1985, as amended by section 64, Legislative Bill 7, Eighty-ninth Legislature, Second Special Session, 1985, and sections 1, 3, 40, 41, 43, 46, and 57, Legislative Bill 7, Eighty-ninth Legislature, Second Special Session, 1985; to change provisions relating to child support referees; to change provisions relating to delinquent support, the withholding of income, and hearings, orders, and judgments relating to such delinquent support and withholding of income; to change provisions relating to final divorce decrees; to change provisions relating to aid to dependent children payments; to authorize payments to guardians as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Goll	Johnson, L.	Miller	Rupp
Baack	Goodrich	Johnson, R.	Morehead	Schmit
Barrett	Haberman	Labeledz	Nelson	Scofield
Beyer	Hall	Lamb	Nichol	Sieck
Carsten	Hannibal	Landis	Pappas	Smith
Chizek	Harris	Lundy	Peterson	Vickers
Chronister	Hartnett	Lynch	Pirsch	Warner
Conway	Hefner	Marsh	Remmers	Wesely
DeCamp	Higgins	McFarland	Rogers	Withem
Eret	Hoagland			

Voting in the negative, 1:

Chambers

Excused and not voting, 1:

Johnson, V.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 539.

(Signed) Timothy Hall, Chairperson

MOTION - Return LB 600A to Select File

Mr. Warner moved to return LB 600A to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 43, 43A, 201, 201A, 300, 311, 311A, 333, 333A, 355, 355A, 539, and 600.

MOTION - Return LB 600A to Select File

Mr. Warner renewed his pending motion to return LB 600A to Select File for his specific amendment.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Warner motion to return lost with 19 ayes, 19 nays, 9 present and not voting, and 2 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 600A.

A BILL FOR AN ACT relating to rules of the road; to amend sections 39-662 and 39-666, Reissue Revised Statutes of Nebraska, 1943; to change the speed limit on certain highways as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 25:

Baack	Chronister	Hall	Johnson, R.	Miller
Barrett	Conway	Harris	Lamb	Pappas
Chambers	DeCamp	Higgins	Lundy	Peterson
Chizek	Haberman	Johnson, L.	Lynch	Pirsch

Rogers	Schmit	Smith	Vickers	Withem
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Voting in the negative, 22:

Abboud	Goodrich	Labeledz	Morehead	Scofield
Beyer	Hannibal	Landis	Nelson	Sieck
Carsten	Hartnett	Marsh	Remmers	Warner
Eret	Hefner	McFarland	Rupp	Wesely
Goll	Hoagland			

Excused and not voting, 2:

Johnson, V. Nichol

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 645A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to increase a salary expenditure; to provide for the reduction of certain funds as prescribed; to appropriate funds; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

Baack	Eret	Higgins	McFarland	Schmit
Barrett	Goll	Hoagland	Miller	Scofield
Beyer	Goodrich	Johnson, L.	Morehead	Sieck
Carsten	Haberman	Johnson, R.	Nelson	Smith
Chambers	Hall	Labeledz	Pappas	Vickers
Chizek	Hannibal	Lamb	Pirsch	Warner
Chronister	Harris	Landis	Remmers	Wesely
Conway	Hartnett	Lynch	Rupp	Withem
DeCamp	Hefner	Marsh		

Voting in the negative, 2:

Abboud	Peterson
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Present and not voting, 2:

Lundy Rogers

Excused and not voting, 2:

Johnson, V. Nichol

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 812.

A BILL FOR AN ACT relating to county officers; to amend sections 23-268, 23-1201.01, 23-1301, 23-1501, 23-1701, 23-1901.01, and 32-513, Reissue Revised Statutes of Nebraska, 1943, and section 29-1804, Revised Statutes Supplement, 1984; to provide residency requirements for certain officers; to change provisions relating to filing fees; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	DeCamp	Hefner	McFarland	Schmit
Baack	Eret	Higgins	Miller	Scofield
Barrett	Goll	Hoagland	Morehead	Sieck
Beyer	Goodrich	Johnson, L.	Pappas	Smith
Carsten	Haberman	Johnson, R.	Peterson	Vickers
Chambers	Hall	Labeledz	Pirsch	Warner
Chizek	Hannibal	Lamb	Remmers	Wesely
Chronister	Harris	Landis	Rogers	Withem
Conway	Hartnett	Marsh	Rupp	

Voting in the negative, 0.

Present and not voting, 3:

Lundy Lynch Nelson

Excused and not voting, 2:

Johnson, V. Nichol

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 849

Mr. DeCamp withdrew his pending amendment found in the Journal on page 2162 to LB 849.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 849. With Emergency.

A BILL FOR AN ACT relating to agriculture; to adopt the Agricultural Revitalization Authority Act; to provide severability; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 38:

Abboud	Eret	Higgins	Marsh	Rupp
Baack	Goll	Hoagland	McFarland	Schmit
Barrett	Goodrich	Johnson, L.	Morehead	Scofield
Carsten	Haberman	Johnson, R.	Nelson	Smith
Chizek	Hall	Labedz	Pirsch	Warner
Chronister	Hannibal	Lamb	Remmers	Wesely
Conway	Harris	Landis	Rogers	Withem
DeCamp	Hefner	Lynch		

Voting in the negative, 6:

Beyer	Hartnett	Pappas	Sieck	Vickers
Chambers				

Present and not voting, 3:

Lundy	Miller	Peterson
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Excused and not voting, 2:

Johnson, V. Nichol

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LRs 419, 420, 421, 422, 423, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 438, 439, and 442.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 870. With Emergency.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend sections 84-613 and 84-614, Revised Statutes Supplement, 1984, and section 84-612, Revised Statutes Supplement, 1985, as amended by section 1, LB 739, Eighty-ninth Legislature, Second Session, 1986; to change provisions relating to transfers; to provide for interest to accrue to the fund as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

Abboud	DeCamp	Higgins	Marsh	Rogers
Baack	Eret	Hoagland	McFarland	Rupp
Barrett	Goll	Johnson, L.	Miller	Scofield
Beyer	Goodrich	Johnson, R.	Morehead	Sieck
Carsten	Haberman	Labedz	Nelson	Smith
Chambers	Hall	Lamb	Pappas	Vickers
Chizek	Hannibal	Landis	Peterson	Warner
Chronister	Harris	Lundy	Pirsch	Wesely
Conway	Hefner	Lynch	Remmers	Withem

Voting in the negative, 0.

Present and not voting, 2:

Hartnett Schmit

Excused and not voting, 2:

Johnson, V. Nichol

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 889.

A BILL FOR AN ACT relating to counties; to amend sections 23-131 and 23-932, Reissue Revised Statutes of Nebraska, 1943, and section 23-923, Revised Statutes Supplement, 1984; to change provisions relating to warrants issued to jurors as prescribed; to change content requirements for certain budget statements and summaries; to eliminate an exception; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

Abboud	Eret	Hoagland	McFarland	Rupp
Baack	Goll	Johnson, L.	Miller	Schmit
Barrett	Goodrich	Johnson, R.	Morehead	Scofield
Beyer	Haberman	Labeledz	Nelson	Sieck
Carsten	Hall	Lamb	Pappas	Smith
Chambers	Hannibal	Landis	Peterson	Vickers
Chizek	Harris	Lundy	Pirsch	Warner
Chronister	Hefner	Lynch	Remmers	Wesely
Conway	Higgins	Marsh	Rogers	Withem
DeCamp				

Voting in the negative, 0.

Present and not voting, 1:

Hartnett

Excused and not voting, 2:

Johnson, V. Nichol

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 911 to Select File

Mr. Hoagland moved to return LB 911 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Pappas asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Lundy moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Hoagland withdrew his pending motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 911. With Emergency.

A BILL FOR AN ACT relating to liquors; to amend sections 53-131 to 53-134 and 53-1,116, Reissue Revised Statutes of Nebraska, 1943, and section 53-103, Revised Statutes Supplement, 1985; to state intent; to change provisions relating to the issuance of certain licenses and permits; to provide for local standards; to provide powers and duties for the Nebraska Liquor Control Commission; to create a fund; to appropriate funds; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 35:

Abboud	Eret	Higgins	McFarland	Rupp
Baack	Goll	Johnson, L.	Miller	Schmit
Barrett	Goodrich	Johnson, R.	Morehead	Scofield
Beyer	Haberman	Lamb	Nelson	Sieck
Carsten	Hannibal	Landis	Peterson	Smith
Chizek	Harris	Lundy	Pirsch	Warner
Chronister	Hefner	Marsh	Rogers	Wesely

Voting in the negative, 10:

Conway	Hall	Labeledz	Pappas	Vickers
DeCamp	Hoagland	Lynch	Remmers	Withem

Present and not voting, 2:

Chambers Hartnett

Excused and not voting, 2:

Johnson, V. Nichol

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 16, 1986, at 11:14 a.m., were the following bills: 43, 43A, 201, 201A, 300, 311, 311A, 333, 333A, 355, 355A, 539, and 600.

(Signed) Pam Moravec, Enrolling Clerk

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 600A, 645A, 812, 849, 870, 889, and 911.

VISITORS

Visitors to the Chamber were 23 students and teacher from Dodge County - District 91, Ames, Nebraska; and 57 fourth grade students and teacher from Schuyler Grade School.

RECESS

At 12:10 p.m., on a motion by Mr. Hall, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., President McGinley presiding.

ROLL CALL

The roll was called and all members were present except Mr. Beyer who was excused; and Messrs. V. Johnson and Warner who were excused until they arrive.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 16, 1986, at 1:36 p.m., were the following bills: 600A, 645A, 812, 849, 870, 889, and 911.

(Signed) Jan Loder, Enrolling Clerk

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 921.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-2041.01 and 71-2042, Reissue Revised Statutes of Nebraska, 1943, sections 71-2017.02, 71-2024, 71-6030, and 71-6039, Revised Statutes Supplement, 1984, and sections 71-2017, 71-2017.01, 71-2017.03, 71-2018, and 71-2020, Revised Statutes Supplement, 1985; to provide for the licensure of and termination of licensure of intermediate care facilities for the mentally retarded; to define and redefine terms; to provide for nursing care as prescribed; to change provisions relating to rules, regulations, and standards of the Department of Health; to provide powers and duties; to change provisions relating to the administrators of certain facilities; to change provisions relating to the administration of certain medication by the staff of a health care facility; to change a provision relating to informal conferences as prescribed; to change a training course

provision for nursing assistants; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Abboud	Eret	Higgins	McFarland	Rogers
Baack	Goll	Hoagland	Miller	Rupp
Barrett	Goodrich	Johnson, L.	Morehead	Schmit
Carsten	Haberman	Johnson, R.	Nelson	Scofield
Chambers	Hall	Labedz	Nichol	Sieck
Chizek	Hannibal	Lamb	Pappas	Smith
Chronister	Harris	Landis	Peterson	Vickers
Conway	Hartnett	Lundy	Pirsch	Wesely
DeCamp	Hefner	Marsh	Remmers	Withem

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 3:

Beyer Johnson, V. Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 926. With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-103, 71-108, 71-115, 71-121.01, 71-123, 71-124, 71-125, 71-134, 71-135, 71-138, 71-147, 71-148, 71-153, 71-161.04, 71-161.05, 71-161.11, 71-163, 71-166, 71-193.04, 71-195, 71-198, 71-1,155, 71-1327, 71-1331, 71-2045.03, 71-2045.05, and 71-2713, Reissue Revised Statutes of Nebraska, 1943, sections 71-101, 71-129, 71-130, 71-134.01, 71-134.02, 71-155, 71-155.01, 71-1,132.49, 71-1347, 71-1348, 71-1351, 71-1352, 71-1722, 71-1724, 71-1757, 71-3710, and 71-6114, Revised Statutes Supplement, 1984, and sections 71-110, 71-114, 71-116, 71-121, 71-122, 71-131, 71-134.03, 71-139, 71-161.10, 71-162, 71-174.01, 71-179.01, 71-180.03, 71-1,136.01, 71-1,162, and

71-6109, Revised Statutes Supplement, 1985; to harmonize provisions; to provide for certain fees; to change provisions relating to fees; to change the membership requirements of a board; to provide for board teleconference meetings; to change board compensation requirements; to change provisions relating to examinations, reciprocal licenses, relicensure, license denial, revocation, suspension, and reinstatement, and disciplinary actions; to provide for temporary suspension; to change a penalty; to change certain licensing and examination requirements; to eliminate certain licensure requirements; to eliminate the accredited high schools list; to eliminate registration requirements; to eliminate an exemption; to define a term; to repeal the original sections, and also sections 71-127 and 71-187, Reissue Revised Statutes of Nebraska, 1943, sections 71-122.01 and 71-1355, Revised Statutes Supplement, 1984, and section 71-109, Revised Statutes Supplement, 1985; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

Abboud	Goll	Johnson, L.	McFarland	Rogers
Baack	Goodrich	Johnson, R.	Miller	Rupp
Barrett	Haberman	Johnson, V.	Morehead	Scofield
Carsten	Hall	Labeledz	Nelson	Sieck
Chambers	Hannibal	Lamb	Nichol	Smith
Chizek	Harris	Landis	Pappas	Vickers
Chronister	Hartnett	Lundy	Peterson	Warner
Conway	Hefner	Lynch	Pirsch	Wesely
DeCamp	Higgins	Marsh	Remmers	Withem
Eret	Hoagland			

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 1:

Beyer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 965.

A BILL FOR AN ACT relating to the Department of Economic Development; to amend sections 81-1120.01, 81-1120.02, 81-1120.18, and 81-1120.23, Revised Statutes Supplement, 1984; to define terms; to change provisions relating to the Department of Economic Development and the office of the Director of Economic Development; to create the Economic Development Commission; to provide powers and duties; to create divisions, advisory committees, and a program; to create a fund; to change provisions relating to the division of communications; to harmonize provisions; to eliminate the Nebraska Economic Development Committee and the Telecommunications and Information Center; and to repeal the original sections, and also sections 81-1226, 81-1227, and 81-1229 to 81-1243, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1120.29 to 81-1120.31 and 81-1228, Revised Statutes Supplement, 1984.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Eret	Hoagland	McFarland	Rogers
Baack	Goll	Johnson, L.	Miller	Scofield
Barrett	Goodrich	Johnson, V.	Morehead	Sieck
Carsten	Haberman	Labeledz	Nelson	Smith
Chambers	Hannibal	Lamb	Nichol	Vickers
Chizek	Harris	Landis	Pappas	Warner
Chronister	Hartnett	Lundy	Peterson	Wesely
Conway	Hefner	Lynch	Pirsch	Withem
DeCamp	Higgins	Marsh	Remmers	

Voting in the negative, 4:

Hall	Johnson, R.	Rupp	Schmit
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Excused and not voting, 1:

Beyer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 967. With Emergency.

A BILL FOR AN ACT relating to business development; to state intent; to appropriate funds; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 48:

Abboud	Goll	Johnson, L.	Miller	Rupp
Baack	Goodrich	Johnson, R.	Morehead	Schmit
Barrett	Haberman	Johnson, V.	Nelson	Scofield
Carsten	Hall	Labeledz	Nichol	Sieck
Chambers	Hannibal	Lamb	Pappas	Smith
Chizek	Harris	Landis	Peterson	Vickers
Chronister	Hartnett	Lundy	Pirsch	Warner
Conway	Hefner	Lynch	Remmers	Wesely
DeCamp	Higgins	Marsh	Rogers	Withem
Eret	Hoagland	McFarland		

Voting in the negative, 0.

Excused and not voting, 1:

Beyer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Haberman asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 999 to Select File

Mr. DeCamp moved to return LB 999 to Select File for the following specific amendment:

Strike enacting clause.

Mr. DeCamp withdrew his pending motion to return.

Mrs. Higgins moved to return LB 999 to Select File for the following specific amendment:

Strike the enacting clause.

Mrs. Higgins withdrew her pending motion to return.

Mr. V. Johnson moved to return LB 999 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. V. Johnson withdrew his pending motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 999.

A BILL FOR AN ACT relating to real estate; to amend sections 40-101, 40-110, and 76-1012, Reissue Revised Statutes of Nebraska, 1943, and section 76-1008, Revised Statutes Supplement, 1984; to provide the right to cure default in certain actions involving agricultural land; to require notice as prescribed; to change provisions relating to the homestead exemption and deeds of trust; to provide for partial redemption as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 30:

Baack	Hannibal	Labedz	Morehead	Scofield
Chambers	Hefner	Lamb	Nelson	Sieck
Eret	Higgins	Landis	Pirsch	Smith
Goll	Hoagland	Marsh	Rogers	Vickers
Haberman	Johnson, R.	McFarland	Rupp	Wesely
Hall	Johnson, V.	Miller	Schmit	Withem

Voting in the negative, 17:

Abboud	Barrett	Carsten	Chronister	Conway
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DeCamp	Hartnett	Lynch	Pappas	Remmers
Goodrich	Johnson, L.	Nichol	Peterson	Warner
Harris	Lundy			

Present and not voting, 1:

Chizek

Excused and not voting, 1:

Beyer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1007.

A BILL FOR AN ACT relating to grain; to amend section 75-905, Revised Statutes Supplement, 1985; to define terms; to provide for inspections; to provide for fees; to provide powers; to create a fund; to appropriate funds; to change a provision relating to recourse to the grain dealer's security; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud	Goll	Hoagland	Miller	Rupp
Baack	Goodrich	Johnson, L.	Morehead	Schmit
Barrett	Haberman	Johnson, V.	Nelson	Scofield
Carsten	Hall	Labedz	Nichol	Sieck
Chambers	Hannibal	Lamb	Pappas	Smith
Chizek	Harris	Landis	Peterson	Vickers
Chronister	Hartnett	Lundy	Pirsch	Warner
Conway	Hefner	Marsh	Remmers	Wesely
DeCamp	Higgins	McFarland	Rogers	Withem
Eret				

Voting in the negative, 2:

Johnson, R. Lynch

Excused and not voting, 1:

Beyer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1016.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-4011, 54-137.01, 54-2101 to 54-2103, 54-2111 to 54-2114, and 54-2116 to 54-2119, Reissue Revised Statutes of Nebraska, 1943; to define terms; to provide rules and regulations relating to organic food; to provide a reporting requirement relating to organic food; to change provisions relating to powers and duties of certain check-off boards as prescribed; to change provisions relating to the Nebraska Beef Industry Development Act; to authorize the collection of certain assessments and fees; to rename a fund; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Goll	Johnson, L.	McFarland	Rogers
Baack	Goodrich	Johnson, R.	Miller	Rupp
Barrett	Haberman	Johnson, V.	Morehead	Schmit
Carsten	Hall	Labedz	Nelson	Scofield
Chambers	Hannibal	Lamb	Nichol	Sieck
Chizek	Harris	Landis	Pappas	Smith
Chronister	Hartnett	Lundy	Peterson	Vickers
Conway	Hefner	Lynch	Pirsch	Wesely
DeCamp	Higgins	Marsh	Remmers	Withem
Eret	Hoagland			

Voting in the negative, 0.

Present and not voting, 1:

Warner

Excused and not voting, 1:

Beyer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 1230 to Select File

Mr. Schmit moved to return LB 1230 to Select File for the following specific amendment:

“Strike the enacting clause”

Mr. Schmit withdrew his pending motion to return.

Mr. R. Johnson moved to return LB 1230 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. R. Johnson withdrew his pending motion to return.

Mr. Haberman moved to return LB 1230 to Select File for the following specific amendment:

indefinitely postpone LB 1230

Mr. Haberman withdrew his pending motion to return.

Mr. Vickers moved to return LB 1230 to Select File for the following specific amendment:

to indefinitely postpone LB 1230

Mr. Vickers withdrew his pending motion to return.

Mr. Haberman moved to return LB 1230 to Select File for the following specific amendment:

indefinitely postpone LB 1230

Mr. Haberman withdrew his pending motion to return.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 921, 926, 965, 967, 999, and 1007.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1230. With Emergency.

A BILL FOR AN ACT relating to ethanol; to amend sections 2-2309, 2-4011, 58-201, 58-239, 70-301, 70-604, 70-604.02, 70-626, 70-628.01 to 70-628.04, 70-632, 70-636, 70-646, 70-655, 70-657, 70-667, and 70-802, Reissue Revised Statutes of Nebraska, 1943, sections 70-631, 70-637, 70-1402 to 70-1404, 70-1409, 70-1413, 70-1416, and 70-1417, Revised Statutes Supplement, 1984, and sections 2-3622 and 70-601, Revised Statutes Supplement, 1985; to adopt the Ethanol Authority and Development Act; to provide a penalty; to provide powers and duties relating to the construction of ethanol production and distribution facilities; to redefine terms; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 37:

Abboud	Goll	Johnson, L.	Marsh	Schmit
Baack	Goodrich	Johnson, R.	McFarland	Scofield
Carsten	Hall	Johnson, V.	Nelson	Sieck
Chambers	Hannibal	Labeledz	Pappas	Smith
Chizek	Harris	Landis	Pirsch	Vickers
Conway	Hartnett	Lundy	Rogers	Wesely
DeCamp	Higgins	Lynch	Rupp	Withem
Eret	Hoagland			

Voting in the negative, 8:

Barrett	Hefner	Morehead	Remmers	Warner
Haberman	Lamb	Peterson		

Present and not voting, 3:

Chronister	Miller	Nichol
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Excused and not voting, 1:

Beyer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1230A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1230, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Abboud	Goodrich	Johnson, R.	Morehead	Schmit
Baack	Hall	Johnson, V.	Nelson	Scofield
Chambers	Hannibal	Labedz	Nichol	Sieck
Chizek	Harris	Landis	Pappas	Smith
Conway	Hartnett	Lundy	Pirsch	Vickers
DeCamp	Higgins	Lynch	Remmers	Warner
Eret	Hoagland	Marsh	Rogers	Wesely
Goll	Johnson, L.	McFarland	Rupp	Withem

Voting in the negative, 5:

Barrett	Haberman	Hefner	Lamb	Peterson
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Present and not voting, 3:

Carsten	Chronister	Miller
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Excused and not voting, 1:

Beyer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1258. With Emergency.

A BILL FOR AN ACT relating to homestead exemptions; to amend sections 77-3505 and 77-3517, Reissue Revised Statutes of Nebraska, 1943, sections 77-3508, 77-3509, 77-3511, 77-3522, 77-3523, and 77-3525, Revised Statutes Supplement, 1984, and sections 77-3510, 77-3513, and 77-3516, Revised Statutes Supplement, 1984, as amended by sections 3, 5, and 7, respectively, Legislative Bill 6, Eighty-ninth Legislature, Second Special Session, 1985; to redefine a

term; to provide for exemptions based on income as prescribed; to provide duties; to change certain filing and other deadlines; to change provisions relating to reimbursement to counties; to harmonize provisions; to provide a penalty; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Baack	Goll	Johnson, L.	McFarland	Schmit
Barrett	Haberman	Johnson, R.	Miller	Scofield
Carsten	Hall	Johnson, V.	Morehead	Sieck
Chambers	Hannibal	Labedz	Nelson	Smith
Chizek	Harris	Lamb	Nichol	Vickers
Chronister	Hartnett	Landis	Remmers	Warner
Conway	Hefner	Lundy	Rogers	Wesely
DeCamp	Higgins	Lynch	Rupp	Withem
Eret	Hoagland			

Voting in the negative, 6:

Abboud	Marsh	Pappas	Peterson	Pirsch
Goodrich				

Excused and not voting, 1:

Beyer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1258A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 1258, Eighty-ninth Legislature, Second Session, 1986.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Baack	Goll	Hoagland	McFarland	Schmit
Barrett	Goodrich	Johnson, L.	Miller	Scofield
Carsten	Haberman	Johnson, R.	Morehead	Sieck
Chambers	Hall	Johnson, V.	Nelson	Smith
Chizek	Hannibal	Labedz	Nichol	Vickers
Chronister	Harris	Lamb	Remmers	Warner
Conway	Hartnett	Landis	Rogers	Wesely
DeCamp	Hefner	Lundy	Rupp	Withem
Eret	Higgins	Lynch		

Voting in the negative, 5:

Abboud	Marsh	Pappas	Peterson	Pirsch
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Excused and not voting, 1:

Beyer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1259. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of civil action claims against the state; to provide how payment shall be made; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Abboud	Eret	Hoagland	Miller	Schmit
Baack	Goll	Johnson, L.	Morehead	Scofield
Barrett	Haberman	Johnson, R.	Nelson	Sieck
Carsten	Hall	Johnson, V.	Nichol	Smith
Chambers	Hannibal	Labedz	Pappas	Vickers
Chizek	Harris	Lamb	Peterson	Warner
Chronister	Hartnett	Landis	Pirsch	Wesely
Conway	Hefner	Lundy	Remmers	Withem
DeCamp	Higgins	Marsh	Rupp	

Voting in the negative, 0.

Present and not voting, 4:

Goodrich Lynch McFarland Rogers

Excused and not voting, 1:

Beyer

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 603.

A BILL FOR AN ACT relating to filing; to amend sections 9-403, 9-414, and 9-420, Uniform Commercial Code; to provide duties for the Secretary of State relating to a federal act; to provide for the deposit of certain fees; to authorize the removal of a lapsed financing statement; to change provisions relating to the transmittal of certain lien information; to harmonize provisions; and to repeal the original sections.

Mr. Goodrich requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 26:

Abbound	Goodrich	Johnson, V.	Marsh	Remmers
Barrett	Hall	Labeledz	McFarland	Rogers
Chizek	Hannibal	Lamb	Morehead	Smith
Conway	Higgins	Landis	Nichol	Wesely
DeCamp	Hoagland	Lynch	Pirsch	Withem
Eret				

Voting in the negative, 18:

Baack	Haberman	Johnson, R.	Rupp	Sieck
Carsten	Hartnett	Lundy	Schmit	Vickers
Chronister	Hefner	Nelson	Scotfield	Warner
Goll	Johnson, L.	Peterson		

Present and not voting, 4:

Chambers Harris Miller Pappas

Excused and not voting, 1:

Beyer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MESSAGES FROM THE GOVERNOR

April 16, 1986

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska

Dear Mr. President and Senators:

I am returning LB 539 without my signature and with my objections.

When I reduced the 86-87 appropriations by vetoing \$32.6 million dollars my judgment was based on an evaluation of needs and assessment of what our taxpayers could afford. I argued that \$32.6 million dollars should be left in savings and should not be withdrawn from our economy. Further, I argued that the downsizing of government which would unquestionably occur would in the long run benefit this State.

In exercising your right to override most of these vetoes, I recognize that you believe the potential loss of services was a greater danger than the potential losses which come when we remove this money from the economy. I listened to your arguments and though I continue to disagree with them, I acknowledge your sincerity and conviction.

In vetoing this tax bill I do not question your authority to override my spending reductions. Nor do I wish to reposition my preference for an increase in the gasoline tax. Rather I have two specific objections to this piece of legislation.

First, I believe the postponing of implementation until January, 1987, is bad policy. If revenue is needed now, the tax should be imposed immediately. Postponing the implementation until after the

November election appears to the public to be an evasion of responsibility.

Secondly, increasing the tax by 1/2¢, as is necessary when the effective date is advanced until January, 1987, sets us on a course of increased expenditures in 87-88. This tax bill will generate \$23 million dollars in 86-87, but will generate \$45 million dollars in 87-88. This extra money will be a temptation to add expenditures in the next fiscal year.

If there are more than 20 senators who believe this tax bill is flawed I urge you to sustain my veto. Then pledge your support to work with me on developing an acceptable budget and revenue package that avoids an increased rate in either the sales or income tax during a special session.

Sincerely,
(Signed) ROBERT KERREY
Governor

April 16, 1986

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 992, 992A, 68, 174, 318, 318A, 563, 765, 768, 768A, 771, 808, 881, 900, 900A, 929, 930, 931, 963, 991, 993, 994, 996, 1005 and 1008 were received in my office on April 14, 1986.

These bills were signed by me on April 16, 1986 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

April 16, 1986

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1025, 1158, 1160, 1184, 1105, 1105A, 1131, 1241, 1242, 1080, 310, 310A and 960 were received in my office on April 15, 1986.

These bills were signed by me on April 16, 1986 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 16, 1986, at 3:40 p.m., were the following bills: 921, 926, 965, 967, 999, and 1007.

(Signed) Pam Moravec, Enrolling Clerk

REPORT OF REGISTERED LOBBYISTS

In accordance with LB 987, passed in the 1976 session of the Legislature and amended by LB 4 and LB 41 in the 1977 session of the Legislature, the attached is a list of all Lobbyists who have registered as of April 16, 1986. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Fowler, Steve - Sausalito, CA (Withdrawn 86/03/01), Lombardi, Richard (Withdrawn 86/03/01)
Lineweber, Ray L. - Lincoln, Nebraska Livestock Markets Association
Lombardi, Richard A. - Lincoln, Nebraska Society of Professional Psychologist
Pierce, John S. - Lincoln, The Equitable Life Assurance Society of the United States
Wilson, Stanley F. - Lincoln, Nebraska Chiropractic Physicians Association (Withdrawn 86/01/25)

UNANIMOUS CONSENT - Add Co-Introducer

Mr. Hoagland asked unanimous consent to have his name added as co-introducer to LB 999. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 345. Read. Considered.

LR 345 was adopted with 31 ayes, 1 nay, and 17 not voting.

LEGISLATIVE RESOLUTION 440. Read. Considered.

Mr. Wesely offered the following amendment:

to amend LR 440 (p 2332) by striking Section 1 under resolved and renumber the remaining two sections

Mr. Wesely moved for a call of the house. The motion prevailed with 4 ayes, 0 nays, and 45 not voting.

The Wesely amendment was adopted with 26 ayes, 15 nays, 7 present and not voting, and 1 excused and not voting.

LR 440 was adopted with 33 ayes, 3 nays, and 13 not voting.

The Chair declared the call raised.

LEGISLATIVE RESOLUTION 443. Read. Considered.

Mr. Nichol asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wesely offered the following amendment:

to strike in the third Whereas # beginning with "despite" in line one through "disaster" in line 5.

Mr. Wesely moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

The Wesely amendment lost with 13 ayes, 8 nays, 26 present and not voting, and 2 excused and not voting.

LR 443 was passed over.

The Chair declared the call raised.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 1016, 1230, 1230A, 1258, 1258A, 1259, and 603.

MOTION - Override Veto on LB 539

Messrs. Warner, Baack, Barrett, Carsten, Chronister, Eret, Goll, Goodrich, Hannibal, Hartnett, Hoagland, L. Johnson, Landis, Lundy, Lynch, McFarland, Miller, Nichol, Remmers, Sieck, Wesely, Mesdames Marsh, Smith, and Ms. Scofield moved to enact LB 539 notwithstanding the objections of the Governor.

Mr. Barrett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 33:

Baack	Goll	Johnson, R.	Morehead	Sieck
Barrett	Hall	Landis	Nelson	Smith
Carsten	Hannibal	Lundy	Nichol	Vickers
Chizek	Harris	Lynch	Peterson	Warner
Chronister	Hartnett	Marsh	Remmers	Wesely
Conway	Hoagland	McFarland	Scofield	Withem
Eret	Johnson, L.	Miller		

Voting in the negative, 13:

Abboud	Haberman	Johnson, V.	Pirsch	Rupp
DeCamp	Hefner	Labedz	Rogers	Schmit
Goodrich	Higgins	Lamb		

Present and not voting, 2:

Chambers Pappas

Excused and not voting, 1:

Beyer

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 1252

Mr. Warner moved that LB 1252 become law notwithstanding the objections of the Governor.

Mr. Hall moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Warner moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Warner requested a roll call vote on the motion to override.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

Baack	Goll	Johnson, L.	Nelson	Rupp
Barrett	Goodrich	Landis	Nichol	Scofield
Carsten	Hannibal	Lundy	Pappas	Smith
Chambers	Harris	Lynch	Peterson	Warner
Chizek	Hartnett	Marsh	Pirsch	Wesely
Chronister	Hoagland	Miller	Remmers	Withem

Voting in the negative, 14:

Abboud	Eret	Hefner	Labeledz	Rogers
Conway	Haberman	Higgins	Lamb	Vickers
DeCamp	Hall	Johnson, V.	Morehead	

Present and not voting, 3:

McFarland	Schmit	Sieck
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Excused and not voting, 2:

Beyer	Johnson, R.
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Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Reconsider Action on LB 1251

Mr. Lynch renewed his motion found in the Journal on page 2331 to reconsider the Appropriations Committee motion to override the Governor's line item veto of LB 1251, relating to Agency 38, Commission on Status of Women; Agency 68, Commission on Mexican Americans; and Agency 72, Program 584 Commission on Indian Affairs.

The Lynch motion to reconsider prevailed with 30 ayes, 15 nays, 3 present and not voting, and 1 excused and not voting.

MOTION - Override Veto on LB 1251

Mr. Lynch moved to override the Governor's line item veto on the following:

Section 35, page 70, lines 20 and 22

(Agency 38-Commission on Status of Women)

Section 61, page 107, lines 2, 3 and 5

(Agency 68-Commission on Mexican-Americans)

Section 65, subsection 4, page 110, lines 22, 23 and 25.

(Agency 72, Program 584-Commission on Indian Affairs)

Mr. Lynch requested a roll call vote on the motion to override.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?'"

Voting in the affirmative, 30:

Baack	Hall	Johnson, V.	Morehead	Sieck
Chambers	Harris	Landis	Nelson	Smith
Chizek	Hartnett	Lynch	Nichol	Vickers
Conway	Higgins	Marsh	Pappas	Warner
Eret	Hoagland	McFarland	Schmit	Wesely
Goodrich	Johnson, R.	Miller	Scofield	Withem

Voting in the negative, 18:

Abboud	Carsten	DeCamp	Haberman	Hefner
Barrett	Chronister	Goll	Hannibal	Johnson, L.

Labeledz	Lundy	Pirsch	Rogers	Rupp
Lamb	Peterson	Remmers		

Excused and not voting, 1:

Beyer

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

MOTION - Suspend Rules

Mr. Warner moved to suspend Rule 6 Sec. 11 to override the Governor's veto of LB 778.

The Warner motion to suspend the rules prevailed with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

MOTION - Override Veto on LB 778

Messrs. Warner and Rupp renewed their pending motion found in the Journal on page 2067 for the passage of LB 778 notwithstanding the objections of the Governor.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

Mr. Warner moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Warner requested a roll call vote on the motion to override.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?'"

Voting in the affirmative, 27:

Abboud	Carsten	Goll	Hefner	Lamb
Baack	Chronister	Haberman	Johnson, L.	Lundy
Barrett	Eret	Hannibal	Johnson, R.	Marsh

Miller	Pirsch	Rupp	Sieck	Vickers
Nichol	Remmers	Scofield	Smith	Warner
Peterson	Rogers			

Voting in the negative, 20:

Chambers	Goodrich	Higgins	Landis	Nelson
Chizek	Hall	Hoagland	Lynch	Pappas
Conway	Harris	Johnson, V.	McFarland	Wesely
DeCamp	Hartnett	Labedz	Morehead	Withem

Present and not voting, 1:

Schmit

Excused and not voting, 1:

Beyer

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

The Chair declared the call raised.

MOTION - Override Veto on LB 516

Messrs. Hoagland, Baack, and Barrett renewed their pending motion found in the Journal on page 2279 that LB 516 become law notwithstanding the objections of the Governor.

Mr. Pappas moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

Baack	Chizek	Goodrich	Hoagland	Lundy
Barrett	Chronister	Hall	Johnson, L.	Lynch
Carsten	DeCamp	Hartnett	Johnson, V.	Marsh
Chambers	Goll	Hefner	Landis	McFarland

Miller	Pappas	Remmers	Rupp	Wesely
Nichol	Peterson	Rogers	Warner	Withem

Voting in the negative, 14:

Abboud	Harris	Labeledz	Pirsch	Sieck
Conway	Higgins	Morehead	Schmit	Smith
Eret	Johnson, R.	Nelson	Scofield	

Present and not voting, 4:

Haberman	Hannibal	Lamb	Vickers
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Excused and not voting, 1:

Beyer

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION - Override Veto on LB 1129

Mr. Chambers renewed his pending motion found in the Journal on page 2283 that LB 1129 be passed notwithstanding the objections of the Governor.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. DeCamp moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. DeCamp requested a roll call vote on the motion to override.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?'"

Voting in the affirmative, 31:

Baack	Chizek	DeCamp	Hall	Labeledz
Carsten	Chronister	Goodrich	Harris	Landis
Chambers	Conway	Haberman	Johnson, R.	Lundy

Lynch	Nelson	Peterson	Schmit	Warner
Marsh	Nichol	Rogers	Scofield	Wesely
McFarland	Pappas	Rupp	Vickers	Withem
Miller				

Voting in the negative, 16:

Abboud	Hannibal	Higgins	Johnson, V.	Remmers
Barrett	Hartnett	Hoagland	Morehead	Sieck
Eret	Hefner	Johnson, L.	Pirsch	Smith
Goll				

Absent and not voting, 1:

Lamb

Excused and not voting, 1:

Beyer

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 444. Read. Considered.

LR 444 was adopted with 31 ayes, 0 nays, and 18 not voting.

LEGISLATIVE RESOLUTION 445. Read. Considered.

LR 445 was adopted with 34 ayes, 0 nays, and 15 not voting.

LEGISLATIVE RESOLUTION 446.

Introduced by Abboud, 12th District; Baack, 47th District; Barrett, 39th District; Beyer, 3rd District; Carsten, 2nd District; Chambers, 11th District; Chizek, 31st District; Chronister, 18th District; Conway, 17th District; DeCamp, 40th District; Eret, 32nd District; Goll, 16th District; Goodrich, 20th District; Haberman, 44th District; Hall, 7th District; Hannibal, 4th District; Harris, 27th District;

Hartnett, 45th District; Hefner, 19th District; Higgins, 9th District; Hoagland, 6th District; L. Johnson, 15th District; R. Johnson, 34th District; V. Johnson, 8th District; Labedz, 5th District; Lamb, 43rd District; Landis, 46th District; Lundy, 36th District; Lynch, 13th District; Marsh, 29th District; McFarland, 28th District; Miller, 37th District; Morehead, 30th District; Nelson, 35th District; Nichol, 48th District; Pappas, 42nd District; Peterson, 21st District; Pirsch, 10th District; Remmers, 1st District; Rogers, 41st District; Rupp, 22nd District; Schmit, 23rd District; Scofield, 49th District; Sieck, 24th District; Smith, 33rd District; Vickers, 38th District; Warner, 25th District; Wesely, 26th District; Withem, 14th District.

WHEREAS, in 1937, forty-nine years ago, the First Session of the Nebraska Unicameral Legislature convened in this chamber; and

WHEREAS, in 1954, seventeen years later, Dr. Jack Rodgers joined the staff of the Nebraska Legislature; and

WHEREAS, in 1986, thirty-two years later, Dr. Jack Rodgers will retire from public service and from service to the Nebraska Legislature; and

WHEREAS, during the course of his career with the Legislature, Dr. Rodgers has had an influence on this Legislature's policies, organization, and personality; and

WHEREAS, most recently, his work on the organization structure of the Nebraska Unicameral gave rise to the first major review and reorganization of the Legislature in forty-nine years; and

WHEREAS, all too often, the accomplishments of dedicated public service go unrecognized.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE EIGHTY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the members of the Legislature recognize that the knowledge, experience, and insight gained by Dr. Jack Rodgers over the past thirty-two years is irreplaceable.

2. That the members of the Legislature, for ourselves and on behalf of our colleagues of previous Legislatures, hereby give pause, reflection, tribute, and thanks for the thirty-two years of service which has been given to us by Dr. Jack Rodgers.

3. That the Clerk of the Legislature present a copy of this resolution to Dr. Jack Rodgers.

Mr. Chizek asked unanimous consent to be excused. No objections. So ordered.

LR 446 was adopted with 45 ayes, 0 nays, and 4 not voting.

MOTION - Approve Appointments

Mr. Barrett moved the adoption of the report of the Business and Labor Committee for the following Governor appointment found in the Journal on page 2181: David J. Cullan - Judge, Commission of Industrial Relations.

Voting in the affirmative, 45:

Abboud	Goodrich	Johnson, R.	Miller	Rupp
Baack	Haberman	Johnson, V.	Morehead	Schmit
Barrett	Hall	Labeledz	Nelson	Scofield
Carsten	Hannibal	Lamb	Nichol	Sieck
Chronister	Hartnett	Landis	Pappas	Smith
Conway	Hefner	Lundy	Peterson	Vickers
DeCamp	Higgins	Lynch	Pirsch	Warner
Eret	Hoagland	Marsh	Remmers	Wesely
Goll	Johnson, L.	McFarland	Rogers	Withem

Voting in the negative, 0.

Present and not voting, 2:

Chambers Harris

Excused and not voting, 2:

Beyer Chizek

The appointment was confirmed with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

Mr. Vickers moved the adoption of the report of the Education Committee for the following Governor appointment found in the Journal on page 2181: Brenda Warren-Council - Board of Educational Lands and Funds.

Voting in the affirmative, 39:

Abboud	Eret	Hefner	Landis	Morehead
Baack	Goll	Higgins	Lundy	Nichol
Barrett	Goodrich	Hoagland	Lynch	Pappas
Carsten	Haberman	Johnson, L.	Marsh	Pirsch
Conway	Hannibal	Johnson, R.	McFarland	Remmers
DeCamp	Hartnett	Lamb	Miller	Rogers

Rupp	Scofield	Smith	Warner	Withem
Schmit	Sieck	Vickers	Wesely	

Voting in the negative, 0.

Present and not voting, 8:

Chambers	Hall	Johnson, V.	Nelson	Peterson
Chronister	Harris	Labedz		

Excused and not voting, 2:

Beyer	Chizek
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The appointment was confirmed with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 16, 1986 at 4:55 p.m., were the following bills: 1016, 1230, 1230A, 1258, 1258A, 1259, and 603.

(Signed) Pam Moravec, Enrolling Clerk

COMMUNICATION

April 16, 1986

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 1251 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached certificate, notwithstanding the objections of the Governor.

(Signed) Sincerely,
Patrick J. O'Donnell
Clerk of the Legislature

PJO:rz

Enc.

CERTIFICATE

Legislative Bill 1251 having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

- 1) Section 22, subsection (7), page 44, lines 6, 7, 17, 21, 23; on page 45, lines 2, 4, 8, 10, 14, 16, 20, 22; on page 46, lines 1, 3, 7. (Agency 25, Program 424 - Community Mental Retardation.)

These provisions have become law the fourteenth day of April, 1986.

(Signed) Donald F. McGinley
President of the Legislature

COMMUNICATION

April 16, 1986

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 1251 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached certificate, notwithstanding the objections of the Governor.

(Signed) Sincerely,
Patrick J. O'Donnell
Clerk of the Legislature

PJO:rz
Enc.

CERTIFICATE

Legislative Bill 1251 having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the

Legislature by the constitutional majority has overridden said line-item vetoes as follows:

- 1) Section 49, subsection (2), page 94, lines 5, 7 and 12. (Agency 55, Program 303 - State Aid Small Watersheds.)

These provisions have become law the fourteenth day of April, 1986.

(Signed) Donald F. McGinley
President of the Legislature

COMMUNICATION

April 16, 1986

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 1251 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached certificate, notwithstanding the objections of the Governor.

(Signed) Sincerely,
Patrick J. O'Donnell
Clerk of the Legislature

PJO:rz
Enc.

CERTIFICATE

Legislative Bill 1251 having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

- 1) Section 24, subsection (3), page 58, lines 1, 3 and 7. (Agency 27, Program 569 - Construction.)

These provisions have become law the fourteenth day of April, 1986.

(Signed) Donald F. McGinley
President of the Legislature

COMMUNICATION

April 16, 1986

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 1251 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached certificate, notwithstanding the objections of the Governor.

(Signed) Sincerely,
Patrick J. O'Donnell
Clerk of the Legislature

PJO:rz
Enc.

CERTIFICATE

Legislative Bill 1251 having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

- 1) Section 10, page 18, subsection (8), lines 3 and 5; page 19, subsection (12) lines 22 and 25; page 20, subsection (13), lines 8 and 11.
- 2) Section 15, page 28, subsections (3) and (4), lines 13, 16, 21 and 24.
- 3) Section 17, page 34, subsections (4) and (5), lines 3, 6, 20 and 22.
- 4) Section 20, page 38, subsection (3), lines 12 and 14.
- 5) Section 22, page 42, subsection (3), lines 1, 3 and 8; page 43, subsections (5) and (6), lines 3, 6, 11, 15, 19 and 23, and page 44, subsection (6), line 1.

- 6) Section 23, page 51, subsection (3), line 24; page 52, subsection (3) line 2; page 56, subsection (6) lines 15 and 18.
- 7) Section 31, page 66, subsection (2), lines 8 and 11.
- 8) Section 45, page 76, lines 24 and 25.
- 9) Section 46, page 78, subsection (1), lines 4 and 8; page 79, subsection (2), lines 21 and 25; page 81, subsection (3), lines 20 and 24; page 83, subsection (4), lines 7 and 11.
- 10) Section 47, page 85, subsection (1), lines 4 and 6; page 89, subsection (2), lines 5, 6, 21 and 22, and on page 90, lines 4 and 9; page 90, subsections (3) and (4), lines 15, 16, 24 and 25; and on page 91, subsection (4), line 5.
- 11) Section 62, page 107, lines 9 and 12.
- 12) Section 63, page 108, lines 14 and 15.
- 13) Section 73, page 119, lines 20 and 21.
- 14) Section 75, page 120, subsection (1), lines 19 and 22.

These provisions have become law the fourteenth day of April, 1986.

(Signed) Donald F. McGinley
President of the Legislature

COMMUNICATION

April 16, 1986

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 1251 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached certificate, notwithstanding the objections of the Governor.

(Signed) Sincerely,
Patrick J. O'Donnell
Clerk of the Legislature

PJO:rz
Enc.

CERTIFICATE

Legislative Bill 1251 having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

- 1) Section 9, page 12, subsection (3), lines 2, 3 and 5.

These provisions have become law the fourteenth day of April, 1986.

(Signed) Donald F. McGinley
President of the Legislature

COMMUNICATION

April 16, 1986

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 1251 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached certificate, notwithstanding the objections of the Governor.

(Signed) Sincerely,
Patrick J. O'Donnell
Clerk of the Legislature

PJO:rz
Enc.

CERTIFICATE

Legislative Bill 1251 having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

- 1) Section 74, page 120, lines 3, 4 and 6. (Agency 83, Program 051 - Aid to Technical Community Colleges.)

These provisions have become law the fourteenth day of April, 1986.

(Signed) Donald F. McGinley
President of the Legislature

COMMUNICATION

April 16, 1986

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 1251 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached certificate, notwithstanding the objections of the Governor.

(Signed) Sincerely,
Patrick J. O'Donnell
Clerk of the Legislature

PJO:rz
Enc.

CERTIFICATE

Legislative Bill 1251 having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

- 1) Section 10, subsection (4), page 15, lines 5, 7, 9, 10, 15, 16 and 21 and on page 16, lines 1 and 16. (Agency 13, Program 14 - State Aid and School Services.)

These provisions have become law the fourteenth day of April, 1986.

(Signed) Donald F. McGinley
President of the Legislature

COMMUNICATION

April 16, 1986

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 1251 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached certificate, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:rz
Enc.

CERTIFICATE

Legislative Bill 1251 having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

- 1) Section 35, page 70, lines 20 and 22 (Agency 38 - Commission on Status of Women)
- 2) Section 61, page 107, lines 2, 3 and 5 (Agency 68 - Commission on Mexican-Americans)
- 3) Section 65, subsection 4, page 110, lines 22, 23 and 25 (Agency 72, Program 584 - Commission on Indian Affairs)

These provisions have become law the sixteenth day of April, 1986.

(Signed) Donald F. McGinley
President of the Legislature

COMMUNICATION

April 16, 1986

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 1252 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 1252, notwithstanding the objections of the Governor.

(Signed) Sincerely,
Patrick J. O'Donnell
Clerk of the Legislature

PJO:rz
Enc.

CERTIFICATE

Legislative Bill 1252, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the Constitutional majority, it has become law this 16th day of April, 1986.

(Signed) Donald F. McGinley
President of the Legislature

COMMUNICATION

April 16, 1986

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 516 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 516, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:rz
Enc.

CERTIFICATE

Legislative Bill 516, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the Constitutional majority, it has become law this 16th day of April, 1986.

(Signed) Donald F. McGinley
President of the Legislature

COMMUNICATION

April 16, 1986

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 539 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 539, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:rz
Enc.

CERTIFICATE

Legislative Bill 539, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the Constitutional majority, it has become law this 16th day of April, 1986.

(Signed) Donald F. McGinley
President of the Legislature

COMMUNICATION

April 16, 1986

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 1129 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 1129, notwithstanding the objections of the Governor.

(Signed) Sincerely,
Patrick J. O'Donnell
Clerk of the Legislature

PJO:rz
Enc.

CERTIFICATE

Legislative Bill 1129, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the Constitutional majority, it has become law this 16th day of April, 1986.

(Signed) Donald F. McGinley
President of the Legislature

MOTION - Disposition of Bills

Mr. Goll moved that all bills not otherwise disposed of, excluding bills on Final Reading and vetoed or line-item vetoed bills on this date, be indefinitely postponed. Further, that the Chairpersons of all standing committees file with the Clerk of the Legislature all standing committee records so that a proper record may be made of the final disposition of all bills.

The motion prevailed.

MOTION - Sessions Laws, Journals, and Indexes

Mr. Sieck moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by Patrick J. O'Donnell, and that he be directed to send to each member of the Legislature a copy of the loose-leaf session laws and of the permanent Journal and Sessions Laws.

The motion prevailed.

MOTION - Enrollment and Review Chairperson

Mr. Lundy moved that we present Tim Hall with a briefcase, in appreciation of his service as Chairman of Enrollment and Review.

The motion prevailed.

Mr. Lundy presented the briefcase to Tim Hall.

MOTION - Advise Governor

Mr. Hoagland moved that a committee of five be appointed to advise the Governor that the Eighty-Ninth Legislature, Second Session, of the Nebraska State Legislature is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed.

The Chair appointed Messrs. Chronister, Goll, Hoagland, Lundy, and Sieck to serve on said Committee.

The Committee returned and escorted Governor Robert Kerrey to the rostrum where he delivered a message to the members.

The Committee escorted the Governor from the Chamber.

VISITORS

Visitors to the Chamber were Senator Hannibal's mother and sister, Mrs. Lois Hannibal and Mrs. Jeanne Blum; five students from the University of Nebraska-Lincoln; and 13 third grade students, teacher, and sponsors from Friend Elementary.

MOTION - Sine Die

Mr. Carsten moved that the Journal for the Sixtieth Day, as prepared by the Clerk, be approved and that the Eighty-Ninth Legislature, Second Session of the Legislature, having finished all business before it, now at 7:51 p.m. adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature

RECEIVED AFTER ADJOURNMENT

LEGISLATIVE JOURNAL

RECEIVED AFTER ADJOURNMENT

LEGISLATIVE JOURNAL

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION**

CORRECTED COMMUNICATION

April 16, 1986

The Honorable Allen Beermann
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 1252 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached certificate, notwithstanding the objections of the Governor.

(Signed) Sincerely,
Richard Brown
Assistant Clerk

RB:rz
Enc.

CORRECTED CERTIFICATE

Legislative Bill 1252 having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

- 1) Section 24 - Program 940 - line 23 on page 14
- 2) Section 27 - Program 901 - lines 6, 7 and 8 on page 16 and line 24 on page 17

These provisions have become law the sixteenth day of April, 1986.

(Signed) Donald F. McGinley
President of the Legislature

MESSAGES FROM THE GOVERNOR

April 17, 1986

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 849, 1016, 1007, 1004, 1004A, 1001, 1001A, 355, 355A, 300, 1258, 1258A, 43, 43A, 1177, 997, 997A, 956, 885, 783 and 600 were received in my office on April 16, 1986.

These bills were signed by me on April 17, 1986 and delivered to the Secretary of State.

(Signed) Sincerely,
ROBERT KERREY
Governor

RK/jm

April 17, 1986

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1093, 1056, 1051, 1051A, 1017, 528, 949, 817, 799, 782, 1208, 1190, 1143, 1143A and 1063 were received in my office on April 15, 1986.

These bills were signed by me on April 17, 1986 and delivered to the Secretary of State.

(Signed) Sincerely,
ROBERT KERREY
Governor

RK/jm

April 17, 1986

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 942, 419, 461, 850, 850A and 983 were received in my office on April 14, 1986.

These bills were signed by me on April 17, 1986 and delivered to the Secretary of State.

(Signed) Sincerely,
ROBERT KERREY
Governor

RK/jm

April 18, 1986

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 333, 333A, 870, 1049, 1049A, 525, 926, 921, 911, 812, 1256, 1027, 1027A, 835 and 835A were received in my office on April 16, 1986.

These bills were signed by me on April 18, 1986 and delivered to the Secretary of State.

(Signed) Sincerely,
ROBERT KERREY
Governor

RK/jm

April 18, 1986

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 153, 153A, 217, 217A, 757 and 757A were received in my office on April 15, 1986.

These bills were signed by me on April 18, 1986 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

April 18, 1986

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 143, 894, 894A and 309 were received in my office on April 14, 1986.

These bills were signed by me on April 18, 1986 and delivered to the Secretary of State.

Sincerely,
(Signed) ROBERT KERREY
Governor

RK/jm

April 19, 1986

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 122, 890, 833, 1124, 1124A, 1255, 311, 311A, 889, 965, 999, 1259 and 645A were received in my office on April 16, 1986.

These bills were signed by me on April 19, 1986 and delivered to the Secretary of State.

(Signed) Sincerely,
ROBERT KERREY
Governor

RK/jm

April 19, 1986

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 1048 was received in my office on April 15, 1986.

This bill was signed by me on April 19, 1986 and delivered to the Secretary of State.

(Signed) Sincerely,
ROBERT KERREY
Governor

RK/jm

April 19, 1986

Mr. Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 474, 474A, 775, 775A and 878 were received in my office on April 14, 1986.

These bills were signed by me on April 19, 1986 and delivered to the Secretary of State.

(Signed) Sincerely,
ROBERT KERREY
Governor

RK/jm

April 22, 1986

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

I have today signed LB 1230 and LB 1230A into law.

For the past three years I have attempted to increase state government's efforts to expand food processing, to assist in bringing equity to developing businesses, and to help the State's number one business and way of life, agriculture. LB 1230 offers the potential of accomplishing all three objectives at once.

However, there are a number of key problems with this legislation. They are as follows:

1. The board, which will make key allocation decisions, has been assembled to gain the support of the interest groups needed to pass the bill, and not with the idea of putting together a board of individuals with the best qualifications and skills. I worry that the board would be dominated by their desire to build alcohol plants and not by their concern for measuring whether the venture would succeed.
2. The purpose of LB 1230 is too narrow. While alcohol plants are certainly processing businesses, they are only one category. I believe that the purpose should be expanded to permit grants to any manufacturing business that processes food.
3. The use of check off funds should be matched with general fund tax dollars. Producers and non-producers will enjoy the economic benefits and should accordingly share in its cost.
4. I believe a very strict review should precede the use of public power bonding authority to construct these plants.

I have discussed these objections with Senator Schmit, the introducer of LB 1230, and with other supporters. I have the support of Senator Schmit for the following actions which I intend to take:

1. Appoint the Agricultural Revitalization Authority Board with the expressed purpose of having them rule on grant applications. This procedure will be an interim, voluntary procedure until a permanent, statutory requirement can be put into place. Senator Schmit has agreed to introduce legislation in the 1987 legislative session to give this board the statutory authority to control these grants.

2. Senator Schmit has also agreed to introduce legislation which will give the authority the power to use these grants for all food processing manufacturing businesses.

3. Senator Schmit has agreed to work towards the objective of obtaining a general fund appropriation to match the received check off money.

4. The Agriculture Revitalization and Stabilization Board will make recommendations for a strict review procedure for the use of public power bonding authority.

Further I will ask the board created by LB 1230 to make an analysis of the feasibility of making investments in the alcohol industry. This recommendation will be forwarded to the board of the agriculture revitalization and stabilization authority.

Sincerely,
(Signed) ROBERT KERREY
Governor

April 22, 1986

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

Engrossed Legislative Bill 807 was received in my office April 16, 1986.

This bill was signed by me on April 22, 1986, and delivered to the Secretary of State. LB 807 provides for the phased removal of cabooses from trains that operate in the State of Nebraska.

Many arguments have been offered in favor of and in opposition to this legislation. Evidence has been presented that it will enhance this state's efforts to achieve economic development objectives. Testimony has been given that Nebraska uniquely restricts the actions of the railroad industry. Statements have been made to the effect that the presence of the existing statute sends an unfriendly signal to other businesses.

In addition, I have heard Nebraskans tell me that the removal of the cabooses will result in a direct loss of jobs. These citizens express concern that hundreds and perhaps thousands of current railroad employees will be laid off if cabooses are not required on trains.

While I am concerned with both sides of this argument, my attention is principally directed towards questions about safety. As Governor, my decision rests on my answers to two simple questions.

The first is this: Will trains traveling through Nebraska without cabooses result in an increase of the risk of injury to life and property in our state?

My answer to this question is that the removal of cabooses will increase the risk of accidents. I have been presented with sufficient evidence and testimony from people who have worked in manned cabooses to conclude that their presence and their observation of dangerous conditions has resulted in the avoidance of potential accidents.

The next question I must answer is: Does the requirement of cabooses improve public safety enough to warrant the additional cost of their use? Here the question centers on the benefits achieved versus the cost incurred.

I answer this second question in the negative. As I consider the stories told me by Nebraska citizens who believe the current law should be retained, I also look at the following:

1. Since October, 1984, there is no evidence in the observation of 20 million miles of the operation of cabooseless trains that safety has deteriorated on these trains.
2. Nationwide, the incidents of personal injury, loss of life, and damage to property has declined over the past three years. This in spite of the agreement between labor and management which has permitted the gradual removal of manned cabooses.
3. The Railroads have devoted an increased amount of money and time to public education designed to improve public safety.

In signing this Bill into law, I am acutely aware of the potential adverse impact on the safety of Nebraska citizens. I believe this risk is reduced sufficiently by the presence of other railroad employees with the ability to identify potential accidents. Further, it is, in my best judgment, not sufficient to warrant the costs incurred to achieve it.

Sincerely,
(Signed) ROBERT KERREY
Governor

April 18, 1986

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

I am returning LB 829 and LB 829A without my signature and with my objections.

LB 829 creates care management services for the elderly through the Area Agencies on Aging and the Department of Social Services. The purpose of assessment and case management is to assure that clients receive the most appropriate level of care and support services so that they can live as independently as possible.

I agree wholeheartedly with this concept, but, in my judgement, LB 829 creates an inadequate administrative structure to provide this service. It assigns several conflicting roles to both the Department of Social Services and the Area Agencies on Aging. Dual rule making authority is given to the Departments of Social Services and Aging for certification and operation of the care management units. This joint authority is confusing and an administrative burden for both agencies. Further, the obvious target of the bill is Medicaid supported nursing home patients, but Medicaid eligible persons are not required to be reviewed by care management units. For these reasons, I cannot support this bill in its present form.

Sincerely,
(Signed) ROBERT KERREY
Governor

April 18, 1986

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

I am returning LB 635 without my signature and with my objections.

LB 635 would allow domestic insurance companies to make loans to officers for the purchase of a principal residence.

In my judgement, this bill would authorize an unnecessary perquisite for highly paid employees at the expense of policyholders, many of which are wage earners and not easily able to afford the existing premiums.

In addition, this creates unnecessary regulatory duties for the State Department of Insurance as they would have to review all proposed

loans to establish that the loan was in the best interest of the insurance company.

For these reasons, I cannot support this bill.

Sincerely,
(Signed) ROBERT KERREY
Governor

April 18, 1986

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

I am returning LB 237 and LB 237A without my signature and with my objections.

LB 237 would require the Department of Correctional Services to tape record inmate disciplinary hearings and to preserve such tapes for six months. It would also provide for inmate access to judicial review of the disciplinary hearings through the Administrative Procedures Act. In my judgement, the latter portion is bad policy.

In 1981, the Nebraska Supreme Court found that the appeal procedures available under the Administrative Procedures Act were designed to protect rights and privileges of the general public and should not be applied to the internal operation of an institution. The court also noted that there was no case which had held that administrative procedure laws and appeal procedures are applicable to prison disciplinary proceedings in either state or federal prisons. I agree with the Nebraska Supreme Court's conclusions.

Inmate disciplinary proceedings are designed to maintain order within correctional institutions and to help in the rehabilitation of inmates. Approximately 5,500 inmate disciplinary hearings are held each year in the institutions under the control of the Department of Correctional Services. The federal and state courts, when reviewing the Department's inmate disciplinary proceedings in such cases, have found the Department's practices and procedures to be exemplary.

If an inmate is dissatisfied with the decision of a disciplinary committee and of the Department of Correctional Services' internal appeal process, he or she has several recourses. The inmate may petition the Nebraska District Court for a writ of error, bring a civil rights action in federal court, or file a petition for writ of habeas corpus.

In summary, the appeal procedure provided for under LB 237 is not necessary to ensure that disciplinary proceedings are handled in a fair and lawful manner.

Sincerely,
(Signed) ROBERT KERREY
Governor

April 18, 1986

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

I am returning LB 1203 without my signature and with my objections.

LB 1203, the Boiler Inspection Act, subjects "places of public assembly" to boiler inspections. Although more inspections are required by the bill, no funds were provided to cover the increased costs.

Sincerely,
(Signed) ROBERT KERREY
Governor

April 19, 1986

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I hereby return LB 959 and LB 959A without my signature and with my objections.

The intent of LB 959, to distribute information on creation and management of local housing authorities, has merit. The inflexible requirement that state government publish a manual, though, does not serve this purpose well. Such manuals already are available from the federal government. Many housing authorities probably would not choose to pay the mandated fee for a state manual. Moreover,

the many and frequent changes coming as a result of the Gramm Rudman budget cuts would make any manual outdated soon after its printing.

Information in other forms is often more useful than manuals. The Department of Economic Development long has offered on-site technical assistance and workshops to local housing authorities that request help. They will continue to offer this individualized service.

Finally, if some sort of documented information is truly needed at some time, the Department has sufficient existing statutory authority. LB 959 with its inflexible deadlines is not needed.

Sincerely,
(Signed) ROBERT KERREY
Governor

April 19, 1986

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

I am returning LB 967 with my signature but with certain line item reductions.

I have vetoed the \$100,000 for the establishment of Business Development Centers in North Platte and Scottsbluff.

These centers would represent the first step toward new Masters of Business Administration Programs. The objective of providing assistance to businesses in Western Nebraska is a good one and I will be asking the Research and Development Authority to direct special attention to this goal. Before we begin the funding of these programs however, we need to have a clear understanding of future costs and the overall objectives and organization of these new programs, which was one of the fundamental principles adopted in the drafting of LB 850. This planning can be done without this \$100,000.

Sincerely,
(Signed) ROBERT KERREY
Governor

April 20, 1986

Mr. President, Mr. Speaker

and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning LB 603 without my signature and with my objections.

LB 603 requires the Secretary of State to make changes in the centralized computer indexing system for filed financing statements. This is in response to Section 1324 of the Food Security Act of 1985 ('85 Farm Bill).

I am firmly committed to the development of a central indexing system. The Secretary of State will continue to develop this system during 1986 with my full support and encouragement.

During recent meetings with agricultural groups I expressed this commitment and my expectation that no pressure will be brought upon the Secretary of State to delay this implementation. My expectation is this implementation will substantially benefit borrowers, lenders, buyers, and sellers.

In vetoing LB 603, I am therefore not sending the message that I am opposed to its concept. Rather, I fully expect something similar to LB 603 will be introduced and passed in the 1987 Legislative session.

To that end I am asking Mr. Bill Peters, Chairman of the Central Filing Council, and Mr. Chuck Schroeder, Director of the Nebraska Department of Agriculture, to recommend a committee of Nebraskans who will develop appropriate legislation. Many details and operating procedures need to be worked out to the satisfaction of those concerned. The industries affected have agreed to work closely in supporting the Secretary of State's efforts to make the necessary improvements throughout the next year. They have also agreed to jointly develop the needed legislation for the 1987 legislative session.

I believe the concerned group of lenders, borrowers, and brokers have demonstrated a genuine willingness to work together to improve the existing system and to fully consider the impact of any changes well before they are implemented.

With this commitment of cooperation, I am vetoing LB 603.

Sincerely,
(Signed) ROBERT KERREY
Governor

April 20, 1986

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

I am returning LB 201 and LB 201A without my signature and with my objections.

LB 201 would create a high risk pregnancy program with a potential fiscal impact of hundreds of thousands of dollars.

With the current state of the economy, this is not the time to be starting expensive new programs.

Sincerely,
(Signed) ROBERT KERREY
Governor

April 20, 1986

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Senators:

I am returning LB 90 without my signature and with my objections.

LB 90 would allow the substitution of live trial testimony of a child witness with a pretrial video taped deposition. Although the goal of protecting a child witness is laudable, it infringes too much upon the rights of the defendant in that it interferes with the defendant's right to confront the witness in front of a jury.

Sincerely,
(Signed) ROBERT KERREY
Governor

MESSAGE FROM THE SECRETARY OF STATE

April 17, 1986

Richard Brown

Assistant Clerk
Unicameral Legislature
Room 2018, Capitol

Dear Mr. Brown:

I have received on this seventeenth day of April, 1986, Engrossed Legislative Bill 1252 which was signed by the Governor on April 10, 1986, at 3:20 p.m., but with certain line-item vetoes or exceptions. In addition, I have received from you a letter dated April 16, notifying my office, certifying the passage of certain line-item vetoes as set forth on the attached certification notwithstanding the objections of the Governor. This certification was signed by Donald F. McGinley, President of the Legislature.

Further, Engrossed Legislative Bill 1252, your letter of April 16, 1986 and the President of the Legislature's certification have all been filed in the office of the Secretary of State and have become a matter of public record.

Finally, I have enclosed for you a certificate certifying the information set forth in your letter of April 16 and the attached certification signed by the President of the Legislature, Donald F. McGinley.

I respectfully request that this cover letter and the attached certifications be placed into the official Legislative Journal.

Respectfully acknowledged
and requested,
(Signed) ALLEN J. BEERMANN
Secretary of State

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Engrossed Legislative Bill 1252, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by a Constitutional majority has overridden certain line-item vetoes as follows:

Legislative Bill 1252 having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

- 1) Section 24-Program 940 - line 23 on page 14
 - 2) Section 27-Program 901 - lines 6, 7 and 8 on page 16 and line 24 on page 17
- These provisions have become law the sixteenth day of April, 1986.

Further, I hereby certify that L.B. 1252 was filed in the office of Secretary of State on April 17, 1986 at 1:42 p.m., along with the cover letter from the Assistant Clerk and the certificate of Donald F. McGinley, President of the Legislature.

Finally, I hereby certify that all documents herein certified to have been filed in the office of Secretary of State and made a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this seventeenth day of April in the year of our Lord, one thousand nine hundred and eighty-six.

(SEAL)

Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

• April 17, 1986

Patrick J. O'Donnell
Clerk of the Legislature
Room 2018
State Capitol

Dear Clerk:

I have received on this seventeenth day of April, 1986, at 1:40 p.m., Engrossed Legislative Bill 1251 which was signed by the Governor on April 10, 1986 at 3:20 p.m., but with certain line-item vetoes or exceptions. In addition, I have received from you eight letters dated April 16, notifying my office, certifying the passage of certain line-item vetoes as set forth on attached certifications notwithstanding the objections of the Governor. Each of these certifications are signed by Donald F. McGinley, President of the Legislature.

Further, Engrossed Legislative Bill 1251, your letters of April 16, 1986 and the President of the Legislature's certifications have all been filed in the office of the Secretary of State and have become a matter of public record.

Finally, I have enclosed for you eight certificates certifying the information set forth in your letters of April 16 and the attached certifications signed by the President of the Legislature, Donald F. McGinley.

I respectfully request that this cover letter and the attached certifications be placed into the official Legislative Journal.

Respectfully acknowledged
and requested,
(Signed) ALLEN J. BEERMANN
Secretary of State

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Engrossed Legislative Bill 1251, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by a Constitutional majority, has overridden certain line-item vetoes as follows:

Legislative Bill 1251 having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

1) Section 9, page 12, subsection (3), lines 2, 3 and 5.
These provisions have become law the fourteenth day of April, 1986.

Further, I hereby certify that L.B. 1251 was filed in the office of Secretary of State on April 17, 1986, at 1:40 p.m., along with the cover letter from the Clerk and the certificate of Donald F. McGinley, President of the Legislature.

Finally, I hereby certify that all documents herein certified to have been filed in the office of Secretary of State and made a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this seventeenth day of April in the year of our Lord, one thousand nine hundred and eighty-six.

(SEAL)

Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Engrossed Legislative Bill 1251, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature, by a Constitutional majority, has overridden certain line-item vetoes as follows:

Legislative Bill 1251 having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

- 1) Section 10, subsection (4), page 15, lines 5, 7, 9, 10, 15, 16 and 21 and on page 16, lines 1 and 16. (Agency 13, Program 14 - State Aid and School Services.)

These provisions have become law the fourteenth day of April, 1986.

Further, I hereby certify that L.B. 1251 was filed in the office of Secretary of State on April 17, 1986, at 1:40 p.m., along with the cover letter from the Clerk and the certificate of Donald F. McGinley, President of the Legislature.

Finally, I hereby certify that all documents herein certified to have been filed in the office of Secretary of State and made a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this seventeenth day of April in the year of our Lord, one thousand nine hundred and eighty-six.

(SEAL)

Allen J. Beermann, Secretary of State
Ralph Englert, Deputy**CERTIFICATE**State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Engrossed Legislative Bill 1251, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by a Constitutional majority has overridden certain line-item vetoes as follows:

Legislative Bill 1251 having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature, by the constitutional majority has overridden said line-item vetoes as follows:

1) Section 22, subsection (7), page 44, lines 6, 7, 17, 21, 23; on page 45, lines 2, 4, 8, 10, 14, 16, 20, 22; on page 46, lines 1, 3, 7.

(Agency 25, Program 424 - Community Mental Retardation.)

These provisions have become law the fourteenth day of April, 1986.

Further, I hereby certify that L.B. 1251 was filed in the office of Secretary of State on April 17, 1986 at 1:40 p.m., along with the cover letter from the Clerk and the certificate of Donald F. McGinley, President of the Legislature.

Finally, I hereby certify that all documents herein certified to have been filed in the office of Secretary of State and made a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this seventeenth day of April in the year of our Lord, one thousand nine hundred and eighty-six.

(SEAL)

Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Engrossed Legislative Bill 1251, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature, by a Constitutional majority, has overridden certain line-item vetoes as follows:

Legislative Bill 1251 having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

1) Section 49, subsection (2), page 94, lines 5, 7 and 12. (Agency 55, Program 303 - State Aid Small Watersheds.)

These provisions have become law the fourteenth day of April, 1986.

Further, I hereby certify that L.B. 1251 was filed in the office of Secretary of State on April 17, 1986 at 1:40 p.m., along with the cover letter from the Clerk and the certificate of Donald F. McGinley, President of the Legislature.

Finally, I hereby certify that all documents herein certified to have been filed in the office of Secretary of State and made a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this seventeenth day of April in the year of our Lord, one thousand nine hundred and eighty-six.

(SEAL)

Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Engrossed Legislative Bill 1251, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by a Constitutional majority, has overridden certain line-item vetoes as follows:

Legislative Bill 1251 having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

- 1) Section 24, subsection (3), page 58, lines 1, 3 and 7.
(Agency 27, Program 569 - Construction.)

These provisions have become law the fourteenth day of April, 1986.

Further, I hereby certify that L.B. 1251 was filed in the office of Secretary of State on April 17, 1986, at 1:40 p.m., along with the cover letter from the Clerk and the certificate of Donald F. McGinley, President of the Legislature.

Finally, I hereby certify that all documents herein certified to have been filed in the office of Secretary of State and made a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this seventeenth day of April in the year of our Lord, one thousand nine hundred and eighty-six.

(SEAL)

Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Engrossed Legislative Bill 1251, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by a Constitutional majority, has overridden certain line-item vetoes as follows:

Legislative Bill 1251 having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

1) Section 74, page 120, lines 3, 4, and 6.

Agency 83, Program 051 - Aid to Technical Community Colleges.)

These provisions have become law the fourteenth day of April, 1986.

Further, I hereby certify that L.B. 1251 was filed in the office of Secretary of State on April 17, 1986, at 1:40 p.m., along with the cover letter from the Clerk and the certificate of Donald F. McGinley, President of the Legislature.

Finally, I hereby certify that all documents herein certified to have been filed in the office of Secretary of State and made a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this seventeenth day of April in the year of our Lord, one thousand nine hundred and eighty-six.

(SEAL)

Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Engrossed Legislative Bill 1251, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature, by a Constitutional majority has overridden certain line-item vetoes as follows:

Legislative Bill 1251 having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

- 1) Section 10, page 18, subsection (8), lines 3 and 5; page 19, subsection (12) lines 22 and 25; page 20, subsection (13), lines 8 and 11.
- 2) Section 15, page 28, subsections (3) and (4), lines 13, 16, 21 and 24.
- 3) Section 17, page 34, subsections (4) and (5), lines 3, 6, 20 and 22.
- 4) Section 20, page 38, subsection (3), lines 12 and 14.
- 5) Section 22, page 42, subsection (3), lines 1, 3 and 8; page 43, subsections (5) and (6), lines 3, 6, 11, 15, 19 and 23, and page 44, subsection (6), line 1.
- 6) Section 23, page 51, subsection (3), line 24; page 52, subsection (3) line 2; page 56, subsection (6) lines 15 and 18.
- 7) Section 31, page 66, subsection (2), lines 8 and 11.
- 8) Section 45, page 76, lines 24 and 25.
- 9) Section 46, page 78, subsection (1), lines 4 and 8; page 79, subsection (2), lines 21 and 25; page 81, subsection (3), lines 20 and 24; page 83, subsection (4), lines 7 and 11.
- 10) Section 47, page 85, subsection (1), lines 4 and 6; page 89, subsection (2), lines 5, 6, 21 and 22, and on page 90, lines 4 and 9; page 90, subsections (3) and (4), lines 15, 16, 24 and 25; and on page 91, subsection (4), line 5.
- 11) Section 62, page 107, lines 9 and 12.
- 12) Section 63, page 108, lines 14 and 15.
- 13) Section 73, page 119, lines 20 and 21.
- 14) Section 75, page 120, subsection (1), lines 19 and 22.

These provisions have become law the fourteenth day of April, 1986.

Further, I hereby certify that L.B. 1251 was filed in the office of Secretary of State on April 17, 1986 at 1:40 p.m., along with the cover letter from the Clerk and the certificate of Donald F. McGinley, President of the Legislature.

Finally, I hereby certify that all documents herein certified to have been filed in the office of Secretary of State and made a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this seventeenth day of April in the year of our Lord, one thousand nine hundred and eighty-six.

(SEAL)

Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Engrossed Legislative Bill 1251, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by a Constitutional majority, has overridden certain line-item vetoes as follows:

Legislative Bill 1251 having been returned by the Governor with his signature, but with certain items vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

- 1) Section 35, page 70, lines 20 and 22 (Agency 38-Commission on Status of Women)
- 2) Section 61, page 107, lines 2, 3 and 5 (Agency 68-Commission on Mexican-Americans)
- 3) Section 65, subsection 4, page 110, lines 22, 23 and 25 (Agency 72, Program 584-Commission on Indian Affairs)

These provisions have become law the sixteenth day of April, 1986.

Further, I hereby certify that L.B. 1251 was filed in the office of Secretary of State on April 17, 1986, at 1:40 p.m., along with the cover letter from the Clerk and the certificate of Donald F. McGinley, President of the Legislature.

Finally, I hereby certify that all documents herein certified to have been filed in the office of Secretary of State and made a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this seventeenth day of April in the year of our Lord, one thousand nine hundred and eighty-six.

(SEAL)

Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 17, 1986

Patrick J. O'Donnell
Clerk of the Legislature
Room 2018
State Capitol

Dear Clerk:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 1129, without the Governor's signature and with his objections, was filed in the office of Secretary of State on April 17, 1986 at 1:40 p.m.

In addition, I hereby acknowledge receipt of your cover letter dated April 16 and a certificate signed by Donald F. McGinley, President of the Legislature, the contents of which are as follows:

Legislative Bill 1129, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the Constitutional majority, it has become law this 16th day of April, 1986.

Finally, I hereby acknowledge that all of these documents have been filed in this office as a matter of public record.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 1129, without the Governor's signature and with his objections, was filed in the office of Secretary of State on April 17, 1986, at 1:40 p.m.

In addition, I hereby certify that I received a cover letter dated April 16 and a certificate signed by Donald F. McGinley as President of the Legislature, the contents of which are as follows:

Legislative Bill 1129, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the Constitutional majority, it has become law this 16th day of April, 1986.

Finally, I hereby certify that all of these documents have been filed in this office as a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this seventeenth day of April in the year of our Lord, one thousand nine hundred and eighty-six.

(SEAL)

Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 17, 1986

Patrick J. O'Donnell
Clerk of the Legislature
Room 2018
State Capitol

Dear Clerk:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 516, without the Governor's signature and with his objections, was filed in the office of Secretary of State on April 17, 1986.

In addition, I hereby acknowledge receipt of your cover letter dated April 16, 1986, and a certificate signed by Donald F. McGinley, President of the Legislature, the contents of which are as follows:

Legislative Bill 516, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the Constitutional majority, it has become law this 16th day of April, 1986.

Finally, I hereby acknowledge that all of these documents have been filed in this office as a matter of public record.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN

Secretary of State

AJB:mrh

CERTIFICATEState of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 516, without the Governor's signature and with his objections, was filed in the office of Secretary of State on April 17, 1986.

In addition, I hereby certify that I received a cover letter dated April 16 and a certificate signed by Donald F. McGinley as President of the Legislature, the contents of which are as follows:

Legislative Bill 516, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the Constitutional majority, it has become law this 16th day of April, 1986.

Finally, I hereby acknowledge that all of these documents have been filed in this office as a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this seventeenth day of April in the year of our Lord, one thousand nine hundred and eighty-six.

(SEAL)

Allen J. Beermann, Secretary of State
Ralph Englert, Deputy**MESSAGE FROM THE SECRETARY OF STATE**

April 18, 1986

Patrick J. O'Donnell
Clerk of the Legislature
Room 2018
State Capitol

Dear Clerk:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 539, without the Governor's signature and with his objections, was filed in the office of Secretary of State on April 17, 1986.

In addition, I hereby acknowledge receipt of your cover letter dated April 16 and a certificate signed by Donald F. McGinley, President of the Legislature, the contents of which are as follows:

Legislative Bill 539, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the Constitutional majority, it has become law this 16th day of April, 1986.

Finally, I hereby acknowledge that all of these documents have been filed in this office as a matter of public record.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 539, without the Governor's signature and with his objections, was filed in the office of Secretary of State on April 17, 1986.

In addition, I hereby certify that I received a cover letter dated April 16 and a certificate signed by Donald F. McGinley as President of the Legislature, the contents of which are as follows:

Legislative Bill 539, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the Constitutional majority, it has become law this 16th day of April, 1986.

Finally, I hereby certify that all of these documents have been filed in this office as a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this seventeenth day of April in the year of our Lord, one thousand nine hundred and eighty-six.

(SEAL)

Allen J. Beermann, Secretary of State
Ralph Englert, Deputy**MESSAGE FROM THE SECRETARY OF STATE**

April 21, 1986

Patrick J. O'Donnell
Clerk of the Legislature
Room 2018 State Capitol

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 967, along with a letter dated April 19, 1986, signed by the Governor addressed to the President, the Speaker and members of the Legislature with his signature but with certain line item reductions was filed in the office of Secretary of State on April 19, 1986 at 3:25 p.m.

Further, I hereby acknowledge that L.B. 967 and a copy of the Governor's message have been filed in this office as a matter of record on the day and hour stated above.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State
(Signed) RALPH ENGLERT
Deputy Secretary of State

CERTIFICATEState of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that I have received L.B. 967, along with a letter dated April 19, 1986, signed by Governor Kerrey addressed to the President, the Speaker and Members of the Legislature, setting forth certain line item reductions.

Further, I certify, as indicated in the cover letter, that L.B. 967 was signed by the Governor with his objections and certain line item reductions.

Further, I certify that the Legislature, having adjourned on April 16, 1986, did not override the line-item reductions by the Governor.

Further, I hereby certify that the bill was filed in my office on April 19, 1986 at 3:25 p.m.

Finally, I hereby request a copy of this certificate be placed in the Legislative Journal.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this twenty-first day of April in the year of our Lord, one thousand nine hundred and eighty-six.

(SEAL)

Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 21, 1986

Patrick J. O'Donnell
Clerk of the Legislature
Room 2018 State Capitol

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 829 and L.B. 829A, along with a letter dated April 18, 1986, signed by the Governor addressed to the President, Speaker and members of the Legislature, without the Governor's signature and with his objections, was filed in the office of Secretary of State on April 19, 1986 at 3:27 p.m. A copy of the Governor's letter dated April 18, 1986 is attached to L.B. 829 and L.B. 829A and is likewise filed in the office of Secretary of State.

Finally, I hereby acknowledge that all of these documents have been filed in this office as a matter of record.

(Signed) Respectfully submitted,
ALLEN J. BEERMANN
Secretary of State

(Signed) RALPH ENGLERT
Deputy Secretary of State

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 829 and L.B. 829A, without the Governor's signature and with his objections, were filed in the office of Secretary of State on April 19, 1986 at 3:27 p.m. A copy of the Governor's message dated April 18, 1986 is likewise filed in the office of Secretary of State.

I further certify that L.B. 829 and L.B. 829A will be filed in my office as vetoed measures as they do not carry the signature of the Governor and came to the Secretary of State's office with a letter of objection.

I further certify the letter and L.B. 829 and L.B. 829A were filed in my office on April 19, 1986 at 3:27 p.m. and made a part of the public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this twenty-first day of April in the year of our Lord, one thousand nine hundred and eighty-six.

(SEAL)

Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 21, 1986

Patrick J. O'Donnell
Clerk of the Legislature
Room 2018 State Capitol

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 635, along with a letter dated April 18, 1986, signed by the Governor and addressed to the President, Speaker and members of the Legislature, without the Governor's signature and with his objections, was filed in the office of Secretary of State on

April 19, 1986 at 3:27 p.m. A copy of the Governor's letter dated April 18, 1986 is attached to L.B. 635 and is likewise filed in the office of Secretary of State.

Finally, I hereby acknowledge that all of these documents have been filed in this office as a matter of record.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State
(Signed) RALPH ENGLERT
Deputy Secretary of State

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 635, without the Governor's signature and with his objections, was filed in the office of Secretary of State on April 19, 1986 at 3:27 p.m. A copy of the Governor's message dated April 18, 1986 is likewise filed in the office of Secretary of State.

I further certify that L.B. 635 will be filed in my office as a vetoed measure as it does not carry the signature of the Governor and came to the Secretary of State's office with a letter of objection.

I further certify the letter and L.B. 635 were filed in my office on April 19, 1986 at 3:27 p.m. and made a part of the public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this twenty-first day of April in the year of our Lord, one thousand nine hundred and eighty-six.

(SEAL)

Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 21, 1986

Patrick J. O'Donnell
Clerk of the Legislature

Room 2018 State Capitol

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 1203, along with a letter dated April 18, 1986, signed by the Governor and addressed to the President, Speaker and members of the Legislature, without the Governor's signature and with his objections, was filed in the office of Secretary of State on April 19, 1986 at 3:28 p.m. A copy of the Governor's letter dated April 18, 1986 is attached to L.B. 1203 and is likewise filed in the office of Secretary of State.

Finally, I hereby acknowledge that all of these documents have been filed in this office as a matter of record.

	Respectfully submitted,
(Signed)	ALLEN J. BEERMANN
	Secretary of State
(Signed)	RALPH ENGLERT
	Deputy Secretary of State

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 1203, without the Governor's signature and with his objections, was filed in the office of Secretary of State on April 19, 1986 at 3:28 p.m. A copy of the Governor's message dated April 18, 1986 is likewise filed in the office of Secretary of State.

I further certify that L.B. 1203 will be filed in my office as a vetoed measure as it does not carry the signature of the Governor and came to the Secretary of State's office with a letter of objection.

I further certify the letter and L.B. 1203 were filed in my office on April 19, 1986 at 3:28 p.m. and made a part of the public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this twenty-first day of April in the year of our Lord, one thousand nine hundred and eighty-six.

(SEAL)

Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 21, 1986

Patrick J. O'Donnell
Clerk of the Legislature
Room 2018 State Capitol

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 959 and 959A, along with a letter dated April 19, 1986, signed by the Governor and addressed to the President, Speaker and Members of the Legislature, without the Governor's signature and with his objections, was filed in the office of Secretary of State on April 19, 1986 at 3:26 p.m. A copy of the Governor's letter dated April 19, 1986 is attached to L.B. 959 and L.B. 959A and is likewise filed in the office of Secretary of State.

Finally, I hereby acknowledge that all of these documents have been filed in this office as a matter of record.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State
(Signed) RALPH ENGLERT
Deputy Secretary of State

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 959 and 959A, without the Governor's signature and with his objections, were filed in the office of Secretary of State on April 19, 1986 at 3:26 p.m. A copy of the Governor's message dated April 19, 1986 is likewise filed in the office of Secretary of State.

I further certify that L.B. 959 and LB 959A will be filed in my office as vetoed measures as they do not carry the signature of the Governor and came to the Secretary of State's office with a letter of objection.

I further certify the letter and L.B. 959 and LB 959A were filed in my office on April 19, 1986 at 3:26 p.m. and made a part of the public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this twenty-first day of April in the year of our Lord, one thousand nine hundred and eighty-six.

(SEAL)

Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 21, 1986

Patrick J. O'Donnell
Clerk of the Legislature
Room 2018 State Capitol

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 603, along with a letter dated April 20, 1986, signed by the Governor and addressed to the President, the Speaker and Members of the Legislature, without the Governor's signature and with his objections, was filed in the office of Secretary of State on April 21, 1986 at 8:30 a.m. A copy of the Governor's letter dated April 20, 1986 is attached to L.B. 603 and is likewise filed in the office of Secretary of State.

Finally, I hereby acknowledge that all of these documents have been filed in this office as a matter of record.

(Signed) Respectfully submitted,
ALLEN J. BEERMANN
Secretary of State
(Signed) RALPH ENGLERT
Deputy Secretary of State

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 603, without the Governor's signature and with his objections, was filed in the office of Secretary of State on April 21, 1986 at 8:30 a.m. A copy of the Governor's message dated April 20, 1986 is likewise filed in the office of Secretary of State.

I further certify that L.B. 603 will be filed in my office as a vetoed measure as it does not carry the signature of the Governor and came to the Secretary of State's office with a letter of objection.

I further certify the letter and L.B. 603 were filed in my office on April 21, 1986 at 8:30 a.m. and made a part of the public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this twenty-first day of April in the year of our Lord, one thousand nine hundred and eighty-six.

(SEAL)

Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 21, 1986

Patrick J. O'Donnell
Clerk of the Legislature
Room 2018 State Capitol

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 90, along with a letter dated April 20, 1986, signed by the Governor and addressed to the President, Speaker and Members of the Legislature, without the Governor's signature and with his objections, was filed in the office of Secretary of State on April 21, 1986 at 8:30 a.m. A copy of the Governor's letter dated April 20, 1986 is attached to L.B. 90 and is likewise filed in the office of Secretary of State.

Finally, I hereby acknowledge that all of these documents have been filed in this office as a matter of record.

Respectfully submitted,

(Signed) ALLEN J. BEERMANN
Secretary of State

(Signed) RALPH ENGLERT
Deputy Secretary of State

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 90, without the Governor's signature and with his objections, was filed in the office of Secretary of State on April 21, 1986 at 8:30 a.m. A copy of the Governor's message dated April 20, 1986 is likewise filed in the office of Secretary of State.

I further certify that L.B. 90 will be filed in my office as a vetoed measure as it does not carry the signature of the Governor and came to the Secretary of State's office with a letter of objection.

I further certify the letter and L.B. 90 were filed in my office on April 21, 1986 at 8:30 a.m. and made a part of the public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this twenty-first day of April in the year of our Lord, one thousand nine hundred and eighty-six.

(SEAL)

Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 21, 1986

Patrick J. O'Donnell
Clerk of the Legislature
Room 2018 State Capitol

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 201 and LB 201A, along with a letter dated April 20, 1986, signed by the Governor and addressed to the President, Speaker

and Members of the Legislature, without the Governor's signature and with his objections, was filed in the office of Secretary of State on April 21, 1986 at 8:30 a.m. A copy of the Governor's letter dated April 20, 1986 is attached to L.B. 201 and 201A and is likewise filed in the office of Secretary of State.

Finally, I hereby acknowledge that all of these documents have been filed in this office as a matter of record.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State
(Signed) RALPH ENGLERT
Deputy Secretary of State

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 201 and LB 201A, without the Governor's signature and with his objections, was filed in the office of Secretary of State on April 21, 1986 at 8:30 a.m. A copy of the Governor's message dated April 20, 1986 is likewise filed in the office of Secretary of State.

I further certify that L.B. 201 and LB 201A will be filed in my office as a vetoed measure as it does not carry the signature of the Governor and came to the Secretary of State's office with a letter of objection.

I further certify the letter and L.B. 201 and LB 201A were filed in my office on April 21, 1986 at 8:30 a.m. and made a part of the public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this twenty-first day of April in the year of our Lord, one thousand nine hundred and eighty-six.

(SEAL) Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 21, 1986

Patrick J. O'Donnell
Clerk of the Legislature
Room 2018 State Capitol

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 237 and L.B. 237A, along with a letter dated April 18, 1986, signed by the Governor and addressed to the President, Speaker and Members of the Legislature, without the Governor's signature and with his objections, was filed in the office of Secretary of State on April 19, 1986 at 3:28 p.m. A copy of the Governor's letter dated April 18, 1986 is attached to L.B. 237 and 237A and is likewise filed in the office of Secretary of State.

Finally, I hereby acknowledge that all of these documents have been filed in this office as a matter of record.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State
(Signed) RALPH ENGLERT
Deputy Secretary of State

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 237 and L.B. 237A, without the Governor's signature and with his objections, were filed in the office of Secretary of State on April 19, 1986 at 3:28 p.m. A copy of the Governor's message dated April 18, 1986 is likewise filed in the office of Secretary of State.

I further certify that L.B. 237 and L.B. 237A will be filed in my office as vetoed measures as it does not carry the signature of the Governor and came to the Secretary of State's office with a letter of objection.

I further certify the letter and L.B. 237 and 237A were filed in my office on April 19, 1986 at 3:28 p.m. and made a part of the public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this twenty-first day of April in the year of our Lord, one thousand nine hundred and eighty-six.

(SEAL)

Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE GOVERNOR

April 18, 1986

Mr. President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Senators:

I am returning LB 600A without my signature and with my objections.

LB 600A would raise the speed limit on interstate highways to 70 m.p.h. in September, 1987. In my opinion, this increase is not prudent at this time.

Aside from the safety, energy, and enforcement issues, the state stands to lose \$130,000,000 in federal highway funds if the federal limit remains unchanged. This potential loss of funding is too great to risk non-compliance. If the speed limit is increased at the federal level, Nebraska still has time to make the necessary change at the state level.

(Signed) Sincerely,
ROBERT KERREY
Governor

MESSAGE FROM THE SECRETARY OF STATE

April 21, 1986

Patrick J. O'Donnell
Clerk of the Legislature
Room 2018 State Capitol

Dear Mr. O'Donnell:

This letter is to inform you, and therefore place in the Journal, the fact that L.B. 600A, along with a letter dated April 18, 1986, signed by the Governor and addressed to the President, Speaker and Members of the Legislature, without the Governor's signature and with his objections, was filed in the office of Secretary of State on April 18, 1986 at 4:25 p.m. A copy of the Governor's letter dated April 18, 1986 is attached to L.B. 600A and is likewise filed in the office of Secretary of State.

Finally, I hereby acknowledge that all of these documents have been filed in this office as a matter of record.

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

CERTIFICATE

State of Nebraska
Department of State

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that L.B. 600A, without the Governor's signature and with his objections, was filed in the office of Secretary of State on April 18, 1986 at 4:25 p.m. A copy of the Governor's message dated April 18, 1986 is likewise filed in the office of Secretary of State.

I further certify that L.B. 600A will be filed in my office as a vetoed measure as it does not carry the signature of the Governor and came to the Secretary of State's office with a letter of objection.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this twenty-first day of April in the year of our Lord, one thousand nine hundred and eighty-six.

(SEAL)

Allen J. Beermann, Secretary of State
Ralph Englert, Deputy

MESSAGE FROM THE SECRETARY OF STATE

April 24, 1986

Patrick O'Donnell
Clerk of the Legislature
Room 2018 State Capitol

Dear Mr. Clerk:

This letter is to officially inform you that Legislative Bills 807, 1230 and 1230A have been signed by the Governor and have been filed in the office of Secretary of State.

The above referenced bills were duly passed by the Eighty-ninth Legislature of Nebraska at its second session.

I now advise you that Governor Bob Kerrey signed each of the above referenced bills on April 22, 1986, at 3:30 p.m., and do notify you that the bills were delivered to the office of Secretary of State on April 23, 1986 at 10:43 a.m.

Further, I hereby notify you that each of the above referenced bills has been filed in this office, are a matter of public record, and that these bills have become law as provided by the Constitution of the State of Nebraska.

Finally, I respectfully request that a copy of this letter be placed in the Journal for the final day of the session.

Respectfully submitted
and requested,
(Signed) ALLEN J. BEERMANN
Secretary of State

CERTIFICATE

I, Patrick J. O'Donnell, Clerk of the Legislature, hereby certify that the foregoing communications are true and correct copies of letters provided concerning action on bills after adjournment of the Eighty-Ninth Legislature, Second Session and other correspondence.

Patrick J. O'Donnell
Clerk of the Legislature

April 24, 1986
Lincoln, Nebraska

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**INDEXES FOR
LEGISLATIVE JOURNAL
EIGHTY-NINTH
LEGISLATURE
SECOND SESSION
1986**

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Compiled by

PATRICK J. O'DONNELL

Clerk of the Legislature

2516

CHRONOLOGY OF BILLS
EIGHTY-NINTH LEGISLATURE
SECOND SESSION
1986

LEGISLATIVE BILL 31. By Warner

Jan.	8	1	Title	3
Mar.	27	50	Warner amendment #2710 printed separate	1787
Apr.	3	53	V. Johnson amendment #2861 to AM2710 printed	1905
Apr.	14	58	Warner pending amendment #2710 p. 1787 and V. Johnson pending amendment #2861 p. 1905 withdrawn. Warner amendment #2964 adopted. Failed to advance for Engrossment	2309
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 31A. By Warner

Apr.	4	54	Read first time. Placed on General File	1988
Apr.	9	57	Advanced for Review	2178
Apr.	9	57	Placed on Select File - AM5429	2193
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 32. By Warner

Jan.	8	1	Title	3
Jan.	23	11	Nichol amendment #1808 to committee amendment and Pappas amendment printed	473
Jan.	24	12	Nichol-Pappas amendment #1854 to committee amendment printed	512
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 35. By Warner

Jan.	8	1	Title	3
Feb.	19	27	Warner priority bill	856

Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 38A. By Lamb

Jan. 8 1 Title 3
Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 43. By Warner

Jan. 8 1 Title 3
Jan. 21 9 Morehead pending amendments #0558 p. 972
and #0541 p. 974, First Session,
withdrawn. DeCamp pending amendments
#0646, #0637, #0638, and #0639 pages
1060-1061, First Session, withdrawn.
Higgins motion to indefinitely postpone
withdrawn. Advanced for Review 424
Jan. 23 11 Hefner amendment #1807 printed 476
Jan. 29 15 Placed on Select File - AM5227 557
Feb. 5 19 Rupp amendment #1836 printed 653
Feb. 12 24 Warner-Landis amendment #2026 printed 772
Feb. 18 26 AM5227 (E & R) adopted. Hefner pending
amendment #1807 p. 476, Rupp pending
amendment #1836 p. 653 and Warner-
Landis pending amendment #2026 p. 772
lost 833
Feb. 19 27 Chambers-Morehead motion to reconsider
Warner-Landis amendment p. 772
prevailed. Warner-Landis reconsidered
amendment #2026 p. 772 lost. DeCamp
motion to return to committee pending 881
Mar. 11 39 Attorney General's Opinion #86031 to Vickers .. 1268
Mar. 12 40 Hefner amendment #2423 lost. DeCamp
pending motion to return to committee
withdrawn. Bracketed until 3/19/86 1326
Apr. 3 53 Landis-Pappas-Lynch-Hoagland-Withem-
Chizek-Goodrich-Chronister-Nelson-
Labeledz amendment #2785 printed 1924
Apr. 7 55 Landis amendment #2936 printed 2064
Apr. 14 58 Landis et al amendment #2785 p. 1924
withdrawn. Landis pending amendment #2936
p. 2064 adopted. Advanced for Engrossment .. 2312
Apr. 14 58 Correctly Engrossed 2321
Apr. 16 60 Nichol motion to suspend rules prevailed.
Final Reading 25-18-6 2410

CHRONOLOGY OF BILLS

2519

Apr. 16	60	President signed	2424
Apr. 16	60	Presented to Governor (4/16)	2431
Apr. 24	AJ	Approved by Governor (4/17)	2473

LEGISLATIVE BILL 43A. By Warner

Jan. 8	1	Title	3
Jan. 21	9	Advanced for Review	425
Jan. 29	15	Placed on Select File - AM5228	557
Mar. 12	40	Bracketed until 3/19/86	1330
Apr. 14	58	AM5228 (E & R) adopted. Landis amendment adopted. Advanced for Engrossment	2313
Apr. 14	58	Correctly Engrossed	2321
Apr. 16	60	Nichol motion to suspend rules prevailed	2410
Apr. 16	60	Final Reading 27-16-6	2411
Apr. 16	60	President signed	2424
Apr. 16	60	Presented to Governor (4/16)	2431
Apr. 24	AJ	Approved by Governor (4/17)	2473

LEGISLATIVE BILL 44. By Barrett, Rogers, Lamb, Higgins

Jan. 8	1	Title	4
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 45. By Warner

Jan. 8	1	Title	4
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 46. By Warner

Jan. 8	1	Title	4
Jan. 13	4	Indefinitely postponed	274

LEGISLATIVE BILL 50. By Rogers

Jan. 8	1	Title	4
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 54. By Sieck

Jan. 8	1	Title	4
Jan. 8	1	Attorney General's Opinion #86003 to Sieck	107
Jan. 23	11	Indefinitely postponed	480

LEGISLATIVE BILL 55. By Pappas

Jan. 8 1	Title	5
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 57. By Pappas

Jan. 8 1	Title	5
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 58. By Pappas

Jan. 8 1	Title	5
Jan. 10 3	Indefinitely postponed	222

LEGISLATIVE BILL 59. By Pappas

Jan. 8 1	Title	5
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 63. By Eret, DeCamp

Jan. 8 1	Title	5
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 65. By R. Johnson

Jan. 8 1	Title	5
Jan. 29 15	Indefinitely postponed	575

LEGISLATIVE BILL 68. By Landis

Jan. 8 1	Title	5
Feb. 21 29	Committee amendment #0824 p. 1245, First Session, adopted. Advanced for Review	919
Feb. 26 32	Placed on Select File - AM5267	1027
Mar. 5 37	Landis amendment #2381 printed	1178
Mar. 12 40	Vickers amendment #2464 printed	1342
Apr. 4 54	AM5267 (E & R) adopted. Haberman amendment #2386 adopted. Landis pending amendment #2381 p. 1178 lost. Vickers pending amendment #2464 p. 1342 withdrawn. Advanced for Engrossment	1994
Apr. 7 55	Correctly Engrossed	2032

CHRONOLOGY OF BILLS

2521

Apr. 7 55	ER0216 change	2037
Apr. 14 58	Final Reading 27-5-17	2239
Apr. 14 58	President signed	2272
Apr. 14 58	Presented to Governor (4/14)	2283
Apr. 16 60	Approved by Governor (4/16)	2447

LEGISLATIVE BILL 69. By Landis, Pirsch, Lundy

Jan. 8 1	Title	6
Mar. 5 37	Indefinitely postponed	1197

LEGISLATIVE BILL 70. By Chambers

Jan. 8 1	Title	6
Mar. 14 42	Hoagland request to bracket until 3/25. Chambers objected	1451
Mar. 18 44	Hoagland-Landis motion to bracket until 4/3 prevailed	1509
Mar. 24 47	Peterson amendment #2537 printed	1637
Apr. 4 54	Hoagland amendment #2828 printed	1976
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 71. By Chambers

Jan. 8 1	Title	5
Feb. 3 17	Hall name added	609
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 72. By Chambers

Jan. 8 1	Title	6
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 72A. By Chambers

Jan. 8 1	Title	7
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 73. By Chambers

Jan. 8 1	Title	7
Mar. 4 36	Indefinitely postponed	1157

LEGISLATIVE BILL 74. By Pappas

Jan.	8	1	Title	7
Jan.	17	8	Advanced for Review	367
Jan.	24	12	Placed on Select File	518
Jan.	29	15	Pappas amendment adopted. Morehead amendment lost. Advanced for Engrossment	573
Feb.	5	19	Correctly Engrossed. ER0120 change	661
Feb.	10	22	Returned to Select File for Pappas amendment. Pappas amendment adopted. Advanced for Re-Engrossment	713
Feb.	11	23	Correctly Re-Engrossed. ER0133 change	745
Feb.	19	27	Final Reading 41-1-7	859
Feb.	19	27	President signed	868
Feb.	19	27	Presented to Governor (2/19)	883
Feb.	21	29	Approved by Governor (2/21)	913

LEGISLATIVE BILL 78. By Pappas, Rupp, Chronister, DeCamp

Jan.	8	1	Title	7
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 79. By Marsh

Jan.	8	1	Title	7
Feb.	21	29	Committee amendment #1388 p. 2255, First Session, adopted. Advanced for Review	921
Feb.	26	32	Placed on Select File - AM5261	1031
Mar.	3	35	AM5261 (E & R) adopted. Advanced for Engrossment	1117
Mar.	12	40	Correctly Engrossed	1346
Mar.	17	43	Final Reading 43-0-6	1454
Mar.	17	43	Smith explanation of vote	1462
Mar.	17	43	Speaker signed	1470
Mar.	17	43	Presented to Governor (3/17)	1476
Mar.	18	44	Approved by Governor (3/18)	1506

LEGISLATIVE BILL 82. By Lynch

Jan.	8	1	Title	7
Feb.	19	27	Lynch amendment #2095 printed	875
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 82A. By Lynch

Jan.	8	1	Title	7
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 84. By Wesely

Jan.	8	1	Title	8
Feb.	21	29	Committee amendment #0823 p. 1245, First Session, adopted. Advanced for Review	919
Feb.	26	32	Placed on Select File - AM5270	1028
Mar.	3	35	AM5270 (E & R) adopted. Advanced for Engrossment	1116
Mar.	11	39	Correctly Engrossed	1309
Mar.	14	42	Final Reading 46-0-3	1396
Mar.	14	42	President signed	1420
Mar.	14	42	Presented to Governor (3/14)	1423
Mar.	18	44	Approved by Governor (3/18)	1506

LEGISLATIVE BILL 88. By Nichol

Jan.	8	1	Title	8
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 90. By Scofield, Lundy

Jan.	8	1	Title	8
Feb.	19	27	Judiciary Committee priority bill	856
Feb.	21	29	Committee amendment #1327 p. 2255, First Session, adopted. Advanced for Review	921
Feb.	26	32	Placed on Select File - AM5271	1032
Mar.	11	39	DeCamp amendment #2460 to committee amendment printed	1302
Mar.	13	41	DeCamp amendment #2379 to committee amendment printed	1366
Mar.	20	46	Scofield-Lundy-Hoagland amendment #2657 to committee amendment printed	1601
Mar.	26	49	DeCamp amendments (1), (2), (3) and (4) to amendment #2657 printed	1728
Apr.	2	52	AM5271 (E & R) adopted. Scofield-Lundy- Hoagland pending amendment #2657 p. 1601 adopted. V. Johnson amendment lost. Advanced for Engrossment	1894
Apr.	4	54	Hoagland name added	1979
Apr.	7	55	Correctly Engrossed	2032
Apr.	7	55	ER0201 change	2034
Apr.	9	57	Hall amendment printed	2161
Apr.	9	57	Hall amendments #3016 and #3015 printed	2217
Apr.	14	58	Attorney General's Opinion #86046 to DeCamp	2300

Apr. 15 59	DeCamp pending amendments #2460 p. 1302, #2379 p. 1366, #1, #2, #3, and #4 p. 1728-1729, Hall pending amendments p. 2161, #3015 and #3016 p. 2217 withdrawn. Hall and Hoagland motions to return to Select File withdrawn	2376
Apr. 15 59	Final Reading 49-0-0	2377
Apr. 15 59	President signed	2388
Apr. 16 60	Presented to Governor (4/16)	2409
Apr. 24 AJ	Returned by Governor without approval (4/20) ..	2485
Apr. 24 AJ	Message from Secretary of State	2507
Apr. 24 AJ	Certificate from Secretary of State	2508

LEGISLATIVE BILL 91. By Goodrich

Jan. 8 1	Title	8
Jan. 13 4	Lynch name added	246
Jan. 14 5	Hoagland name added	291
Jan. 23 11	Abboud name added	481
Jan. 24 12	Nelson name added	509
Jan. 24 12	Smith and Labedz names added	519
Feb. 3 17	Eret and Beutler names added	627
Feb. 18 26	Remmers name added	832
Feb. 18 26	Sieck name added	846
Feb. 21 29	R. Johnson name added	940
Mar. 11 39	Chizek name added	1299
Mar. 11 39	Baack name added	1306
Mar. 17 43	Marsh name added	1454
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 92. By Schmit

Jan. 8 1	Title	8
Jan. 17 8	Committee amendment #0360 p. 744, First Session, adopted. Harris pending amendment #0368 p. 812, First Session, adopted. Advanced for Review	400
Jan. 27 13	Placed on Select File - AM5220	534
Jan. 29 15	Harris amendment #1904 printed	584
Feb. 18 26	AM5220 (E & R) adopted. Harris pending amendment #1904 p. 584 adopted. Advanced for Engrossment	823
Feb. 20 28	Correctly Engrossed	885
Feb. 25 31	Final Reading w/E 43-0-6	980
Feb. 25 31	Speaker signed	984

CHRONOLOGY OF BILLS

2525

Feb. 25	31	Presented to Governor (2/25)	1000
Mar. 3	35	Approved by Governor (2/28)	1102

LEGISLATIVE BILL 93. By Schmit

Jan. 8	1	Title	9
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 95. By Rupp, Marsh

Jan. 8	1	Title	9
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 105. By L. Johnson, DeCamp, Nichol, Rupp, Chronister, Hartnett, Lynch, Labedz, Schmit, Higgins, Remmers

Jan. 8	1	Title	9
Feb. 10	22	L. Johnson priority bill	730
Feb. 21	29	Hoagland-L. Johnson amendment #2198 printed	932
Feb. 24	30	Committee amendment #1204 p. 1926, First Session, lost. Hoagland pending amendment #1376 p. 2207, First Session, withdrawn. Hoagland-L. Johnson pending amendment #2198 p. 932 sustained division of question. Hoagland-L. Johnson amendment #1 lost. Hoagland-L. Johnson amendment #2 adopted as amended by Chambers amendment. Chambers motion to indefinitely postpone lost. Vickers amendment pending	943
Feb. 27	33	Vickers pending amendment p. 944 lost. Advanced for Review	1062
Feb. 27	33	Hoagland name added	1067
Mar. 11	39	Placed on Select File - AM5333	1270
Mar. 12	40	Hoagland-L. Johnson amendment #2433 and Hoagland-L. Johnson-Labedz-Smith amendment #2439 to Hoagland-L. Johnson amendment #2198 printed	1351
Mar. 14	42	AM5333 (E & R) adopted. Hoagland-L. Johnson pending amendment #2433 and L. Johnson et al pending amendment #2439 p. 1351 adopted. Landis amendment #2545 ruled not germane. Challenge of Chair prevailed. Landis amendment #2545 lost	1441

Mar. 17	43	Pappas name added	1454
Mar. 24	47	Chambers amendment adopted. Advanced for Engrossment	1652
Apr. 1	51	Correctly Engrossed. ER0179 change	1841
Apr. 7	55	Final Reading 35-12-2	2044
Apr. 7	55	Speaker signed	2069
Apr. 7	55	Presented to Governor (4/7)	2080
Apr. 14	58	Approved by Governor (4/10)	2229

LEGISLATIVE BILL 107. By DeCamp

Jan. 8	1	Title	9
Jan. 17	8	V. Johnson amendment printed	406
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 110. By Wesely, Scofield, Hartnett, Pirsch

Jan. 8	1	Title	9
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 122. By Haberman

Jan. 8	1	Title	9
Jan. 14	5	Committee amendment #0257 p. 697, First Session, adopted as amended by Haberman pending amendment #1425 p. 2255, First Session. Warner motion to indefinitely postpone lost. Warner amendment adopted. Advanced for Review	283
Jan. 17	8	Placed on Select File - AM5196	378
Feb. 24	30	AM5196 (E & R) adopted. Beyer amendment #2194 and Haberman amendment #1878 adopted. Warner motion to indefinitely postpone lost. Advanced for Engrossment	960
Mar. 5	37	Correctly Engrossed. ER0139 change	1163
Mar. 25	48	Warner motion to return to Select File for amendment #2435 pending	1683
Apr. 4	54	Scofield and Baack names added	2018
Apr. 7	55	Attorney General's Opinion #86044 to Haberman	2019
Apr. 15	59	Warner pending motion p. 1683 withdrawn. Warner motion to return to Select File for amendment lost	2370
Apr. 15	59	Final Reading 32-14-3	2371
Apr. 15	59	President signed	2388
Apr. 16	60	Presented to Governor (4/16)	2409

CHRONOLOGY OF BILLS

2527

Apr. 24 AJ Approved by Governor (4/19) 2475

LEGISLATIVE BILL 123. By Haberman

Jan. 8 1 Title 10
 Jan. 22 10 Hartnett amendment to committee
 amendment printed 462
 Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 124. By R. Johnson

Jan. 8 1 Title 10
 Jan. 17 8 Beutler-Wesely motion to indefinitely
 postpone laid over 367
 Jan. 23 11 Vickers amendment #1803 printed 482
 Jan. 28 14 Beutler name withdrawn from pending motion
 p. 367. Wesely pending motion p. 367
 to indefinitely postpone lost. Vickers
 pending amendment #1803 p. 482 lost.
 Vickers amendment lost. Advanced for
 Review 545
 Feb. 5 19 Placed on Select File - AM5233 637
 Mar. 3 35 AM5233 (E & R) adopted.
 Advanced for Engrossment 1114
 Mar. 11 39 Correctly Engrossed 1271
 Mar. 14 42 Final Reading 41-6-2 1397
 Mar. 14 42 President signed 1420
 Mar. 14 42 Presented to Governor (3/14) 1423
 Mar. 18 44 Approved by Governor (3/18) 1506

LEGISLATIVE BILL 125. By Hefner

Jan. 8 1 Title 10
 Jan. 17 8 Committee amendment #0337 p. 787, First
 Session, adopted. Advanced for Review 401
 Jan. 27 13 Placed on Select File - AM5219 535
 Feb. 13 25 AM5219 (E & R) adopted.
 Advanced for Engrossment 793
 Feb. 18 26 Correctly Engrossed 833
 Feb. 25 31 Final Reading 45-0-4 972
 Feb. 25 31 Speaker signed 984
 Feb. 25 31 Presented to Governor (2/25) 1000
 Mar. 3 35 Approved by Governor (2/28) 1102

LEGISLATIVE BILL 131. By Chronister, Remmers, Sieck, Carsten,

Higgins, Hartnett, Chizek

Jan.	8	1	Title	10
Jan.	14	5	Rogers name added	279
Jan.	21	9	Vickers name added	424
Jan.	30	16	Chronister priority bill	602
Feb.	4	18	Placed on General File - Com am #1963	635
Mar.	4	36	Committee amendment #1963 adopted. Chambers amendment lost. Advanced for Review	1143
Mar.	11	39	Attorney General's Opinion #86032 to Chambers	1300
Mar.	11	39	Expedited	1306
Mar.	12	40	Placed on Select File - AM5345	1338
Mar.	13	41	Chronister amendment #2528 printed	1390
Mar.	14	42	DeCamp name added	1423
Mar.	14	42	AM5345 (E & R) adopted. Chronister pending amendment #2528 p. 1390 adopted. Hoagland-V. Johnson amendment lost. Advanced for Engrossment	1436
Mar.	17	43	Correctly Engrossed. ER0160 change	1471
Mar.	18	44	Labeled name added	1514
Mar.	20	46	Final Reading 27-16-6	1567
Mar.	20	46	Speaker signed	1571
Mar.	20	46	Presented to Governor (3/20)	1576
Mar.	27	50	Approved by Governor (3/26)	1750

LEGISLATIVE BILL 131A. By Remmers, Sieck

Feb.	19	27	Read first time. Placed on General File	874
Mar.	4	36	Advanced for Review	1144
Mar.	12	40	Placed on Select File	1339
Mar.	14	42	Advanced for Engrossment	1437
Mar.	17	43	Correctly Engrossed	1471
Mar.	20	46	Final Reading 32-13-4	1568
Mar.	20	46	Speaker signed	1571
Mar.	20	46	Presented to Governor (3/20)	1576
Mar.	27	50	Approved by Governor (3/26)	1750

LEGISLATIVE BILL 133. By Conway, Vickers

Jan.	8	1	Title	10
Jan.	29	15	Indefinitely postponed	575

LEGISLATIVE BILL 135. By Lamb

Jan. 8 1	Title	11
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 136. By Lamb

Jan. 8 1	Title	11
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 137. By Scofield

Jan. 8 1	Title	11
Feb. 21 29	Committee amendment #0635 p. 1034, First Session, adopted. Advanced for Review	913
Feb. 24 30	Placed on Select File - AM5248	962
Mar. 3 35	AM5248 (E & R) adopted. Advanced for Engrossment	1115
Mar. 3 35	DeCamp-R. Johnson amendment #2334 printed	1119
Mar. 11 39	Correctly Engrossed	1299
Mar. 14 39	DeCamp-R. Johnson pending amendment #2334 p. 1119 withdrawn. Final Reading w/E 45-0-4	1398
Mar. 14 42	President signed	1420
Mar. 14 42	Presented to Governor (3/14)	1423
Mar. 18 44	Approved by Governor (3/18)	1506

LEGISLATIVE BILL 142. By V. Johnson

Jan. 8 1	Title	11
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 143. By Pappas

Jan. 8 1	Title	11
Apr. 4 54	AM5047 (E & R), First Session, adopted. Advanced for Engrossment	1988
Apr. 7 55	Correctly Engrossed	2032
Apr. 14 58	Final Reading 33-2-14	2240
Apr. 14 58	President signed	2272
Apr. 14 58	Presented to Governor (4/14)	2283
Apr. 24 AJ	Approved by Governor (4/18)	2475

LEGISLATIVE BILL 144. By Pappas, V. Johnson, Higgins, Haberman, Conway, Hartnett

Jan.	8	1	Title	11
Feb.	12	24	Hoagland amendment #2063 printed	776
Feb.	12	24	Hoagland amendment #2066 printed	778
Feb.	13	25	Hoagland-Landis-Miller-Lundy-Beyer- Barrett-Abboud-Rogers-Goll-Remmers- Hefner-L. Johnson-Lamb-Sieck-Warner- Peterson-Carsten-Eret-Chronister- R. Johnson-Morehead-Smith-Pirsch- Marsh-Nelson motion to indefinitely postpone prevailed	781
Feb.	13	25	Hoagland amendment #2119 printed	801

LEGISLATIVE BILL 144A. By Pappas

Jan.	8	1	Title	12
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 145. By V. Johnson

Jan.	8	1	Title	13
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 146. By Beutler, Haberman

Jan.	8	1	Title	12
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 147. By Sieck, Hefner

Jan.	8	1	Title	12
Jan.	24	12	Indefinitely postponed	494

LEGISLATIVE BILL 150. By Pappas

Jan.	8	1	Title	12
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 153. By V. Johnson

Jan.	8	1	Title	13
Jan.	21	9	Chambers pending motion p. 1216, First Session, to indefinitely postpone lost. Advanced for Review	426
Jan.	24	12	Vickers amendment #1839 printed	487
Jan.	29	15	Placed on Select File - AM5229	557

CHRONOLOGY OF BILLS

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Feb. 6	20	V. Johnson amendment #1967 printed	684
Mar. 12	40	AM5229 (E & R) adopted. Vickers pending amendment #1839 p. 487 and V. Johnson pending amendment #1967 p. 684 adopted. Hefner pending amendment #1172 p. 2156, First Session, ruled not germane. Advanced for Engrossment	1330
Mar. 20	46	Correctly Engrossed. ER0162 change	1603
Mar. 26	49	Returned to Select File for V. Johnson amendment. V. Johnson amendment adopted. Advanced for Re-Engrossment. DeCamp motion to suspend rules prevailed. Returned to Select File for V. Johnson-DeCamp-Wesely-Hoagland-Chizek-Lynch-Pirsch-Rupp-Remmers amendment #2730. V. Johnson et al amendment #2730 (on file) adopted. Advanced for Re-Engrossment	1721
Mar. 26	49	Hoagland name added	1737
Apr. 2	52	Correctly Re-Engrossed. ER0188 change	1883
Apr. 7	55	Attorney General's Opinion #86044 to Haberman	2019
Apr. 7	55	Returned to Select File for Haberman amendment. Haberman amendment #2935 ruled germane and adopted. Advanced for Re-Engrossment	2049
Apr. 8	56	Correctly Re-Engrossed	2097
Apr. 15	59	Final Reading w/E 47-0-2	2350
Apr. 15	59	Speaker signed	2366
Apr. 15	59	Presented to Governor (4/15)	2380
Apr. 24	AJ	Approved by Governor (4/18)	2474

LEGISLATIVE BILL 153A. By V. Johnson

Jan. 8	1	Title	13
Jan. 21	9	Advanced for Review	427
Jan. 29	15	Placed on Select File - AM5230	558
Mar. 12	40	AM5230 (E & R) adopted. Advanced for Engrossment	1331
Mar. 20	46	Correctly Engrossed	1603
Apr. 15	59	Final Reading 46-0-3	2352
Apr. 15	59	Speaker signed	2366
Apr. 15	59	Presented to Governor (4/15)	2380
Apr. 24	AJ	Approved by Governor (4/18)	2474

LEGISLATIVE BILL 156. By Vickers

Jan. 8 1	Title	13
Jan. 29 15	Indefinitely postponed	575

LEGISLATIVE BILL 159. By Schmit

Jan. 8 1	Title	13
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 161. By Pappas

Jan. 8 1	Title	13
Jan. 22 10	Pappas motion to withdraw bill laid over	434
Jan. 23 11	Pappas pending motion p. 434 prevailed. Withdrawn	473

LEGISLATIVE BILL 164. By Withem, Hartnett, Hall

Jan. 8 1	Title	13
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 167. By Wesely

Jan. 8 1	Title	13
Jan. 24 12	Placed on General File - Com am #1812	492
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 169. By Wesely

Jan. 8 1	Title	14
Mar. 18 44	Indefinitely postponed	1514

LEGISLATIVE BILL 170. By Beutler

Jan. 8 1	Title	14
Mar. 4 36	Indefinitely postponed	1157

LEGISLATIVE BILL 172. By Abboud, Labedz, Hannibal, V. Johnson, Pappas, Lynch, Chizek, Hartnett, Beyer, Hoagland, Pirsch, Withem, Hall

Jan. 8 1	Title	14
Jan. 14 5	Committee amendment #0273 p. 1038, First Session, adopted as amended by V. Johnson amendment #1664. Advanced for Review	306
Jan. 21 9	Placed on Select File - AM5204	416

CHRONOLOGY OF BILLS

2533

Jan.	28	14	AM5204 (E & R) adopted.	
			Advanced for Engrossment	542
Feb.	3	17	Correctly Engrossed	610
Feb.	7	21	Vickers motion to return to Select File lost. Vickers motion to return to Select File withdrawn. Failed on Final Reading w/E 25-17-7.	
			Final Reading 25-18-6	698
Feb.	7	21	Correctly Enrolled	707
Feb.	7	21	Speaker signed	711
Feb.	10	22	Presented to Governor (2/7)	713
Feb.	11	23	Approved by Governor (2/11)	742

LEGISLATIVE BILL 174. By DeCamp

Jan.	8	1	Title	14
Feb.	21	29	Committee amendment #0830 p. 1242, First Session, adopted. Advanced for Review	918
Feb.	26	32	Placed on Select File	1027
Mar.	12	40	Wesely amendment #2446 printed	1345
Apr.	4	54	Wesely pending amendment #2446 p. 1345 withdrawn. Advanced for Engrossment	1993
Apr.	7	55	Correctly Engrossed	2032
Apr.	14	58	Final Reading 40-0-9	2241
Apr.	14	58	President signed	2272
Apr.	14	58	Presented to Governor (4/14)	2283
Apr.	16	60	Approved by Governor (4/16)	2447

LEGISLATIVE BILL 177. By DeCamp

Jan.	8	1	Title	14
Jan.	17	8	Advanced for Review	381
Jan.	27	13	Placed on Select File - AM5215	530
Feb.	3	17	Bracketed until 2/17/86	622
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 178. By DeCamp

Jan.	8	1	Title	14
Jan.	14	5	Indefinitely postponed	282
Jan.	14	5	DeCamp motion to place on General File laid over	304
Jan.	22	10	DeCamp pending motion p. 304 lost	437

LEGISLATIVE BILL 179. By DeCamp

Feb. 12	24	Title	15
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 189. By Peterson

Jan. 8	1	Title	15
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 190. By Chronister, Hoagland, Smith, Eret, Goodrich, Nichol, Hartnett, Barrett, Nelson, Miller, Pappas, Lynch, R. Johnson, Withem, Hefner, Baack, Sieck, Scofield

Jan. 8	1	Title	15
Mar. 14	42	Chronister amendment #2478 printed	1435
Mar. 27	50	V. Johnson-Warner pending amendment #1058 p. 1686, Warner pending amendment #1185 p. 1907, Lynch pending amendment #1225 p. 1973, and Vickers pending amendment #1130 p. 1973, First Session, withdrawn. Chronister pending amendment #2478 p. 1435 adopted. Warner motion to indefinitely postpone prevailed	1772
Mar. 27	50	Lynch and Hoagland names added to Chronister amendment #2478 p. 1435	1778

LEGISLATIVE BILL 192. By DeCamp

Jan. 8	1	Title	15
Jan. 22	10	Indefinitely postponed	462

LEGISLATIVE BILL 194. By DeCamp

Jan. 8	1	Title	15
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 198. By Speaker Nichol at request of Governor

Jan. 8	1	Title	15
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 199. By Speaker Nichol at request of Governor

Jan. 8	1	Title	16
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CHRONOLOGY OF BILLS

2535

Mar. 18 44 Indefinitely postponed 1514

LEGISLATIVE BILL 201. By V. Johnson, Wesely, Chambers

Jan. 8 1 Title 16
Apr. 16 60 Wesely-V. Johnson pending amendment
#1444 p. 2287, First Session, withdrawn.
Final Reading 33-14-2 2412
Apr. 16 60 President signed 2424
Apr. 16 60 Presented to Governor (4/16) 2431
Apr. 24 AJ Returned by Governor without approval (4/20) . 2484
Apr. 24 AJ Message from Secretary of State 2508
Apr. 24 AJ Certificate from Secretary of State 2509

LEGISLATIVE BILL 201A. By V. Johnson

Jan. 8 1 Title 16
Apr. 7 55 V. Johnson amendment #2631 printed 2079
Apr. 9 57 V. Johnson pending amendment #2631
p. 2079 withdrawn. Returned to Select
File for V. Johnson amendment.
V. Johnson amendment #2966 adopted.
Advanced for Re-Engrossment 2188
Apr. 14 58 Correctly Re-Engrossed. ER0254 change 2223
Apr. 16 60 Nichol motion to suspend rules prevailed 2410
Apr. 16 60 Final Reading 33-10-6 2413
Apr. 16 60 President signed 2424
Apr. 16 60 Presented to Governor (4/16) 2431
Apr. 24 AJ Returned by Governor without approval (4/20) . 2484
Apr. 24 AJ Message from Secretary of State 2508
Apr. 24 AJ Certificate from Secretary of State 2509

LEGISLATIVE BILL 202. By V. Johnson

Jan. 8 1 Title 17
Feb. 18 26 Indefinitely postponed 825

LEGISLATIVE BILL 205. By Vickers

Jan. 8 1 Title 17
Jan. 17 8 Passed over 379
Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 206. By Landis, DeCamp, Marsh, Morehead, Lynch, Hartnett, V. Johnson, Higgins, Labedz, Hoagland, Withem,

Vickers, Chambers

Jan.	8	1	Title	17
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 212. By Warner

Jan.	8	1	Title	17
Jan.	14	5	Committee amendment #1161 p. 1901, First Session, adopted. Advanced for Review	283
Jan.	17	8	Placed on Select File - AM5197	377
Jan.	24	12	AM5197 (E & R) adopted. Advanced for Engrossment	488
Jan.	30	16	Correctly Engrossed	605
Feb.	7	21	Final Reading 39-0-10	694
Feb.	7	21	Speaker signed	711
Feb.	10	22	Presented to Governor (2/7)	713
Feb.	11	23	Approved by Governor (2/11)	742

LEGISLATIVE BILL 217. By Beutler, Landis

Jan.	8	1	Title	17
Jan.	14	5	Committee amendment #0484 p. 1004, First Session, lost. Vickers pending amendments #0486 p. 865, #0983 p. 1517, amendment p. 1067, and Sieck pending amendment #0549 p. 1067, First Session, withdrawn. Abboud pending amendment p. 1599, First Session, lost. Vickers-R. Johnson amendment #1745 adopted as amended by Pappas amendment. Advanced for Review	294
Jan.	21	9	Placed on Select File - AM5202	415
Jan.	23	11	Vickers amendment #1794 printed	481
Jan.	23	11	Vickers amendment #1749 printed	482
Feb.	5	19	Beutler amendments #2004 and #1885 printed	654
Mar.	25	48	Landis amendment #1882 to amendment #1745 printed	1662
Apr.	1	51	Landis amendment #2778 printed	1842
Apr.	7	55	AM5202 (E & R) adopted. Vickers pending amendment #1794 p. 481 lost. Vickers pending amendment #1749 p. 482, Beutler pending amendments #1885 and #2004 p. 654 and Landis pending amendment	

CHRONOLOGY OF BILLS

2537

		#1882 p. 1662 withdrawn. Landis pending amendment #2778 p. 1842 and Harris amendment adopted. Advanced for Engrossment	2086
Apr. 8	56	Correctly Engrossed	2139
Apr. 15	59	Final Reading 45-2-2	2352
Apr. 15	59	Speaker signed	2366
Apr. 15	59	Presented to Governor (4/15)	2380
Apr. 24	AJ	Approved by Governor (4/18)	2474

LEGISLATIVE BILL 217A. By Beutler

Jan. 8	1	Title	18
Jan. 14	5	Landis amendment #1739 adopted. Advanced for Review	305
Jan. 21	9	Placed on Select File - AM5203	416
Apr. 7	55	AM5203 (E & R) adopted. Landis amendment #2089 adopted. Advanced for Engrossment	2087
Apr. 8	56	Correctly Engrossed. ER0235 change	2139
Apr. 15	59	Final Reading 44-1-4	2353
Apr. 15	59	Speaker signed	2366
Apr. 15	59	Presented to Governor (4/15)	2380
Apr. 24	AJ	Approved by Governor (4/18)	2474

LEGISLATIVE BILL 219. By Haberman

Jan. 8	1	Title	18
Feb. 19	27	Haberman priority bill	855
Mar. 13	41	Haberman amendments #2413 and #2447 adopted. V. Johnson motion to indefinitely postpone lost	1374
Mar. 13	41	Advanced for Review	1387
Mar. 13	41	Withem amendment #2173 printed	1390
Mar. 25	48	Placed on Select File - AM5393	1657
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 219A. By Haberman

Feb. 27	33	Read first time. Placed on General File	1067
Mar. 13	41	Advanced for Review	1389
Mar. 25	48	Placed on Select File	1657
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 222. By Abboud

Jan.	8	1	Title	18
Jan.	23	11	Indefinitely postponed	480

LEGISLATIVE BILL 226. By Hefner, Peterson

Jan.	8	1	Title	18
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 227. By Eret

Jan.	8	1	Title	18
Feb.	3	17	Indefinitely postponed	627

LEGISLATIVE BILL 228. By Eret, Schmit, Sieck

Jan.	8	1	Title	18
Jan.	24	12	Placed on General File	491
Jan.	30	16	Failed to advance for Review	601
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 230. By DeCamp

Jan.	8	1	Title	19
Jan.	17	8	Passed over	381
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 234. By Beutler

Jan.	8	1	Title	19
Jan.	29	15	Indefinitely postponed	575

LEGISLATIVE BILL 237. By Chambers

Jan.	8	1	Title	19
Feb.	19	27	Chambers priority bill	855
Feb.	28	34	Advanced for Review	1084
Mar.	11	39	Placed on Select File	1287
Mar.	27	50	Advanced for Engrossment	1797
Apr.	3	53	Correctly Engrossed	1905
Apr.	15	59	Nichol motion to suspend rules prevailed. Final Reading 49-0-0	2385
Apr.	15	59	President signed	2388
Apr.	16	60	Presented to Governor (4/16)	2409
Apr.	24	AJ	Returned by Governor without approval (4/18) .	2481
Apr.	24	AJ	Message from Secretary of State	2509

CHRONOLOGY OF BILLS

2539

Apr. 24 AJ Certificate from Secretary of State 2510

LEGISLATIVE BILL 237A. By Chambers

Apr. 1 51 Read first time. Placed on General File 1826
 Apr. 3 53 Advanced for Review 1907
 Apr. 4 54 Placed on Select File 1980
 Apr. 8 56 Advanced for Engrossment 2156
 Apr. 9 57 Correctly Engrossed 2174
 Apr. 15 59 Nichol motion to suspend rules prevailed 2385
 Apr. 15 59 Final Reading 44-2-3 2386
 Apr. 15 59 President signed 2388
 Apr. 16 60 Presented to Governor (4/16) 2409
 Apr. 24 AJ Returned by Governor without approval (4/18) . 2481
 Apr. 24 AJ Message from Secretary of State 2509
 Apr. 24 AJ Certificate from Secretary of State 2510

LEGISLATIVE BILL 239. By Schmit

Jan. 8 1 Title 19
 Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 243. By Pappas, Higgins, Schmit, Hannibal

Jan. 8 1 Title 19
 Feb. 5 19 Placed on General File - Com am #1987 664
 Feb. 24 30 Wesely amendment #2212 to committee
 amendment printed 966
 Feb. 26 32 Committee amendment #1987 adopted as
 amended by Wesely pending amendment
 #2212 p. 966 and Withem-L. Johnson
 amendment #2263. Advanced for Review 1018
 Feb. 26 32 Hannibal amendment #2221 to committee
 amendment printed 1019
 Mar. 6 38 Placed on Select File - AM5329 1256
 Mar. 14 42 Hannibal amendment #2420 printed separate 1440
 Mar. 20 46 Pappas amendment #2602 printed separate 1575
 Mar. 26 49 Wesely amendment #2747 to amendment
 #2602 printed 1748
 Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 243A. By Pappas

Feb. 19 27 Read first time. Placed on General File 874
 Feb. 26 32 Wesely amendment adopted.

		Advanced for Review	1019
Mar.	6 38	Placed on Select File - AM5327	1258
Apr.	16 80	Indefinitely postponed	2469

LEGISLATIVE BILL 246. By Landis

Jan.	8 1	Title	19
Jan.	29 15	Indefinitely postponed	575

LEGISLATIVE BILL 248. By Public Health and Welfare Committee

Jan.	8 1	Title	20
Apr.	16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 248A. By Wesely

Jan.	8 1	Title	20
Apr.	16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 251. By Public Health and Welfare Committee

Jan.	8 1	Title	20
Apr.	16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 251A. By Wesely

Jan.	8 1	Title	20
Apr.	16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 256. By Chizek

Jan.	8 1	Title	20
Jan.	27 13	Indefinitely postponed	522

LEGISLATIVE BILL 257. By Chizek

Jan.	8 1	Title	20
Jan.	27 13	Indefinitely postponed	522

LEGISLATIVE BILL 258. By Warner

Jan.	8 1	Title	21
Jan.	17 8	Advanced for Review	380
Jan.	27 13	Placed on Select File	530

CHRONOLOGY OF BILLS

2541

Jan.	29	15	V. Johnson-Wesely motion to indefinitely postpone lost. Haberman requested ruling on Fiscal Note - ruled proper. Warner amendment #1901 (printed separate) adopted as amended by Warner amendment	578
Jan.	29	15	Advanced for Engrossment	584
Feb.	19	27	Correctly Engrossed. ER0127 change	849
Feb.	25	31	Final Reading 28-16-5	971
Feb.	25	31	Speaker signed	984
Feb.	25	31	Presented to Governor (2/25)	1000
Mar.	3	35	Approved by Governor (2/28)	1102

LEGISLATIVE BILL 260. By Warner

Jan.	8	1	Title	21
Jan.	29	15	Indefinitely postponed	575

LEGISLATIVE BILL 261. By Warner

Jan.	8	1	Title	21
Jan.	29	15	Indefinitely postponed	575

LEGISLATIVE BILL 262. By Pappas

Jan.	8	1	Title	21
Jan.	22	10	Pappas motion to withdraw laid over	434
Jan.	23	11	Pappas pending motion p. 434 prevailed. Withdrawn	473

LEGISLATIVE BILL 267. By V. Johnson

Jan.	8	1	Title	21
Feb.	3	17	Placed on General File - Com am #1920	627
Feb.	25	31	Committee amendment #1920 adopted. Advanced for Review	990
Mar.	6	38	Placed on Select File - AM5323	1220
Mar.	24	47	AM5323 (E & R) adopted. Wesely amendment #2427 to committee amendment adopted. Advanced for Engrossment	1632
Apr.	1	51	Correctly Engrossed	1841
Apr.	7	55	Final Reading 47-0-2	2045
Apr.	7	55	Speaker signed	2069
Apr.	7	55	Presented to Governor (4/7)	2080
Apr.	14	58	Approved by Governor (4/10)	2229

LEGISLATIVE BILL 275. By Pappas

Jan.	8	1	Title	21
Jan.	17	8	Advanced for Review	381
Jan.	27	13	Placed on Select File - AM5214	530
Jan.	30	16	Pappas amendment printed	604
Feb.	3	17	AM5214 (E & R) adopted. Pappas pending amendment p. 604 adopted. Advanced for Engrossment	621
Feb.	11	23	Correctly Engrossed	732
Feb.	11	23	ER0132 change	733
Feb.	19	27	Final Reading 44-0-5	860
Feb.	19	27	President signed	868
Feb.	19	27	Presented to Governor (2/19)	883
Feb.	21	29	Approved by Governor (2/21)	913

LEGISLATIVE BILL 276. By Pappas, Labedz

Jan.	8	1	Title	22
Jan.	8	1	Higgins name added	135
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 277. By DeCamp, Chronister

Jan.	8	1	Title	22
Feb.	3	17	Placed on General File - Com am #1855	628
Feb.	25	31	Committee amendment #1855 adopted as amended by Wesely amendment #2213 and Withem amendment #2230. Advanced for Review	990
Mar.	6	38	Placed on Select File - AM5330	1248
Mar.	12	40	AM5330 (E & R) adopted. Wesely amendment #2491 to committee amendment adopted. Advanced for Engrossment	1315
Mar.	20	46	Correctly Engrossed	1603
Mar.	20	46	ER0168 change	1604
Mar.	26	49	Final Reading 42-0-7	1722
Mar.	26	49	President signed	1731
Mar.	26	49	Presented to Governor (3/26)	1737
Apr.	1	51	Approved by Governor (3/28)	1812

LEGISLATIVE BILL 277A. By Chronister, DeCamp

Feb.	21	29	Read first time. Placed on General File	927
Feb.	25	31	Advanced for Review	992

CHRONOLOGY OF BILLS

2543

Mar. 6	38	Placed on Select File	1250
Mar. 12	40	Chronister amendment adopted. Advanced for Engrossment	1315
Mar. 20	46	Correctly Engrossed	1603
Mar. 20	46	ER0166 change	1604
Mar. 26	49	Final Reading 44-0-5	1723
Mar. 26	49	President signed	1731
Mar. 26	49	Presented to Governor (3/26)	1737
Apr. 1	51	Approved by Governor (3/28)	1812

LEGISLATIVE BILL 278. By DeCamp, Schmit

Jan. 8	1	Title	22
Feb. 19	27	Harris priority bill	855
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 284. By Public Works Committee and R. Johnson

Jan. 8	1	Title	22
Jan. 13	4	Schmit amendment #1655 printed separate	254
Jan. 22	10	AM5178 (E & R), First Session, adopted. Passed over	465
Jan. 23	11	Eret pending amendments #1143 p. 1860, #1369 p. 2206, #1179 p. 1925, and #1574 p. 2519, First Session, withdrawn. Lamb pending amendments #0081 p. 1671 and #1568 p. 2518, First Session, withdrawn. Beutler pending amendments #1431 p. 2244, #1509 p. 2473, and Schmit pending amendment #1048 p. 1601, First Session, withdrawn. Eret amendment #1838 lost. Schmit pending amendment #1655 p. 254 adopted as amended by Lamb amendment	477
Jan. 23	11	Schmit pending amendment #1389 p. 2241, R. Johnson-Schmit pending amendment #1275 p. 2027, Pappas pending amendments p. 1480, and #1009 p. 1510, First Session, withdrawn. Advanced for Engrossment	483
Jan. 30	16	Correctly Engrossed. ER0124 change	605
Apr. 9	57	Final Reading 44-0-5	2202
Apr. 9	57	President signed	2220
Apr. 14	58	Presented to Governor (4/10)	2222
Apr. 15	59	Approved by Governor (4/14)	2333

LEGISLATIVE BILL 284A. By R. Johnson

Jan.	8	1	Title	22
Jan.	23	11	Advanced for Engrossment	483
Jan.	30	16	Correctly Engrossed. ER0116 printed	605
Apr.	9	57	Final Reading 42-0-7	2203
Apr.	9	57	President signed	2220
Apr.	14	58	Presented to Governor (4/10)	2222
Apr.	15	59	Approved by Governor (4/14)	2333

LEGISLATIVE BILL 285. By Abboud, Schmit, V. Johnson

Jan.	8	1	Title	22
Feb.	3	17	Indefinitely postponed	611

LEGISLATIVE BILL 286. By Morehead, Marsh, Scofield, Hartnett, Nichol, Peterson, Smith, Hall

Jan.	8	1	Title	23
Feb.	6	20	Placed on General File - Com am #1926	677
Feb.	25	31	Committee amendment #1926 adopted. Advanced for Review	999
Feb.	28	34	Wesely amendment #2282 to committee amendment printed	1082
Mar.	6	38	Placed on Select File - AM5331	1250
Mar.	19	45	Wesely amendment #2556 printed	1554
Mar.	24	47	AM5331 (E & R) adopted. Wesely pending amendment #2282 p. 1082 withdrawn. Wesely pending amendment #2556 p. 1554 adopted. Advanced for Engrossment	1634
Apr.	3	53	Correctly Engrossed. ER0182 change	1914
Apr.	9	57	Final Reading 47-2-0	2163
Apr.	9	57	President signed	2220
Apr.	14	58	Presented to Governor (4/10)	2222
Apr.	15	59	Approved by Governor (4/14)	2333

LEGISLATIVE BILL 286A. By Morehead

Feb.	19	27	Read first time. Placed on General File	874
Feb.	25	31	Wesely amendment adopted. Advanced for Review	999
Mar.	6	38	Placed on Select File - AM5326	1252
Mar.	24	47	AM5326 (E & R) adopted. Morehead amendment #2664 adopted.	

CHRONOLOGY OF BILLS

2545

			Advanced for Engrossment	1634
Apr.	3	53	Correctly Engrossed	1914
Apr.	3	53	ER0178 change	1916
Apr.	9	57	Final Reading 48-1-0	2163
Apr.	9	57	President signed	2220
Apr.	14	58	Presented to Governor (4/10)	2222
Apr.	15	59	Approved by Governor (4/14)	2333

LEGISLATIVE BILL 288. By Miscellaneous Subjects Committee and Marsh, Nichol, Smith, Lundy

Jan.	8	1	Title	23
Jan.	16	7	Hefner-Lundy motion to withdraw laid over	346
Jan.	21	9	Hefner-Lundy pending motion p. 346 prevailed. Withdrawn	420

LEGISLATIVE BILL 289. By Hannibal

Jan.	8	1	Title	23
Feb.	27	33	Hannibal amendment #1704 printed	1057
Mar.	11	39	Hoagland pending amendment #0940 p. 2141, First Session, withdrawn. Hoagland amendments #2441, #2442 and #2440 to Hannibal pending amendment #1704 lost. Hannibal pending amendment #1704 p. 1057 adopted. Advanced for Review	1291
Mar.	14	42	Hoagland amendment #2530 to amendment #1704 printed	1450
Mar.	20	46	Placed on Select File - AM5381	1560
Apr.	2	52	Hoagland amendment #2563 to amendment #1704 printed	1881
Apr.	3	53	Hoagland amendments #2876 and #2875 to amendment #1704 printed	1937
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 290. By Harris

Jan.	8	1	Title	23
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 291. By Chronister

Jan.	8	1	Title	24
Feb.	5	19	Placed on General File - Com am #1960	664
Feb.	25	31	Committee amendment #1960 adopted.	

		Wesely amendment #2211 adopted.	
		Chronister amendment #2205 lost.	
		Failed to advance for Review	995
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 291A. By Chronister

Feb. 19	27	Read first time. Placed on General File	874
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 296. By DeCamp

Jan. 8	1	Title	24
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 297. By DeCamp

Jan. 8	1	Title	24
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 298. By Hall

Jan. 8	1	Title	24
Jan. 17	8	Committee amendment #0348 p. 762, First Session, adopted. Advanced for Review	400
Jan. 27	13	Placed on Select File - AM5216	535
Jan. 30	16	Beyer amendment #1751 printed	597
Feb. 3	17	DeCamp-Lundy-Hannibal amendment #1709 printed	624
Feb. 3	17	Hall amendment #1915 printed	626
Feb. 11	23	Hall amendment #2051 to amendment #1709 printed	748
Feb. 18	26	AM5216 (E & R) adopted. DeCamp et al pending amendment #1709 p. 624 ruled not germane - Chair challenged and overruled - amendment adopted. Hall pending amendment #1915 p. 626 and Beyer pending amendment #1751 p. 597 withdrawn. Hall pending amendment #2051 p. 748 adopted. Haberman motion to indefinitely postpone withdrawn. Advanced for Engrossment	823
Feb. 20	28	Correctly Engrossed. ER0137 change	885
Feb. 25	31	Final Reading 27-18-4	981
Feb. 25	31	Speaker signed	984
Feb. 25	31	Presented to Governor (2/25)	1000

CHRONOLOGY OF BILLS

2547

Mar. 3 35 Approved by Governor (2/28) 1102

LEGISLATIVE BILL 300. By Schmit

Jan. 8 1 Title 24
 Feb. 21 29 Committee amendment #0708, p. 1098, First
 Session, adopted. Advanced for Review 915
 Feb. 25 31 Placed on Select File - AM5256 993
 Apr. 4 54 Rupp-Schmit amendment #2921 printed 2008
 Apr. 7 55 AM5256 (E & R) adopted. Passed over 2080
 Apr. 14 58 Rupp-Schmit pending amendment #2921
 p. 2008 withdrawn. Schmit motion to
 suspend rules prevailed. Schmit
 amendment #3017 adopted.
 Advanced for Engrossment 2314
 Apr. 14 58 Correctly Engrossed 2321
 Apr. 14 58 ER0261 change 2322
 Apr. 16 60 Nichol motion to suspend rules prevailed 2410
 Apr. 16 60 Final Reading 46-0-3 2414
 Apr. 16 60 President signed 2424
 Apr. 16 60 Presented to Governor (4/16) 2431
 Apr. 24 AJ Approved by Governor (4/17) 2473

LEGISLATIVE BILL 301. By Schmit

Jan. 8 1 Title 25
 Jan. 13 4 Schmit amendment #1731 printed 252
 Jan. 14 5 Committee amendment #0546 p. 923, First
 Session, adopted. Schmit pending
 amendment #1731 p. 252 withdrawn.
 Schmit amendment #1744 adopted.
 Advanced for Review 291
 Jan. 21 9 Placed on Select File - AM5199 414
 Jan. 28 14 AM5199 (E & R) adopted. Schmit amendment
 #1864 adopted. Advanced for Engrossment 542
 Feb. 3 17 Correctly Engrossed 610
 Feb. 7 21 Final Reading 43-0-6 701
 Feb. 7 21 Speaker signed 711
 Feb. 10 22 Presented to Governor (2/7) 713
 Feb. 11 23 Approved by Governor (2/11) 742

LEGISLATIVE BILL 302. By Schmit

Jan. 8 1 Title 25
 Jan. 14 5 Committee amendment #0710 p. 1076, First

			Session, adopted. Advanced for Review	307
Jan.	21	9	Placed on Select File - AM5201	417
Jan.	21	9	Schmit amendment #1760 printed	433
Jan.	28	14	AM5201 (E & R) adopted. Schmit pending amendment #1760 p. 433 adopted.	
			Advanced for Engrossment	542
Feb.	4	18	Correctly Engrossed. ER0118 change	631
Feb.	7	21	Final Reading 43-0-6	704
Feb.	7	21	Speaker signed	711
Feb.	10	22	Presented to Governor (2/7)	713
Feb.	11	23	Approved by Governor (2/11)	742

LEGISLATIVE BILL 303. By Lynch

Jan.	8	1	Title	25
Jan.	24	12	Placed on General File	491
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 305. By Nelson, Higgins

Jan.	8	1	Title	25
Feb.	21	29	Committee amendment #0889 p. 1353, First Session, adopted. Advanced for Review	920
Feb.	26	32	Placed on Select File - AM5266	1029
Mar.	3	35	AM5266 (E & R) adopted. Advanced for Engrossment	1116
Mar.	12	40	Correctly Engrossed	1346
Mar.	17	43	Final Reading 45-0-4	1455
Mar.	17	43	Smith explanation of vote	1462
Mar.	17	43	Speaker signed	1470
Mar.	17	43	Presented to Governor (3/17)	1476
Mar.	18	44	Approved by Governor (3/18)	1506

LEGISLATIVE BILL 309. By Schmit

Jan.	8	1	Title	25
Jan.	17	8	Placed on General File - Com am #1681	394
Feb.	21	29	Committee amendment #1681 adopted. Advanced for Review	923
Feb.	27	33	Placed on Select File - AM5274	1060
Apr.	4	54	AM5274 (E & R) adopted. Schmit-Vickers amendment #2328 adopted. Advanced for Engrossment	1997
Apr.	7	55	Correctly Engrossed	2075
Apr.	7	55	ER0214 change	2076

CHRONOLOGY OF BILLS

2549

Apr. 9	57	Vickers name added	2218
Apr. 14	58	Final Reading 42-1-6	2242
Apr. 14	58	President signed	2272
Apr. 14	58	Presented to Governor (4/14)	2283
Apr. 24	AJ	Approved by Governor (4/18)	2475

LEGISLATIVE BILL 310. By Schmit

Jan. 8	1	Title	25
Jan. 28	14	Placed on General File - Com am #1798	540
Feb. 20	28	Nichol priority bill	887
Mar. 4	36	Committee amendment #1798 adopted. Advanced for Review	1145
Mar. 6	38	Lundy amendment #2402 to committee amendment printed	1225
Mar. 12	40	Schmit amendment #2456 to committee amendment printed	1322
Mar. 14	42	Placed on Select File - AM5349	1416
Apr. 2	52	Schmit amendment printed	1903
Apr. 7	55	AM5349 (E & R) adopted. Lundy pending amendment #2402 p. 1225, Schmit pending amendment #2456 p. 1322 and amendment p. 1903 adopted. Advanced for Engrossment ..	2091
Apr. 8	56	Correctly Engrossed. ER0236 change	2139
Apr. 15	59	Final Reading 48-0-1	2354
Apr. 15	59	Speaker signed	2366
Apr. 15	59	Presented to Governor (4/15)	2380
Apr. 16	60	Approved by Governor (4/16)	2447

LEGISLATIVE BILL 310A. By Schmit

Feb. 28	34	Read first time. Placed on General File	1073
Mar. 4	36	Advanced for Review	1145
Mar. 14	42	Placed on Select File	1417
Apr. 7	55	Advanced for Engrossment	2091
Apr. 8	56	Correctly Engrossed	2139
Apr. 15	59	Final Reading 47-0-2	2355
Apr. 15	59	Speaker signed	2366
Apr. 15	59	Presented to Governor (4/15)	2380
Apr. 16	60	Approved by Governor (4/16)	2447

LEGISLATIVE BILL 311. By Wesely

Jan. 8	1	Title	26
Feb. 19	27	Goodrich priority bill	855

Feb. 26	32	Placed on General File - Com am #2224	1012
Mar. 17	43	Committee amendment #2224 adopted. Advanced for Review	1473
Mar. 25	48	Placed on Select File - AM5392	1657
Apr. 4	54	Wesely amendment #2914 to committee amendment printed	2014
Apr. 8	56	AM5392 (E & R) adopted. Harris amendment #2829 (on file) and Wesely amendment #2590 (on file) adopted. Wesely pending amendment #2914 p. 2014 adopted as amended by Wesely amendment. Abboud amendment #2942 adopted. Advanced for Engrossment	2120
Apr. 14	58	Correctly Engrossed. ER0247 change	2291
Apr. 16	60	Nichol motion to suspend rules prevailed	2410
Apr. 16	60	Final Reading w/E 46-0-3	2415
Apr. 16	60	President signed	2424
Apr. 16	60	Presented to Governor (4/16)	2431
Apr. 24	AJ	Approved by Governor (4/19)	2475

LEGISLATIVE BILL 311A. By Harris

Mar. 20	46	Read first time. Placed on General File	1576
Mar. 26	49	Advanced for Review	1741
Apr. 1	51	Placed on Select File	1838
Apr. 8	56	Advanced for Engrossment	2124
Apr. 14	58	Correctly Engrossed	2223
Apr. 16	60	Nichol motion to suspend rules prevailed	2410
Apr. 16	60	Final Reading 46-0-3	2416
Apr. 16	60	President signed	2424
Apr. 16	60	Presented to Governor (4/16)	2431
Apr. 24	AJ	Approved by Governor (4/19)	2475

LEGISLATIVE BILL 312. By Wesely, Sieck

Jan. 8	1	Title	26
Feb. 12	24	Placed on General File - Com am #2022	761
Mar. 24	47	Sieck-Wesely amendment #2660 printed	1639
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 314. By Wesely

Jan. 8	1	Title	26
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 316. By Wesely

Jan.	8	1	Title	26
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 318. By Wesely, Peterson

Jan.	8	1	Title	27
Jan.	29	15	Placed on General File - Com am #1813	582
Feb.	11	23	Peterson priority bill	742
Feb.	27	33	Committee amendment #1813 adopted as amended by Abboud amendment #2272. Advanced for Review	1064
Mar.	11	39	Placed on Select File - AM5343	1282
Mar.	17	43	Wesely amendment #2578 printed	1481
Mar.	20	46	Abboud name added	1589
Apr.	2	52	AM5343 (E & R) adopted. Wesely pending amendment #2578 p. 1481 withdrawn. Wesely amendment adopted. Advanced for Engrossment	1888
Apr.	7	55	Correctly Engrossed	2032
Apr.	7	55	ER0203 change	2033
Apr.	14	58	Final Reading 44-0-5	2243
Apr.	14	58	Morehead explanation of vote	2248
Apr.	14	58	President signed	2272
Apr.	14	58	Presented to Governor (4/14)	2283
Apr.	16	60	Approved by Governor (4/16)	2447

LEGISLATIVE BILL 318A. By Wesely

Feb.	13	25	Read first time. Placed on General File	800
Feb.	27	33	Advanced for Review	1065
Mar.	11	39	Placed on Select File	1284
Apr.	2	52	Advanced for Engrossment	1888
Apr.	7	55	Correctly Engrossed	2032
Apr.	14	58	Final Reading 44-0-5	2244
Apr.	14	58	Morehead explanation of vote	2248
Apr.	14	58	President signed	2272
Apr.	14	58	Presented to Governor (4/14)	2283
Apr.	16	60	Approved by Governor (4/16)	2447

LEGISLATIVE BILL 320. By Wesely, Smith, Marsh, Morehead

Jan.	8	1	Title	27
Feb.	19	27	Judiciary Committee priority bill	856

Feb. 19	27	Placed on General File - Com am #2114	883
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 322. By Eret

Jan. 8	1	Title	27
Jan. 16	7	Placed on General File - Com am #1734	342
Feb. 21	29	Committee amendment #1734 adopted. Advanced for Review	922
Feb. 27	33	Placed on Select File - AM5278	1058
Mar. 3	35	AM5278 (E & R) adopted. Advanced for Engrossment	1117
Mar. 12	40	Correctly Engrossed	1346
Mar. 17	43	Final Reading 47-0-2	1456
Mar. 17	43	Speaker signed	1470
Mar. 17	43	Presented to Governor (3/17)	1476
Mar. 18	44	Approved by Governor (3/18)	1506

LEGISLATIVE BILL 325. By Goodrich

Jan. 8	1	Title	27
Jan. 9	2	DeCamp amendment #1703 printed	161
Jan. 9	2	Pappas amendment #1685 printed	166
Jan. 13	4	Committee amendment #1112 p. 1670, First Session, adopted as amended by V. Johnson amendment. DeCamp pending amendment #1703 p. 161 adopted. Pappas pending amendment #1685 p. 166 withdrawn. Advanced for Review	267
Jan. 17	8	Wesely amendments #1773 and 1715 printed	369
Jan. 17	8	Placed on Select File - AM5195	374
Jan. 23	11	Pappas name added	476
Feb. 5	19	Wesely amendment #1979 to DeCamp amendment #1703 printed	663
Feb. 11	23	Pappas amendment to DeCamp amendment #1703 printed	743
Feb. 20	28	AM5195 (E & R) adopted. Wesely pending amendment #1448 p. 2312, First Session, pending amendment #1773 p. 369 and amendment #2178 adopted. Wesely pending amendment #1715 p. 369 withdrawn	888
Feb. 20	28	Pending	897
Feb. 20	28	Pappas amendment to Wesely pending amendment p. 663 adopted	898

CHRONOLOGY OF BILLS

2553

Feb.	21	29	DeCamp amendment #2204 printed	928
Feb.	24	30	Wesely pending amendment #1979 p. 663 adopted as amended. Wesely amendment #2227 lost	944
Feb.	25	31	DeCamp amendment #2241 printed	1001
Feb.	26	32	Pappas pending amendment p. 743 withdrawn. Pappas amendment and Miller amendment #1715 adopted	1035
Mar.	3	35	DeCamp pending amendment #2204 p. 928 withdrawn. DeCamp pending amendment #2241 p. 1001 adopted. Advanced for Engrossment	1108
Mar.	11	39	Correctly Engrossed	1271
Mar.	11	39	ER0146 change	1272
Mar.	11	39	DeCamp motion to return to Nebraska Retirement Systems Committee printed	1291
Mar.	12	40	Pappas-R. Johnson-Withem-Hartnett-Baack Vickers-L. Johnson-Barrett-Remmers- Chronister-Morehead-Pirsch amendment #2367 printed	1319
Mar.	25	48	Vickers amendment #2432 printed separate	1676
Mar.	26	49	Hefner name added to Pappas et al pending amendment #2367 p. 1319. Returned to Select File for pending Hefner et al amendment. Hefner et al pending amendment #2367 p. 1319 adopted. Advanced for Re-Engrossment. Returned to Select File for Vickers amendment. Vickers pending amendment #2432 p. 1676 adopted. Advanced for Re-Engrossment. Returned to Select File for Hartnett amendment. Hartnett amendment #2750 adopted. Advanced for Re-Engrossment	1737
Mar.	27	50	Correction	1750
Apr.	2	52	Correctly Re-Engrossed. ER0184 change	1869
Apr.	7	55	V. Johnson-Wesely motion to return to Select File for amendment lost. Failed on Final Reading w/E 31-15-3. Final Reading 31-13-5	2050
Apr.	7	55	Correctly Enrolled	2067
Apr.	7	55	Speaker signed	2069
Apr.	7	55	Presented to Governor (4/7)	2080
Apr.	14	58	Approved by Governor (4/10)	2229

LEGISLATIVE BILL 325A. By DeCamp

Mar. 12	40	Read first time. Placed on General File	1311
Mar. 17	43	Advanced for Review	1465
Mar. 24	47	Placed on Select File	1651
Mar. 26	49	Goodrich amendment adopted. Advanced for Engrossment	1742
Apr. 2	52	Correctly Engrossed	1869
Apr. 7	55	Final Reading 36-7-6	2052
Apr. 7	55	Speaker signed	2069
Apr. 7	55	Presented to Governor (4/7)	2080
Apr. 14	58	Approved by Governor (4/10)	2229

LEGISLATIVE BILL 330. By Lynch, Hartnett

Jan. 8	1	Title	28
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 333. By Barrett, Marsh, Baack, Chronister, Beyer, Rupp, Scofield, Withem, Nelson, Remmers, Chizek, Goodrich, V. Johnson, Labedz, Conway, R. Johnson, Miller, Smith

Jan. 8	1	Title	28
Jan. 22	10	Advanced for Engrossment	464
Jan. 30	16	Correctly Engrossed. ER0114 change	590
Apr. 14	58	Returned to Select File for Chambers amendment. Chambers amendment #3023 adopted. Advanced for Re-Engrossment	2322
Apr. 14	58	Correctly Re-Engrossed. ER0263 change	2328
Apr. 16	60	Nichol motion to suspend rules prevailed	2410
Apr. 16	60	Final Reading 45-0-4	2417
Apr. 16	60	President signed	2424
Apr. 16	60	Presented to Governor (4/16)	2431
Apr. 24	AJ	Approved by Governor (4/18)	2474

LEGISLATIVE BILL 333A. By Barrett

Jan. 8	1	Title	28
Jan. 22	10	AM5129 (E & R), First Session, adopted. Barrett amendment adopted. Advanced for Engrossment	464
Jan. 30	16	Correctly Engrossed	590
Jan. 30	16	ER0115 change	591
Apr. 16	60	Final Reading 43-0-6	2418
Apr. 16	60	President signed	2424
Apr. 16	60	Presented to Governor (4/16)	2431

CHRONOLOGY OF BILLS

2555

Apr. 24 AJ Approved by Governor (4/18) 2474

LEGISLATIVE BILL 348. By Nebraska Retirement Systems Committee

Jan. 8 1 Title 28
Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 351. By Nebraska Retirement Systems Committee

Jan. 8 1 Title 28
Jan. 17 8 Advanced for Review 381
Jan. 27 13 Placed on Select File - AM5213 530
Feb. 3 17 AM5213 (E & R) adopted.
Advanced for Engrossment 621
Feb. 11 23 Correctly Engrossed 732
Feb. 19 27 Final Reading 46-0-3 861
Feb. 19 27 President signed 868
Feb. 19 27 Presented to Governor (2/19) 883
Feb. 21 29 Approved by Governor (2/21) 913

LEGISLATIVE BILL 352. By Nebraska Retirement Systems Committee

Jan. 8 1 Title 29
Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 355. By Goll

Jan. 8 1 Title 29
Feb. 6 20 Placed on General File - Com am #1983 677
Feb. 24 30 Goll amendment #2199 to committee
amendment printed 946
Feb. 25 31 Committee amendment #1983 adopted as
amended by Goll pending amendment #2199
p. 946. Advanced for Review 1010
Mar. 6 38 Placed on Select File - AM5328 1252
Mar. 14 42 Lynch amendment #2275 to committee
amendment printed 1417
Mar. 20 46 Wesely-Goll amendment #2562
printed separate 1599
Mar. 24 47 AM5328 (E & R) adopted. Lynch pending
amendment #2275 p. 1417 withdrawn.
Wesely-Goll pending amendment #2562

		p. 1599 adopted. Haberman motion to indefinitely postpone withdrawn. Lynch and Wesely amendments to amendment #2562	
		p. 1599 adopted. Advanced for Engrossment ..	1635
Apr. 9	57	Wesely-Lynch-Goll amendment #2940 printed ...	2161
Apr. 14	58	Returned to Select File for Wesely et al amendment. Wesely-Lynch-Goll pending amendment #2940 p. 2161 adopted. Advanced for Engrossment	2323
Apr. 14	58	Correctly Engrossed. ER0187 change	2328
Apr. 16	60	Nichol motion to suspend rules prevailed	2410
Apr. 16	60	Final Reading 44-1-4	2418
Apr. 16	60	President signed	2424
Apr. 16	60	Presented to Governor (4/16)	2431
Apr. 24	AJ	Approved by Governor (4/17)	2473

LEGISLATIVE BILL 355A. By Goll

Feb. 19	27	Read first time. Placed on General File	874
Feb. 25	31	Advanced for Review	1011
Mar. 6	38	Placed on Select File	1254
Mar. 24	47	Goll amendment #2665 adopted. Advanced for Engrossment	1636
Apr. 7	55	Goll amendment #2904 printed	2080
Apr. 14	58	Returned to Select File for Goll amendment. Goll pending amendment #2904 p. 2080 adopted. Advanced For Engrossment	2323
Apr. 14	58	Correctly Engrossed	2328
Apr. 16	60	Nichol motion to suspend rules prevailed	2410
Apr. 16	60	Final Reading 43-1-5	2419
Apr. 16	60	President signed	2424
Apr. 16	60	Presented to Governor (4/16)	2431
Apr. 24	AJ	Approved by Governor (4/17)	2473

LEGISLATIVE BILL 361. By Hoagland

Jan. 8	1	Title	29
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 362. By Wesely, Hoagland

Jan. 8	1	Title	29
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 367. By Beutler

Jan. 8 1	Title	30
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 367A. By Beutler

Jan. 8 1	Title	30
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 370. By Beutler

Jan. 8 1	Title	30
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 374. By Sieck

Jan. 8 1	Title	30
Jan. 17 8	Committee amendment #0383 p. 770, First Session, adopted. Advanced for Review	401
Jan. 27 13	Placed on Select File - AM5217	535
Feb. 13 25	AM5217 (E & R) adopted. Advanced for Engrossment	793
Feb. 18 26	Correctly Engrossed	833
Feb. 25 31	Wesely motion to return to Select File lost	973
Feb. 25 31	Final Reading 43-1-5	974
Feb. 25 31	Speaker signed	984
Feb. 25 31	Presented to Governor (2/25)	1000
Mar. 3 35	Approved by Governor (2/28)	1102

LEGISLATIVE BILL 376. By Pirsch

Jan. 8 1	Title	30
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 377. By Pirsch

Jan. 8 1	Title	30
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 379. By Pappas

Jan. 8 1	Title	30
Jan. 17 8	Committee amendment #0340 p. 731, First	

		Session, adopted. Advanced for Review	400
Jan.	27 13	Placed on Select File	531
Feb.	3 17	Pappas amendment #1865 printed	626
Feb.	13 25	Vickers pending amendment #0846 p. 1269, First Session, adopted. Lamb motion to indefinitely postpone lost. Pappas pending amendment #1865 p. 626 adopted. Lamb amendments lost. Advanced for Engrossment	789
Feb.	18 26	Correctly Engrossed. ER0136 change	833
Feb.	25 31	Final Reading 35-10-4	975
Feb.	25 31	Speaker signed	984
Feb.	25 31	Presented to Governor (2/25)	1000
Mar.	3 35	Approved by Governor (2/28)	1102

LEGISLATIVE BILL 380. By Wesely

Jan.	8 1	Title	31
Feb.	21 29	Committee amendment #0631 p. 1048, First Session, adopted. Advanced for Review	914
Feb.	24 30	Placed on Select File - AM5249	962
Mar.	3 35	AM5249 (E & R) adopted. Advanced for Engrossment	1115
Mar.	11 39	Correctly Engrossed	1299
Mar.	14 42	Final Reading 48-0-1	1399
Mar.	14 42	Haberman explanation of vote	1415
Mar.	14 42	President signed	1420
Mar.	14 42	Presented to Governor (3/14)	1423
Mar.	18 44	Approved by Governor (3/18)	1506

LEGISLATIVE BILL 386. By Schmit

Jan.	8 1	Title	31
Apr.	16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 388. By Vickers

Jan.	8 1	Title	31
Jan.	29 15	Indefinitely postponed	575

LEGISLATIVE BILL 390. By Wesely, Warner, L. Johnson

Jan.	8 1	Title	31
Mar.	18 44	Indefinitely postponed	1514

LEGISLATIVE BILL 394. By Morehead

Jan.	8	1	Title	31
Jan.	29	15	Vickers amendments #1898 and #1896 printed	581
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 396. By Wesely, Eret

Jan.	8	1	Title	32
Jan.	16	7	Wesely amendment #1729 to committee amendment printed	353
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 399. By Landis

Jan.	8	1	Title	32
Jan.	23	11	Indefinitely postponed	479

LEGISLATIVE BILL 400. By Landis

Jan.	8	1	Title	32
Jan.	23	11	Indefinitely postponed	481

LEGISLATIVE BILL 402. By DeCamp

Jan.	8	1	Title	32
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 403. By DeCamp

Jan.	8	1	Title	32
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 411. By Judiciary Committee

Jan.	8	1	Title	33
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 414. By Education Committee

Jan.	8	1	Title	33
Feb.	10	22	Indefinitely postponed	719

LEGISLATIVE BILL 415. By Education Committee

Jan.	8	1	Title	33
Jan.	21	9	Passed over	426
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 415A. By Vickers

Jan.	8	1	Title	33
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 416. By Vickers

Jan.	8	1	Title	33
Jan.	27	13	Indefinitely postponed	522

LEGISLATIVE BILL 418. By Education Committee

Jan.	8	1	Title	33
Jan.	29	15	Indefinitely postponed	575

LEGISLATIVE BILL 419. By Education Committee

Jan.	8	1	Title	34
Feb.	5	19	Vickers amendment #1767 printed	647
Feb.	21	29	Committee amendment #0825 p. 1246, First Session, adopted. Advanced for Review	919
Feb.	26	32	Placed on Select File - AM5262	1028
Apr.	4	54	AM5262 (E & R) adopted. Vickers pending amendment #1767 p. 647 withdrawn. Hartnett amendment #2498 adopted. Advanced for Engrossment	1995
Apr.	7	55	Correctly Engrossed	2075
Apr.	7	55	ER0215 change	2076
Apr.	14	58	Final Reading 46-1-2	2244
Apr.	14	58	President signed	2272
Apr.	14	58	Presented to Governor (4/14)	2283
Apr.	24	AJ	Approved by Governor (4/17)	2474

LEGISLATIVE BILL 425. By Warner

Jan.	8	1	Title	34
Feb.	21	29	Committee amendment #0607 p. 1087, First Session, adopted. Advanced for Review	915
Feb.	25	31	Placed on Select File - AM5251	971
Mar.	12	40	AM5251 (E & R) adopted. Warner amendment	

CHRONOLOGY OF BILLS

2561

		#1765 adopted. Advanced for Engrossment	1333
Mar. 24	47	Correctly Engrossed	1606
Mar. 27	50	Final Reading 40-0-9	1756
Mar. 27	50	President signed	1765
Mar. 27	50	Abboud explanation of vote	1768
Mar. 27	50	Presented to Governor (3/27)	1775
Apr. 1	51	Approved by Governor (4/1)	1830

LEGISLATIVE BILL 426. By Goll

Jan. 8	1	Title	34
Jan. 27	13	Indefinitely postponed	522

LEGISLATIVE BILL 428. By Haberman

Jan. 8	1	Title	34
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 431. By Wesely

Jan. 8	1	Title	34
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 433. By Wesely

Jan. 8	1	Title	35
Feb. 21	29	Committee amendment #0564 p. 1146, First Session, adopted. Advanced for Review	916
Feb. 25	31	Placed on Select File - AM5258	994
Mar. 3	35	AM5258 (E & R) adopted. Advanced for Engrossment	1116
Mar. 11	39	Correctly Engrossed	1309
Apr. 9	57	Final Reading 44-0-5	2204
Apr. 9	57	President signed	2220
Apr. 14	58	Presented to Governor (4/10)	2222
Apr. 15	59	Approved by Governor (4/14)	2333

LEGISLATIVE BILL 434. By Withem

Jan. 8	1	Title	35
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 436. By Withem

Jan. 8	1	Title	35
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Jan.	17	8	Committee amendment #0411 p. 858, First Session, adopted. Advanced for Review	407
Jan.	28	14	Placed on Select File - AM5222	550
Feb.	13	25	AM5222 (E & R) adopted. Advanced for Engrossment	794
Feb.	18	26	Correctly Engrossed	833
Mar.	20	46	Final Reading 45-0-4	1569
Mar.	20	46	Speaker signed	1571
Mar.	20	46	Presented to Governor (3/20)	1576
Mar.	25	48	Approved by Governor (3/25)	1690

LEGISLATIVE BILL 437. By Withem

Jan.	8	1	Title	35
Jan.	17	8	Committee amendment #0409 p. 858, First Session, adopted. Advanced for Review	407
Jan.	28	14	Placed on Select File - AM5224	550
Feb.	18	26	AM5224 (E & R) adopted. Passed over	833
Feb.	19	27	Vickers motion to indefinitely postpone lost. Vickers amendment adopted. Vickers amendment lost. Failed to advance for Engrossment	868
Mar.	12	40	Advanced for Engrossment	1325
Mar.	20	46	Chambers amendment printed	1593
Mar.	20	46	Correctly Engrossed	1603
Mar.	20	46	ER0165 change	1604
Mar.	26	49	Returned to Select File for Chambers amendment. Chambers pending amendment p. 1593 adopted. Advanced for Re-Engrossment	1723
Apr.	2	52	Correctly Re-Engrossed. ER0181 change	1869
Apr.	7	55	Final Reading 44-1-4	2053
Apr.	7	55	Speaker signed	2069
Apr.	7	55	Presented to Governor (4/7)	2080
Apr.	14	58	Approved by Governor (4/10)	2229

LEGISLATIVE BILL 438. By Withem

Jan.	8	1	Title	35
Feb.	3	17	Placed on General File - Com am #1938	628
Feb.	25	31	Committee amendment #1938 adopted. Advanced for Review	995
Mar.	6	38	Placed on Select File - AM5324	1250
Mar.	20	46	Withem amendment printed	1599
Mar.	24	47	AM5324 (E & R) adopted. Wesely	

CHRONOLOGY OF BILLS

2563

		amendment #2461 adopted. Withem pending amendment p. 1599 withdrawn. Advanced for Engrossment	1632
Apr.	1	51 Correctly Engrossed. ER0180 change	1841
Apr.	7	55 Final Reading 46-0-3	2046
Apr.	7	55 Speaker signed	2069
Apr.	7	55 Presented to Governor (4/7)	2080
Apr.	14	58 Approved by Governor (4/10)	2229

LEGISLATIVE BILL 438A. By Withem

Feb.	13	25 Read first time. Placed on General File	781
Feb.	25	31 Advanced for Review	995
Mar.	6	38 Placed on Select File	1250
Mar.	24	47 Advanced for Engrossment	1634
Apr.	1	51 Correctly Engrossed	1841
Apr.	7	55 Final Reading 46-0-3	2046
Apr.	7	55 Speaker signed	2069
Apr.	7	55 Presented to Governor (4/7)	2080
Apr.	14	58 Approved by Governor (4/10)	2229

LEGISLATIVE BILL 440. By Chizek

Jan.	8	1 Title	35
Jan.	21	9 Chizek amendment #1713 to committee amendment printed	412
Apr.	16	60 Indefinitely postponed	2469

LEGISLATIVE BILL 443. By Eret

Jan.	8	1 Title	36
Feb.	3	17 Indefinitely postponed	627

LEGISLATIVE BILL 448. By Hoagland

Jan.	8	1 Title	36
Feb.	18	26 Hoagland-Marsh amendment #2125 printed	844
Feb.	21	29 Committee amendment #0367 p. 1113, First Session, adopted. Hoagland-Marsh pending amendment #2125 p. 844 withdrawn. Advanced for Review	915
Feb.	25	31 Placed on Select File - AM5257	994
Mar.	3	35 AM5257 (E & R) adopted. Advanced for Engrossment	1115
Mar.	11	39 Correctly Engrossed	1299

Mar. 14	42	Final Reading w/E 46-1-2	1400
Mar. 14	42	Haberman explanation of vote	1415
Mar. 14	42	President signed	1420
Mar. 14	42	Presented to Governor (3/14)	1423
Mar. 18	44	Approved by Governor (3/18)	1506

LEGISLATIVE BILL 449. By Administrative Rules and Regulations Review Committee

Jan. 8	1	Title	36
Feb. 24	30	Placed on General File - Com am #2179	949
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 451. By DeCamp

Jan. 8	1	Title	36
Apr. 3	53	DeCamp amendment #2862 printed	1935
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 452. By DeCamp, Schmit, Harris

Jan. 8	1	Title	36
Jan. 13	4	Bracketed until 4/15/86	267
Mar. 5	37	Unbracketed	1197
Mar. 20	46	Hall amendment #2582 printed	1593
Apr. 3	53	DeCamp pending amendment #0900 p. 1348, First Session, and Hall pending amendment #2582 p. 1593 withdrawn. Failed to advance for Review	1944
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 453. By DeCamp

Jan. 8	1	Title	37
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 454. By DeCamp

Jan. 8	1	Title	37
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 455. By Vickers, Chizek

Jan.	8	1	Title	37
Jan.	29	15	Indefinitely postponed	575

LEGISLATIVE BILL 457. By Vickers, Scofield

Jan.	8	1	Title	37
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 459. By R. Johnson

Jan.	8	1	Title	37
Jan.	9	2	Vickers amendment #1660 printed separate	193
Jan.	16	7	Committee amendment #0751 p. 1207, First Session, considered. Vickers pending amendment #1024 p. 1544, First Session, withdrawn. Vickers pending amendment #1660 p. 193 lost	357
Feb.	12	24	Lamb amendment #1743 to committee amendment printed	771
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 461. By R. Johnson, Vickers, Scofield, Withem, Baack, Conway

Jan.	8	1	Title	37
Feb.	3	17	Placed on General File - Com am #1763	621
Feb.	19	27	Scofield priority bill	856
Mar.	3	35	Nelson name added	1128
Mar.	12	40	Committee amendment #1763 adopted. Advanced for Review	1340
Mar.	24	47	Placed on Select File - AM5386	1624
Apr.	3	53	AM5386 (E & R) adopted. Peterson-Hefner-Beyer-Lamb amendment #2757 lost. Advanced for Engrossment	1912
Apr.	7	55	Correctly Engrossed	2032
Apr.	14	58	Final Reading 28-18-3	2245
Apr.	14	58	President signed	2272
Apr.	14	58	Presented to Governor (4/14)	2283
Apr.	24	AJ	Approved by Governor (4/17)	2474

LEGISLATIVE BILL 463. By Beutler, Pappas

Jan.	8	1	Title	38
Feb.	3	17	Indefinitely postponed	627

LEGISLATIVE BILL 464. By Beutler

Jan.	8	1	Title	38
Feb.	19	27	Nichol priority bill	856
Feb.	21	29	Committee amendment #0928, p. 1444, First Session, adopted. Advanced for Review	921
Feb.	26	32	Placed on Select File - AM5260	1031
Mar.	3	35	Hoagland amendment #2321 printed	1123
Mar.	11	39	AM5260 (E & R) adopted. Hoagland pending amendment p. 1123 withdrawn. Advanced for Engrossment	1279
Mar.	11	39	R. Johnson name added	1280
Mar.	19	45	Correctly Engrossed	1549
Mar.	25	48	Final Reading 43-0-6	1681
Mar.	25	48	President signed	1685
Mar.	25	48	Presented to Governor (3/25). Morehead explanation of vote	1691
Apr.	1	51	Approved by Governor (3/28)	1811

LEGISLATIVE BILL 465. By Pappas, Schmit, Labedz, Scofield, Rupp

Jan.	8	1	Title	38
Mar.	18	44	Indefinitely postponed	1514

LEGISLATIVE BILL 466. By Lamb

Jan.	8	1	Title	38
Jan.	24	12	Indefinitely postponed	494

LEGISLATIVE BILL 467. By DeCamp

Jan.	8	1	Title	39
Jan.	14	5	Indefinitely postponed	282

LEGISLATIVE BILL 468. By DeCamp

Jan.	8	1	Title	39
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 469. By DeCamp, Pappas

CHRONOLOGY OF BILLS

2567

Jan.	8	1	Title	39
Jan.	22	10	Placed on General File	462
Jan.	30	16	Failed to advance for Review	593
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 471. By Hannibal, Withem, Goodrich, Barrett

Jan.	8	1	Title	39
Jan.	17	8	Advanced for Review	380
Jan.	27	13	Placed on Select File - AM5210	530
Jan.	29	15	AM5210 (E & R) adopted. Advanced for Engrossment	575
Feb.	5	19	Correctly Engrossed	661
Feb.	10	22	Final Reading 38-0-11	714
Feb.	10	22	Speaker signed	724
Feb.	10	22	Presented to Governor (2/10)	725
Feb.	12	24	Approved by Governor (2/12)	762

LEGISLATIVE BILL 474. By Public Works Committee

Jan.	8	1	Title	39
Jan.	15	6	Beutler name added	316
Jan.	16	7	Sieck name added	351
Jan.	17	8	Placed on General File - Com am #1756	383
Feb.	6	20	Sieck priority bill	667
Feb.	27	33	Committee amendment #1756 adopted as amended by Schmit amendment. Advanced for Review	1064
Mar.	6	38	R. Johnson amendment #2370 to committee amendment printed	1247
Mar.	11	39	Placed on Select File - AM5338	1270
Mar.	12	40	Schmit amendment #2443 to committee amendment printed	1322
Mar.	14	42	Sieck amendment #2533 to committee amendment printed	1448
Apr.	2	52	AM5338 (E & R) adopted. Schmit pending amendment #2443 p. 1322 and Sieck pending amendment #2533 p. 1448 adopted. R. Johnson pending amendment #2370 p. 1247 withdrawn. R. Johnson amendment lost. Advanced for Engrossment	1887
Apr.	7	55	Correctly Engrossed. ER0197 change	2032
Apr.	14	58	Final Reading 47-0-2	2246
Apr.	14	58	President signed	2272
Apr.	14	58	Presented to Governor (4/14)	2283

Apr. 24 AJ Approved by Governor (4/19) 2476

LEGISLATIVE BILL 474A. By Schmit

Feb. 7 21 Read first time. Placed on General File 709
 Feb. 27 33 Advanced for Review 1063
 Mar. 11 39 Placed on Select File 1271
 Apr. 2 52 Advanced for Engrossment 1888
 Apr. 7 55 Correctly Engrossed 2032
 Apr. 14 58 Final Reading 47-0-2 2247
 Apr. 14 58 President signed 2272
 Apr. 14 58 Presented to Governor (4/14) 2283
 Apr. 24 AJ Approved by Governor (4/19) 2476

LEGISLATIVE BILL 476. By Marsh

Jan. 8 1 Title 39
 Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 477. By DeCamp, Conway, Hall

1985

Jan. 21 9 Read first time 290
 Jan. 22 10 Referred to Committee on Judiciary 299
 Mar. 11 37 Notice of hearing (3/26) 910

1986

Jan. 8 1 Title 40
 Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 478. By V. Johnson

Jan. 8 1 Title 40
 Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 480. By Landis, Lynch, Conway

Jan. 8 1 Title 40
 Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 481. By Haberman

Jan. 8 1 Title 40
 Feb. 21 29 Committee amendment #0850, p. 1311, First
 Session, adopted. Advanced for Review 920
 Feb. 26 32 Placed on Select File - AM5264 1029

CHRONOLOGY OF BILLS

2569

Mar. 3 35	AM5264 (E & R) adopted.	
	Advanced for Engrossment	1116
Mar. 12 40	Correctly Engrossed	1346
Mar. 17 43	Final Reading 46-0-3	1457
Mar. 17 43	Speaker signed	1470
Mar. 17 43	Presented to Governor (3/17)	1476
Mar. 18 44	Approved by Governor (3/18)	1506

LEGISLATIVE BILL 483. By Withem

Jan. 8 1	Title	41
Jan. 17 8	Committee amendment #0399 p. 821, First Session, adopted. Advanced for Review	401
Jan. 27 13	Placed on Select File - AM5218	536
Feb. 13 25	AM5218 (E & R) adopted.	
	Advanced for Engrossment	793
Feb. 18 26	Correctly Engrossed	833
Feb. 25 31	Final Reading 44-0-5	976
Feb. 25 31	Speaker signed	984
Feb. 25 31	Presented to Governor (2/25)	1000
Mar. 3 35	Approved by Governor (2/28)	1102

LEGISLATIVE BILL 484. By Withem

Jan. 8 1	Title	41
Jan. 17 8	Committee amendment #0400 p. 823, First Session, adopted. Advanced for Review	401
Jan. 28 14	Placed on Select File	549
Feb. 4 18	Withem amendment #1899 to committee amendment printed	636
Feb. 18 26	Withem pending amendment #1899 p. 636 adopted. Advanced for Engrossment	833
Feb. 20 28	Correctly Engrossed	885
Feb. 25 31	Final Reading 44-1-4	982
Feb. 25 31	Speaker signed	984
Feb. 25 31	Presented to Governor (2/25)	1000
Mar. 3 35	Approved by Governor (2/28)	1102

LEGISLATIVE BILL 485. By Withem

Jan. 8 1	Title	41
Jan. 27 13	Indefinitely postponed	522

LEGISLATIVE BILL 489. By Vickers, Peterson, Carsten, Hefner, Rogers

Jan.	8	1	Title	41
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 490. By Judiciary Committee

Jan.	8	1	Title	41
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 491. By Chizek

Jan.	8	1	Title	41
Feb.	21	29	Committee amendment #0633 p. 1074, First Session, adopted. Advanced for Review	914
Feb.	25	31	Placed on Select File - AM5250	970
Mar.	3	35	AM5250 (E & R) adopted. Advanced for Engrossment	1115
Mar.	5	37	Chizek-Schmit-R. Johnson amendment #2325 printed separate	1197
Mar.	11	39	Correctly Engrossed	1299
Mar.	14	42	Chizek-Schmit-R. Johnson pending amendment #2325 withdrawn. Returned to Select File for Schmit amendment. Schmit amendment #2543 adopted. Advanced for Re-Engrossment	1401
Mar.	25	48	Correctly Re-Engrossed. ER0170 change	1660
Apr.	7	55	Final Reading w/E 46-0-3	2042
Apr.	7	55	Speaker signed	2069
Apr.	7	55	Presented to Governor (4/7)	2080
Apr.	14	58	Approved by Governor (4/10)	2229

LEGISLATIVE BILL 494. By Abboud, L. Johnson, Lundy, Conway

Jan.	8	1	Title	42
Jan.	17	8	Committee amendment #0203 p. 872, First Session, lost. Advanced for Review	407
Jan.	28	14	Placed on Select File	550
Feb.	13	25	Advanced for Engrossment	794
Feb.	18	26	Correctly Engrossed	833
Feb.	25	31	Returned to Select File for Withem amendment. Withem amendment adopted. Advanced for Re-Engrossment	977
Mar.	4	36	Withem amendment #2333 printed	1157
Mar.	5	37	Correctly Re-Engrossed	1163
Mar.	12	40	Returned to Select File for Withem	

		amendment. Withem pending amendment #2333 p. 1157 adopted. Advanced for Re-Engrossment	1313
Mar. 12	40	Expedited	1334
Mar. 13	41	Correctly Re-Engrossed. ER0152 change	1361
Mar. 18	44	Final Reading 42-0-7	1484
Mar. 18	44	Speaker signed	1493
Mar. 18	44	Presented to Governor (3/18)	1496
Mar. 18	44	Morehead explanation of vote	1497
Mar. 24	47	Approved by Governor (3/24)	1644

LEGISLATIVE BILL 495. By Vickers

Jan. 8	1	Title	42
Jan. 29	15	Indefinitely postponed	575

LEGISLATIVE BILL 497. By Wesely

Jan. 8	1	Title	42
Feb. 3	17	Placed on General File - Com am #1937	616
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 499. By Chambers

Jan. 8	1	Title	42
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 502. By Warner

Jan. 8	1	Title	42
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 504. By Remmers

Jan. 8	1	Title	42
Feb. 21	29	Committee amendment #0719 p. 1114, First Session, adopted. Remmers pending amendment #0812 p. 1209, First Session withdrawn. Advanced for Review	916
Feb. 25	31	Placed on Select File - AM5254	994
Mar. 3	35	AM5254 (E & R) adopted	1116
Mar. 5	37	Remmers amendment printed	1182
Mar. 12	40	Remmers pending amendment p. 1182 adopted. Advanced for Engrossment	1334

Mar. 24	47	Correctly Engrossed	1606
Mar. 27	50	Final Reading 43-0-6	1757
Mar. 27	50	President signed	1765
Mar. 27	50	Abboud explanation of vote	1768
Mar. 27	50	Presented to Governor (3/27)	1775
Apr. 1	51	Approved by Governor (4/1)	1830

LEGISLATIVE BILL 506. By Nichol, Baack, Barrett, Vickers, Hefner, Sieck, Peterson, Rupp

Jan. 8	1	Title	43
Jan. 29	15	Indefinitely postponed	575

LEGISLATIVE BILL 507. By Miller

Jan. 8	1	Title	43
Jan. 13	4	Miller amendment #1687 printed	252
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 511. By Chizek, Schmit

Jan. 8	1	Title	43
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 512. By Chizek, Labeledz

Jan. 8	1	Title	43
Jan. 30	16	Committee amendment #0514 p. 896, First Session, adopted. Advanced for Review	604
Feb. 11	23	Placed on Select File - AM5242	743
Mar. 3	35	AM5242 (E & R) adopted. Advanced for Engrossment	1115
Mar. 11	39	Correctly Engrossed. ER0143 change	1299
Mar. 14	42	Final Reading 47-0-2	1402
Mar. 14	42	Haberman explanation of vote	1415
Mar. 14	42	President signed	1420
Mar. 14	42	Presented to Governor (3/14)	1423
Mar. 18	44	Approved by Governor (3/18)	1506

LEGISLATIVE BILL 513. By Rogers

Jan. 8	1	Title	43
Jan. 27	13	Indefinitely postponed	522

LEGISLATIVE BILL 514. By Beutler

Jan.	8	1	Title	43
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 515. By Beutler

Jan.	8	1	Title	44
Feb.	18	26	Indefinitely postponed	825

LEGISLATIVE BILL 516. By Beutler

Jan.	8	1	Title	44
Mar.	4	36	Hoagland-Barrett-Baack amendment #2354 printed	1159
Mar.	5	37	AM5168 (E & R), First Session, adopted. Lamb pending amendment #1477 p. 2355, First Session, withdrawn. Hoagland- Barrett-Baack amendment #2326, Barrett amendment, and Hoagland-Barrett-Baack pending amendment #2354 p. 1159 adopted. V. Johnson amendment to Hoagland et al amendment #2326 adopted as amended by Abboud amendment. Abboud amendment lost. V. Johnson amendment #2362 adopted. Advanced for Engrossment	1170
Mar.	5	37	Hoagland, Barrett and Baack names added	1211
Mar.	14	42	Correctly Engrossed	1392
Mar.	14	42	ER0147 change	1393
Mar.	18	44	Withem amendment #2605 printed	1512
Mar.	19	45	Schmit motion to return to Select File lost	1536
Mar.	19	45	Returned to Select File for Abboud- Withem amendment. Abboud-Withem amendment adopted. Advanced for Re-Engrossment	1537
Mar.	19	45	Withem pending amendment #2605 p. 1512 withdrawn. Returned to Select File for Haberman amendment. Haberman amendment adopted. Advanced for Re-Engrossment	1538
Mar.	19	45	Returned to Select File for Barrett- Baack-Hoagland amendment. Barrett- Baack-Hoagland amendment #2627 adopted. Advanced for Re-Engrossment	1539
Mar.	26	49	Correctly Re-Engrossed. ER0176 change	1706

Apr. 7	55	Attorney General's Opinion #86044 to Haberman	2019
Apr. 7	55	Final Reading 30-15-4	2043
Apr. 7	55	Speaker signed	2069
Apr. 7	55	Presented to Governor (4/7)	2080
Apr. 14	58	Returned by Governor without approval (4/12) .	2235
Apr. 14	58	Hoagland-Baack-Barrett motion to override veto laid over	2279
Apr. 16	60	Hoagland et al pending motion to override veto prevailed 30-14-5	2454
Apr. 16	60	Communication and Certificate	2467
Apr. 24	AJ	Message from Secretary of State	2497
Apr. 24	AJ	Certificate from Secretary of State	2498

LEGISLATIVE BILL 517. By Beutler

Jan. 8	1	Title	44
Feb. 13	25	Indefinitely postponed	800

LEGISLATIVE BILL 519. By Beutler

Jan. 8	1	Title	44
Jan. 13	4	Indefinitely postponed	274

LEGISLATIVE BILL 520. By Beutler

Jan. 8	1	Title	45
Jan. 14	5	Hoagland amendment printed	307
Jan. 15	6	Committee amendment #0563 p. 1311, First Session, lost as amended by Hoagland- Beutler amendment. Hoagland pending amendment p. 307 withdrawn. Lamb motion to indefinitely postpone lost	320
Jan. 15	6	Beutler-Hoagland amendment adopted. Failed to advance for Review	327
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 521. By Beutler

Jan. 8	1	Title	45
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 522. By Hoagland

Jan. 8	1	Title	45
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 524. By Hoagland

Jan.	8	1	Title	45
Feb.	10	22	Hoagland motion to place on General File laid over	730
Feb.	11	23	Hoagland pending motion to place on General File lost. Stands indefinitely postponed	737
Feb.	11	23	V. Johnson-DeCamp motion to reconsider action laid over	741
Feb.	12	24	V. Johnson-DeCamp motion to suspend rules laid over	763
Feb.	13	25	Correction	780
Feb.	19	27	V. Johnson-DeCamp pending motion p. 763 prevailed. Hoagland reoffered motion to place on General File lost	865

LEGISLATIVE BILL 525. By Hoagland

Jan.	8	1	Title	45
Jan.	17	8	Advanced for Review	367
Jan.	22	10	Warner amendment #0937 printed	447
Jan.	27	13	Placed on Select File - AM5209	521
Jan.	29	15	AM5209 (E & R) adopted. Warner pending amendment #0937 p. 447 lost. Advanced for Engrossment	574
Feb.	3	17	Hoagland-Warner amendment #1914 printed	611
Feb.	5	19	Correctly Engrossed. ER0129 change	661
Mar.	5	37	Haberman amendment #2078 printed	1180
Mar.	6	38	Warner amendment #2285 printed	1233
Apr.	7	55	Lamb amendment #2927 printed	2064
Apr.	15	59	Hoagland-Warner pending amendment #1914 p. 611, Haberman pending amendment #2078 p. 1180, Warner pending amendment #2285 p. 1233 and Lamb pending amendment #2927 p. 2064 withdrawn. Final Reading 42-5-2	2372
Apr.	15	59	President signed	2388
Apr.	16	60	Presented to Governor (4/16)	2409
Apr.	24	AJ	Approved by Governor (4/18)	2474

LEGISLATIVE BILL 526. By Hoagland

Jan.	8	1	Title	46
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 527. By Judiciary Committee and DeCamp

Jan. 8 1	Title	46
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 528. By Judiciary Committee

Jan. 8 1	Title	46
Feb. 21 29	Committee amendment #0614 p. 1070, First Session, adopted. Advanced for Review	914
Feb. 25 31	Placed on Select File - AM5253	970
Mar. 4 36	Hoagland amendment #2353 printed	1158
Mar. 6 38	Withem amendment #2376 printed	1244
Mar. 12 40	Hoagland-Chambers amendment #2430 printed	1323
Mar. 18 44	Hoagland amendment #0740 printed	1512
Apr. 4 54	AM5253 (E & R) adopted. Hoagland pending amendments #0740 p. 1512, #2353 p. 1158, Hoagland-Chambers pending amendment #2430 p. 1323, and Withem pending amendment #2376 p. 1244 withdrawn. Landis amendment #2877 (on file) adopted. Advanced for Engrossment	1992
Apr. 8 56	Correctly Engrossed	2097
Apr. 8 56	ER0220 change	2098
Apr. 15 59	Final Reading 46-0-3	2356
Apr. 15 59	Speaker signed	2366
Apr. 15 59	Presented to Governor (4/15)	2380
Apr. 24 AJ	Approved by Governor (4/17)	2473

LEGISLATIVE BILL 529. By Hoagland

Jan. 8 1	Title	46
Jan. 13 4	Hoagland amendment #1732 printed	265
Jan. 15 6	Committee amendment #0864 p. 1384, First Session, adopted. Hoagland pending amendment #0958 p. 1517, First Session, withdrawn. Hoagland pending amendment #1732 p. 265 adopted as amended by Haberman amendment. Advanced for Review	333
Jan. 27 13	Placed on Select File - AM5208 (printed separate)	521
Feb. 13 25	Warner amendment #2072 printed separate	801
Feb. 18 26	Hoagland amendment #2103 printed separate	832
Feb. 18 26	Hoagland amendment #2145 to Hoagland	

CHRONOLOGY OF BILLS

2577

		amendment #2103 printed	843
Feb. 18	26	Lamb amendment #2157 printed	846
Feb. 19	27	Hoagland-Warner amendment #2138 printed separate	884
Feb. 20	28	Hoagland-Lamb-Scofield amendment #2197 to Hoagland amendment #2103 printed	903
Feb. 24	30	Hoagland amendment #2222 printed separate	968
Feb. 28	34	Hoagland amendment #2295 to AM5208 printed	1087
Mar. 3	35	AM5208 (E & R) adopted. Warner pending amendment #2072 p. 801, Hoagland pending amendments #2145 p. 843, #2222 p. 968, and #2295 p. 1087 withdrawn. Hoagland pending amendment #2103 p. 832, Warner-Hoagland pending amendment #2138 p. 884 and Hoagland- Lamb-Scofield pending amendment #2197 p. 903 adopted. Lamb pending amendment #2157 p. 846 lost. Advanced for Engrossment	1111
Mar. 4	36	Bracketed	1137
Mar. 17	43	Returned to Select File for Hoagland-Lamb amendment. Hoagland-Lamb amendment #2548 (printed separate) adopted. Chair ruled Hoagland-Lamb amendment germane. Advanced for Engrossment (Correction)	1464
Mar. 19	45	Correction	1516
Mar. 26	49	Correctly Engrossed	1706
Mar. 26	49	ER0150 change	1707
Apr. 7	55	Attorney General's Opinion #86044 to Haberman	2019
Apr. 7	55	Schmit motion to return to Select File withdrawn. Final Reading w/E 38-7-4	2040
Apr. 7	55	Speaker signed	2069
Apr. 7	55	Presented to Governor (4/7)	2080
Apr. 14	58	Approved by Governor (4/10)	2229

LEGISLATIVE BILL 530. By Judiciary Committee

Jan. 8	1	Title	47
Feb. 21	29	Committee amendment #0613 p. 1072, First Session, adopted. Advanced for Review	914
Feb. 25	31	Placed on Select File - AM5252	970
Mar. 3	35	AM5252 (E & R) adopted. Advanced for Engrossment	1115

Mar. 11	39	Correctly Engrossed	1299
Mar. 14	42	Final Reading 44-2-3	1402
Mar. 14	42	Haberman explanation of vote	1415
Mar. 14	42	President signed	1420
Mar. 14	42	Presented to Governor (3/14)	1423
Mar. 18	44	Approved by Governor (3/18)	1506

LEGISLATIVE BILL 531. By Withem

Jan. 8	1	Title	47
Jan. 17	8	Withem amendment #1269 p. 2018, First Session, adopted. Advanced for Review	368
Jan. 27	13	Placed on Select File	529
Jan. 29	15	Advanced for Engrossment	575
Feb. 5	19	Correctly Engrossed	661
Feb. 10	22	Returned to Select File for Lynch amendment. Lynch amendment adopted. Advanced for Re-Engrossment	715
Feb. 11	23	Correctly Re-Engrossed. ER0134 change	745
Feb. 19	27	Final Reading 45-0-4	861
Feb. 19	27	President signed	868
Feb. 19	27	Presented to Governor (2/19)	883
Feb. 21	29	Approved by Governor (2/21)	913

LEGISLATIVE BILL 534. By Smith

Jan. 8	1	Title	47
Feb. 21	29	Committee amendment #0821 p. 1246, First Session, adopted. Advanced for Review	919
Feb. 26	32	Placed on Select File - AM5263	1028
Mar. 3	35	AM5263 (E & R) adopted. Advanced for Engrossment	1116
Mar. 4	36	Correction	1129
Mar. 11	39	Correctly Engrossed. ER0149 change	1309
Mar. 14	42	Final Reading 46-0-3	1403
Mar. 14	42	Haberman explanation of vote	1415
Mar. 14	42	President signed	1420
Mar. 14	42	Presented to Governor (3/14)	1423
Mar. 18	44	Approved by Governor (3/18)	1506

LEGISLATIVE BILL 536. By Haberman

Jan. 8	1	Title	47
Feb. 24	30	Indefinitely postponed	953

LEGISLATIVE BILL 539. By Revenue Committee

Jan.	8	1	Title	47
Apr.	1	51	Warner-Smith amendment #2804 printed	1849
Apr.	7	55	V. Johnson amendment #2948 printed	2089
Apr.	7	55	Warner-Smith amendment #2933 printed	2090
Apr.	8	56	Warner-Smith pending amendment #2804 p. 1849 and V. Johnson pending amendment #2948 p. 2089 withdrawn. Warner-Smith pending amendment #2933 p. 2090 and V. Johnson amendment #2835 adopted	2107
Apr.	14	58	V. Johnson amendment #3003 adopted. Miller amendment #2981, Warner amendment #3029, Landis, and Pappas amendments lost. Warner motion to reconsider Landis amendment prevailed. Landis amendment adopted. Advanced for Engrossment	2305
Apr.	14	58	Correctly Engrossed	2321
Apr.	14	58	ER0258 change	2322
Apr.	16	60	Nichol motion to suspend rules prevailed	2410
Apr.	16	60	Higgins, Abboud, and DeCamp motions to return to Select File for amendments withdrawn	2420
Apr.	16	60	Failed on Final Reading w/E 30-18-1	2421
Apr.	16	60	Final Reading 30-18-1	2422
Apr.	16	60	Correctly Enrolled	2423
Apr.	16	60	President signed	2424
Apr.	16	60	Presented to Governor (4/16)	2431
Apr.	16	60	Returned by Governor without approval (4/16) .	2446
Apr.	16	60	Warner-Baack-Barrett-Carsten-Chronister- Eret-Goll-Goodrich-Hannibal-Hartnett- Hoagland-L. Johnson-Landis-Lundy-Lynch- McFarland-Miller-Nichol-Remmers-Sieck- Wesely-Marsh-Smith-Scofield motion to override veto prevailed 33-13-3	2450
Apr.	16	60	Communication and Certificate	2468
Apr.	24	AJ	Message from Secretary of State	2498
Apr.	24	AJ	Certificate from Secretary of State	2499

LEGISLATIVE BILL 540. By Pirsch

Jan.	8	1	Title	47
Jan.	15	6	Committee amendment #0896 p. 1404, First Session, adopted. Advanced for Review	334

Jan.	24	12	Placed on Select File - AM5207	518
Feb.	13	25	AM5207 (E & R) adopted. Advanced for Engrossment	795
Feb.	20	28	Correctly Engrossed	885
Feb.	20	28	ER0138 change	886
Feb.	25	31	Final Reading 41-2-6	983
Feb.	25	31	Speaker signed	984
Feb.	25	31	Presented to Governor (2/25)	1000
Mar.	3	35	Approved by Governor (2/28)	1102

LEGISLATIVE BILL 543. By Pirsch

Jan.	8	1	Title	48
Feb.	21	29	Committee amendment #0088 p. 2257, First Session, adopted. Advanced for Review	921
Feb.	26	32	Placed on Select File - AM5272	1033
Mar.	3	35	AM5272 (E & R) adopted. Advanced for Engrossment	1117
Mar.	12	40	Correctly Engrossed	1346
Mar.	17	43	Final Reading 45-0-4	1458
Mar.	17	43	Speaker signed	1470
Mar.	17	43	Presented to Governor (3/17)	1476
Mar.	18	44	Approved by Governor (3/18)	1506

LEGISLATIVE BILL 544. By Pirsch

Jan.	8	1	Title	48
Feb.	13	25	Indefinitely postponed	796

LEGISLATIVE BILL 546. By Landis

Jan.	8	1	Title	48
Jan.	10	3	Landis amendment #1419 printed	222
Jan.	13	4	Committee amendment #0855 p. 1623, First Session, adopted. Landis pending amendment #1419 p. 222 adopted. Advanced for Review	266
Jan.	14	5	Correction	276
Jan.	15	6	Placed on Select File - AM5192	331
Jan.	22	10	AM5192 (E & R) adopted. Advanced for Engrossment	464
Jan.	30	16	Correctly Engrossed	590
Feb.	7	21	Final Reading w/E 42-0-7	695
Feb.	7	21	Speaker signed	711
Feb.	10	22	Presented to Governor (2/7)	713

CHRONOLOGY OF BILLS

2581

Feb. 11 23 Approved by Governor (2/11) 742

LEGISLATIVE BILL 548. By Landis

Jan.	8	1	Title	48
Jan.	13	4	Committee amendment #1118 p. 1688, First Session - division of question sustained. Committee amendment #1 (sections 1-11) adopted and #2 (section 12) lost. Landis pending amendment #1596 p. 2541, First Session, withdrawn. DeCamp pending amendment #1371 p. 2189, First Session, and Landis pending amendment #1441 p. 2317, First Session, reprinted	272
Jan.	14	5	Correction	276
Jan.	14	5	DeCamp pending amendment #1371 p. 2189, and Landis pending amendment #1441 p. 2317, First Session,(reprinted on p. 273-274) adopted. Advanced for Review	282
Jan.	17	8	Landis amendment #1775 printed	369
Jan.	17	8	Placed on Select File - AM5194	375
Jan.	22	10	Landis amendment #1810 printed	463
Jan.	22	10	AM5194 (E & R) adopted. Landis pending amendments #0418 p. 847, First Session, and #1775 p. 369 withdrawn. Beutler pending amendment #1461 p. 2325, First Session, withdrawn. Landis pending amendment #1810 p. 463 adopted	465
Jan.	23	11	Beutler amendment #1819 lost. Advanced for Engrossment	474
Jan.	30	16	Correctly Engrossed	603
Jan.	30	16	ER0123 change	604
Feb.	6	20	Hoagland-V. Johnson amendment printed	684
Feb.	7	21	Hoagland-V. Johnson pending amendment p. 684 withdrawn. V. Johnson motion to return to Select File withdrawn. Returned to Select File for Chambers amendment. Chambers amendment adopted. Carsten motion to bracket withdrawn. Advanced for Re-Engrossment	696
Feb.	11	23	Correctly Re-Engrossed	732
Feb.	11	23	ER0121 change	733
Feb.	19	27	Final Reading 39-3-7	862
Feb.	19	27	President signed	868

Feb. 19	27	Presented to Governor (2/19)	883
Feb. 21	29	Approved by Governor (2/21)	913

LEGISLATIVE BILL 549. By Peterson, Chronister, Hefner

Jan. 8	1	Title	49
Jan. 24	12	Indefinitely postponed	494

LEGISLATIVE BILL 550. By Peterson, Wesely, Chronister, Hefner

Jan. 8	1	Title	49
Feb. 21	29	Committee amendment #0627 p. 1031, First Session, adopted. Advanced for Review	913
Feb. 24	30	Placed on Select File - AM5247	962
Mar. 3	35	AM5247 (E & R) adopted. Advanced for Engrossment	1115
Mar. 11	39	Correctly Engrossed	1299
Mar. 14	42	Final Reading 46-0-3	1404
Mar. 14	42	Haberman explanation of vote	1415
Mar. 14	42	President signed	1420
Mar. 14	42	Presented to Governor (3/14)	1423
Mar. 18	44	Approved by Governor (3/18)	1506

LEGISLATIVE BILL 555. By Eret

Jan. 8	1	Title	49
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 556. By Labedz, Hall

Jan. 8	1	Title	49
Apr. 4	54	DeCamp amendment #2832 printed separate	1977
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 556A. By Labedz

Jan. 8	1	Title	49
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 558. By Rupp

Jan. 8	1	Title	50
Jan. 17	8	Committee amendment #0482 p. 879, First Session, adopted. Advanced for Review	407
Jan. 28	14	Placed on Select File - AM5225	550

CHRONOLOGY OF BILLS

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Feb. 13	25	AM5225 (E & R) adopted.	
		Advanced for Engrossment	794
Feb. 18	26	Correctly Engrossed	833
Feb. 25	31	Final Reading w/E 45-1-3	977
Feb. 25	31	Speaker signed	984
Feb. 25	31	Presented to Governor (2/25)	1000
Mar. 3	35	Approved by Governor (2/28)	1102

LEGISLATIVE BILL 561. By Hannibal

Jan. 8	1	Title	50
Feb. 21	29	Committee amendment #0829 p. 1242, First Session, adopted as amended by Hannibal amendment. Advanced for Review	918
Feb. 26	32	Placed on Select File - AM5259	1027
Mar. 3	35	AM5259 (E & R) adopted. Advanced for Engrossment	1116
Mar. 11	39	Correctly Engrossed	1309
Mar. 14	42	Final Reading 46-0-3	1405
Mar. 14	42	Haberman explanation of vote	1415
Mar. 14	42	President signed	1420
Mar. 14	42	Presented to Governor (3/14)	1423
Mar. 18	44	Approved by Governor (3/18)	1506

LEGISLATIVE BILL 563. By Hoagland

Jan. 8	1	Title	50
Jan. 14	5	Placed on General File - Com am #0553	299
Feb. 21	29	Committee amendment #0553 rejected. Vickers amendment #2203 adopted. Advanced for Review	922
Feb. 26	32	Placed on Select File - AM5273	1033
Mar. 24	47	Hoagland-Landis amendment #2674 printed	1642
Apr. 4	54	AM5273 (E & R) adopted. Landis-Hoagland pending amendment #2674 p. 1642 adopted. Advanced for Engrossment	1997
Apr. 7	55	Correctly Engrossed	2032
Apr. 9	57	Vickers name added	2218
Apr. 14	58	Final Reading 46-0-3	2250
Apr. 14	58	President signed	2272
Apr. 14	58	Presented to Governor (4/14)	2283
Apr. 16	60	Approved by Governor (4/16)	2447

LEGISLATIVE BILL 565. By Wesely

Jan. 8 1	Title	50
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 566. By Wesely

Jan. 8 1	Title	50
Jan. 14 5	Indefinitely postponed	282

LEGISLATIVE BILL 567. By Wesely

Jan. 8 1	Title	50
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 571. By R. Johnson

Feb. 8 1	Title	51
Feb. 13 25	Indefinitely postponed	781

LEGISLATIVE BILL 572. By Marsh, Lundy, Hannibal, Vickers, Goll, Warner, Rupp

Jan. 8 1	Title	51
Jan. 23 11	Marsh priority bill	473
Feb. 3 17	Placed on General File - Com am #1919	628
Feb. 6 20	Committee amendment #1919 adopted.	
	Advanced for Review	667
Feb. 11 23	Placed on Select File - AM5243	743
Feb. 13 25	AM5243 (E & R) adopted.	
	Advanced for Engrossment	795
Feb. 19 27	Correctly Engrossed. ER0135 change	880
Mar. 14 42	Wesely amendment #2555 printed	1450
Mar. 17 43	Wesely motion to return to Select File withdrawn. Wesely pending amendment #2555 p. 1450 withdrawn.	
	Final Reading 45-0-4	1459
Mar. 17 43	Speaker signed	1470
Mar. 17 43	Presented to Governor (3/17)	1476
Mar. 18 44	Approved by Governor (3/18)	1506

LEGISLATIVE BILL 572A. By Marsh

Feb. 6 20	Read first time. Placed on General File	684
Feb. 26 32	Advanced for Review	1016
Mar. 6 38	Placed on Select File	1256
Mar. 11 39	Advanced for Engrossment	1309

CHRONOLOGY OF BILLS

2585

Mar. 11	39	Expedited	1310
Mar. 12	40	Correctly Engrossed	1340
Mar. 17	43	Final Reading 45-0-4	1460
Mar. 17	43	Speaker signed	1470
Mar. 17	43	Presented to Governor (3/17)	1476
Mar. 18	44	Approved by Governor (3/18)	1506

LEGISLATIVE BILL 573. By Lynch, DeCamp

Jan. 8	1	Title	51
Feb. 20	28	Lynch amendment #2189 to committee amendment and amendment #1778 printed	895
Feb. 21	29	Committee amendment #0701 p. 1151, First Session, adopted as amended by Lynch pending amendment #2189 p. 895. Lynch pending amendment #1778 p. 895 adopted. Advanced for Review	917
Feb. 26	32	Placed on Select File - AM5265	1025
Mar. 3	35	AM5265 (E & R) adopted. Advanced for Engrossment	1116
Mar. 11	39	Correctly Engrossed	1309
Mar. 14	42	Final Reading 45-0-4	1406
Mar. 14	42	Haberman explanation of vote	1415
Mar. 14	42	President signed	1420
Mar. 14	42	Presented to Governor (3/14)	1423
Mar. 18	44	Approved by Governor (3/18)	1506

LEGISLATIVE BILL 574. By Lynch

Jan. 8	1	Title	51
Feb. 13	25	Indefinitely postponed	781

LEGISLATIVE BILL 575. By Lynch

Jan. 8	1	Title	51
Jan. 17	8	Committee amendment #0417 p. 840, First Session, adopted as amended by Schmit pending amendment #0817 p. 1228, First Session. Advanced for Review	402
Jan. 28	14	Placed on Select File - AM5221	549
Feb. 13	25	AM5221 (E & R) adopted. Advanced for Engrossment	794
Feb. 18	26	Correctly Engrossed	833
Apr. 9	57	Final Reading 43-0-6	2205
Apr. 9	57	President signed	2220

Apr. 14	58	Presented to Governor (4/10)	2222
Apr. 15	59	Approved by Governor (4/14)	2333

LEGISLATIVE BILL 575A. By Lynch

Jan. 24	12	Read first time. Placed on General File	507
Feb. 26	32	Advanced for Review	1016
Mar. 6	38	Placed on Select File	1256
Mar. 11	39	Advanced for Engrossment	1309
Mar. 20	46	Correctly Engrossed	1603
Apr. 9	57	Final Reading 43-0-6	2206
Apr. 9	57	President signed	2220
Apr. 14	58	Presented to Governor (4/10)	2222
Apr. 15	59	Approved by Governor (4/14)	2333

LEGISLATIVE BILL 578. By Lynch

Jan. 8	1	Title	51
Feb. 10	22	Returned to Select File for Lynch amendment. Lynch pending amendment #1264 p. 2028, First Session, adopted. Advanced for Re-Engrossment	718
Feb. 11	23	Correctly Re-Engrossed	745
Feb. 18	26	Attorney General's Opinion #86016 to Abboud ...	809
Apr. 4	54	Hannibal name added	2018
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 578A. By Lynch

Jan. 8	1	Title	52
Apr. 9	57	Hoagland amendment #3019 printed	2218
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 579. By Scofield

Jan. 8	1	Title	52
Feb. 21	29	Placed on General File - Com am #2187	926
Feb. 25	31	Committee amendment #2187 adopted. Advanced for Review	1011
Mar. 6	38	Placed on Select File - AM5332	1254
Mar. 14	42	Scofield amendment #2465 to committee amendment printed	1437
Mar. 24	47	AM5332 (E & R) adopted. Scofield pending amendment #2465 p. 1437 adopted. Advanced for Engrossment	1636

CHRONOLOGY OF BILLS

2587

Mar. 25	48	Scofield amendment #2700 to amendment #2465 printed	1694
Mar. 26	49	Scofield pending amendment #2700 p. 1694 withdrawn. Returned to Select File for Scofield amendment. Scofield amendment #2748 adopted. Advanced for Engrossment	1740
Apr. 3	53	Correctly Engrossed	1914
Apr. 3	53	ER0186 change	1916
Apr. 8	56	Hoagland amendment #2979 printed	2148
Apr. 9	57	Scofield motion to return to Select File withdrawn. Hoagland pending amendment #2979 p. 2148 withdrawn	2164
Apr. 9	57	Final Reading 47-1-1	2165
Apr. 9	57	President signed	2220
Apr. 14	58	Presented to Governor (4/10)	2222
Apr. 15	59	Approved by Governor (4/14)	2333

LEGISLATIVE BILL 579A. By Scofield

Feb. 25	31	Read first time. Placed on General File	1005
Mar. 6	38	Scofield amendment #2249 adopted. Advanced for Review	1213
Mar. 17	43	Placed on Select File - AM5350	1453
Mar. 24	47	AM5350 (E & R) adopted. Advanced for Engrossment	1637
Apr. 3	53	Correctly Engrossed	1914
Apr. 9	57	Final Reading 47-0-2	2166
Apr. 9	57	President signed	2220
Apr. 14	58	Presented to Governor (4/10)	2222
Apr. 15	59	Approved by Governor (4/14)	2333

LEGISLATIVE BILL 581. By Morehead, Lundy, Chronister, Beutler, Carsten

Jan. 8	1	Title	52
Feb. 13	25	Indefinitely postponed	781

LEGISLATIVE BILL 584. By Schmit, Labeledz

Jan. 8	1	Title	52
Jan. 17	8	Committee amendment #0410 p. 843, First Session, withdrawn. Schmit pending amendment #0816 p. 1228, First Session, lost. Passed over	402
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 584A. By Schmit

Jan.	8	1	Title	52
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 586. By Withem

Jan.	8	1	Title	52
Jan.	29	15	Placed on General File - Com am #1877	582
Mar.	3	35	Hefner amendment #2252 printed	1103
Mar.	11	39	Hefner amendment #2444 printed	1303
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 593. By Barrett

Jan.	8	1	Title	53
Jan.	14	5	Marsh pending amendment #0914 p. 1394, First Session, ruled not germane. Marsh pending amendment #1265 p. 2010, First Session, withdrawn. Advanced for Review	283
Jan.	17	8	Placed on Select File - AM5198	377
Jan.	24	12	AM5198 (E & R) adopted. V. Johnson amendment ruled not germane - challenge lost. Chambers amendment #1828 withdrawn. Advanced for Engrossment	509
Feb.	3	17	Correctly Engrossed. ER0125 change	610
Feb.	7	21	DeCamp pending amendments #0696 p. 1112 and #1023 p. 1574, First Session, withdrawn. Final Reading w/E 42-1-6	702
Feb.	7	21	Speaker signed	711
Feb.	10	22	Presented to Governor (2/7)	713
Feb.	11	23	Approved by Governor (2/11)	742

LEGISLATIVE BILL 594. By V. Johnson

Jan.	8	1	Title	53
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 595. By V. Johnson

Jan.	8	1	Title	53
Jan.	17	8	Advanced for Review	380
Jan.	27	13	Placed on Select File	530

CHRONOLOGY OF BILLS

2589

Jan.	29	15	Advanced for Engrossment	575
Feb.	5	19	Correctly Engrossed	661
Feb.	10	22	Final Reading w/E 43-0-6	715
Feb.	10	22	Speaker signed	724
Feb.	10	22	Presented to Governor (2/10)	725
Feb.	12	24	Approved by Governor (2/12)	762

LEGISLATIVE BILL 596. By Sieck

Jan.	8	1	Title	53
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 599. By Lamb

Jan.	8	1	Title	53
Jan.	14	5	Committee amendment #0982 p. 1902, First Session, adopted. Advanced for Review	283
Jan.	17	8	Placed on Select File	377
Jan.	21	9	Warner-Beutler-Lamb-Marsh amendment #1776 printed	424
Jan.	28	14	Warner et al pending amendment #1776 p. 424 adopted. Hannibal-Warner amendment #1766 (printed separate) adopted. Advanced for Engrossment	545
Feb.	5	19	Correctly Engrossed. ER0119 change	661
Feb.	10	22	Final Reading w/E 43-0-6	716
Feb.	10	22	Speaker signed	724
Feb.	10	22	Presented to Governor (2/10)	725
Feb.	12	24	Approved by Governor (2/12)	762

LEGISLATIVE BILL 600. By Judiciary Committee

Jan.	8	1	Title	54
Apr.	4	54	Hoagland amendment #2569 printed separate	2017
Apr.	7	55	AM5179 (E & R), First Session, adopted. Higgins pending amendment #1550 p. 2541, First Session, Hoagland pending amendments #1565 p. 2553 and #1612 p. 2591, First Session, withdrawn. Hoagland pending amendment #2569 p. 2017 adopted. Abboud amendment #2426 lost. Advanced for Engrossment	2081
Apr.	14	58	Correctly Engrossed. ER0238 change	2223
Apr.	16	60	Nichol motion to suspend rules prevailed	2410

Apr. 16 60	Final Reading 47-1-1	2422
Apr. 16 60	President signed	2424
Apr. 16 60	Presented to Governor (4/16)	2431
Apr. 24 AJ	Approved by Governor (4/17)	2473

LEGISLATIVE BILL 600A. By Hoagland

Jan. 8 1	Title	54
Apr. 7 55	Hoagland pending amendment #1599 p. 2553, First Session, withdrawn. Bracketed	2086
Apr. 8 56	Chambers amendment #2987 printed	2143
Apr. 8 56	Chambers and Haberman names added. Hoagland name withdrawn	2153
Apr. 9 57	Unbracketed. Chambers motion to suspend rules prevailed. Chambers pending amendment #2987 p. 2143 adopted as amended by Hoagland amendment #2999 and Wesely-Hoagland amendment. Advanced for Engrossment	2179
Apr. 14 58	Correctly Engrossed	2223
Apr. 14 58	ER0256 change	2224
Apr. 16 60	Nichol motion to suspend rules prevailed	2410
Apr. 16 60	Warner motion to return to Select File pending	2423
Apr. 16 60	Warner pending motion p. 2423 lost. Final Reading 25-22-2	2424
Apr. 16 60	President signed	2431
Apr. 16 60	Presented to Governor (4/16)	2432
Apr. 24 AJ	Returned by Governor without approval (4/18). Message from Secretary of State	2511
Apr. 24 AJ	Certificate from Secretary of State	2512

LEGISLATIVE BILL 601. By DeCamp, Pappas

Jan. 8 1	Title	54
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 603. By Schmit, Labedz, Beyer, Pappas, DeCamp, Higgins, Haberman

Jan. 8 1	Title	54
Feb. 21 29	Committee amendment #0713 p. 1172, First Session, adopted. Advanced for Review	917
Feb. 26 32	Placed on Select File - AM5269	1025
Mar. 12 40	AM5269 (E & R) adopted.	

CHRONOLOGY OF BILLS

2591

		Advanced for Engrossment	1334
Mar. 13	41	Schmit motion to bracket until 4/5/86 prevalled	1363
Mar. 25	48	Schmit amendment #2673 printed	1669
Mar. 26	49	DeCamp amendment #2668 printed separate and amendment #2669 printed	1719
Mar. 27	50	Unbracketed	1775
Apr. 3	53	Correctly Engrossed	1934
Apr. 3	53	R. Johnson amendment #2864 printed	1941
Apr. 9	57	Schmit pending amendment #2673 p. 1669 withdrawn. R. Johnson motion to return to Select File for pending amendment #2864 lost. R. Johnson request to bracket - Chambers objected. R. Johnson motion to bracket until 4/14 withdrawn	2166
Apr. 9	57	Returned to Select File for DeCamp amendment. DeCamp amendment #3024 (printed separate) adopted. Advanced for Re-Engrossment	2168
Apr. 9	57	Returned to Select File for V. Johnson amendment. V. Johnson amendment adopted. Advanced for Re-Engrossment. DeCamp pending motion to return to Select File for amendment #2668 p. 1719 pending	2169
Apr. 14	58	Correctly Re-Engrossed. ER0257 change	2249
Apr. 16	60	Nichol motion to suspend rules prevailed	2410
Apr. 16	60	Final Reading 26-18-5	2445
Apr. 16	60	President signed	2449
Apr. 16	60	Presented to Governor (4/16)	2459
Apr. 24	AJ	Returned by Governor without approval (4/20) .	2483
Apr. 24	AJ	Message and Certificate from Secretary of State	2506

LEGISLATIVE BILL 604. By DeCamp

Jan. 8	1	Title	55
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 604A. By DeCamp

Jan. 8	1	Title	55
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 607. By Education Committee

Jan. 8	1	Title	55
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Jan. 29 15 Indefinitely postponed 575

LEGISLATIVE BILL 610. By Schmit

Jan. 8 1 Title 55
 Feb. 27 33 Indefinitely postponed 1067

LEGISLATIVE BILL 613. By Schmit

Jan. 8 1 Title 55
 Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 617. By Schmit

Jan. 8 1 Title 56
 Feb. 3 17 Indefinitely postponed 627

LEGISLATIVE BILL 621. By Goodrich

Jan. 8 1 Title 56
 Jan. 17 8 Advanced for Review 380
 Jan. 17 8 Goodrich amendment #1780 printed 397
 Jan. 24 12 Goodrich amendment #1816 (1) printed 496
 Jan. 24 12 Goodrich amendment #1817 (2) to
 amendment #1816 printed 498
 Jan. 27 13 Placed on Select File - AM5211 530
 Jan. 29 15 AM5211 (E & R) adopted. Goodrich pending
 amendment #1780 p. 397 withdrawn.
 Goodrich pending amendments #1817 (2)
 p. 498 and #1816 (1) p. 496 adopted.
 Advanced for Engrossment 577
 Feb. 5 19 Correctly Engrossed 661
 Feb. 5 19 ER0122 change 663
 Feb. 10 22 Final Reading 44-0-5 717
 Feb. 10 22 Speaker signed 724
 Feb. 10 22 Presented to Governor (2/10) 725
 Feb. 12 24 Approved by Governor (2/12) 762

LEGISLATIVE BILL 623. By Chronister

Jan. 8 1 Title 56
 Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 626. By Judiciary Committee

CHRONOLOGY OF BILLS

2593

Jan.	8	1	Title	56
Jan.	17	8	Committee amendment #0254 p. 720, First Session, adopted. Advanced for Review	381
Jan.	27	13	Placed on Select File - AM5212	531
Feb.	3	17	AM5212 (E & R) adopted. Hoagland-Beyer amendment #1789 adopted. Chambers amendment lost. Haberman amendment pending	622
Feb.	3	17	Haberman pending amendment p. 623 lost	630
Feb.	5	19	Haberman motion to indefinitely postpone withdrawn. Chambers amendment lost	643
Feb.	5	19	Chambers amendments lost. Haberman amendment lost. Failed to advance for Engrossment	648
Feb.	18	26	Attorney General's Opinion #86015 to Nichol	807
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 631. By Hoagland

Jan.	8	1	Title	56
Jan.	17	8	Committee amendment #0321 p. 720, First Session, adopted. Passed over	393
Jan.	21	9	Hoagland amendment #1796 to committee amendment printed	433
Jan.	28	14	Hoagland pending amendment #1796 p. 433 adopted. Advanced for Review	552
Feb.	5	19	Placed on Select File - AM5231	637
Feb.	18	26	Hoagland amendment #2143 printed	844
Mar.	3	35	Hoagland-Chizek-Pirsch amendment #2319 printed	1125
Mar.	12	40	Hoagland-Chambers amendment #2487 printed	1324
Mar.	12	40	Haberman amendments (1), (2) and (3) printed	1334
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 631A. By Hoagland

Jan.	8	1	Title	57
Jan.	28	14	Hoagland amendment #1719 adopted. Higgins motion to indefinitely postpone withdrawn. Advanced for Review	552
Feb.	5	19	Placed on Select File - AM5232	639
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 632. By Goodrich, V. Johnson, Chambers

Jan.	8	1	Title	57
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 632A. By V. Johnson

Jan.	8	1	Title	57
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 635. By Landis

Jan.	8	1	Title	57
Feb.	21	29	Committee amendment #0791, p. 1242, First Session, adopted. Advanced for Review	918
Feb.	21	29	Warner explanation of vote	927
Feb.	26	32	Placed on Select File - AM5268	1027
Mar.	3	35	Landis amendment printed	1120
Mar.	5	37	Landis amendment #2380 printed	1178
Apr.	4	54	AM5268 (E & R) adopted. Landis pending amendment p. 1120 withdrawn. Landis pending amendment #2380 p. 1178 adopted. Advanced for Engrossment	1993
Apr.	7	55	Correctly Engrossed	2075
Apr.	7	55	ER0207 change	2076
Apr.	14	58	Final Reading w/E 44-0-5	2251
Apr.	14	58	President signed	2272
Apr.	14	58	Presented to Governor (4/14)	2283
Apr.	24	AJ	Returned by Governor without approval (4/18) .	2480
Apr.	24	AJ	Message from Secretary of State	2502
Apr.	24	AJ	Certificate from Secretary of State	2503

LEGISLATIVE BILL 636. By Education Committee

Jan.	8	1	Title	57
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 638. By Eret

Jan.	8	1	Title	57
Jan.	22	10	Attorney General's Opinion #86007 to Eret	436
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 639. By Conway, Landis, Scofield

CHRONOLOGY OF BILLS

2595

Jan.	8	1	Title	58
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 640. By Hartnett, Withem

Jan.	8	1	Title	58
Jan.	17	8	Committee amendment #0408 p. 843, First Session, adopted. Advanced for Review	406
Jan.	21	9	Correction	410
Jan.	28	14	Placed on Select File - AM5223	553
Feb.	13	25	AM5223 (E & R) adopted. Advanced for Engrossment	794
Feb.	18	26	Correctly Engrossed	833
Feb.	25	31	Final Reading w/E 46-0-3	978
Feb.	25	31	Speaker signed	984
Feb.	25	31	Presented to Governor (2/25)	1000
Mar.	3	35	Approved by Governor (2/28)	1102

LEGISLATIVE BILL 641. By Vickers

Jan.	8	1	Title	58
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 642. By Scofield

Jan.	8	1	Title	58
Feb.	21	29	Committee amendment #0822 p. 1248, First Session, adopted. Advanced for Review	920
Feb.	26	32	Placed on Select File - AM5255	1029
Mar.	3	35	AM5255 (E & R) adopted. Advanced for Engrossment	1116
Mar.	12	40	Correctly Engrossed. ER0151 change	1346
Mar.	17	43	Final Reading 44-0-5	1460
Mar.	17	43	Speaker signed	1470
Mar.	17	43	Presented to Governor (3/17)	1476
Mar.	18	44	Approved by Governor (3/18)	1506

LEGISLATIVE BILL 643. By Pappas, L. Johnson

Jan.	8	1	Title	58
Jan.	9	2	Withem amendment #1683 printed	158
Jan.	15	6	Committee amendment #0735 p. 1173, First Session, adopted as amended by Pappas amendment #1733. Advanced for Review	311
Jan.	23	11	Placed on Select File - AM5205	472

Jan.	24	12	Withem amendment #1853 to AM5205 printed	502
Jan.	28	14	AM5205 (E & R) adopted. Withem pending amendment #1853 p. 502 lost. Withem pending amendment #1683 p. 158 withdrawn. Pappas amendment #1837 adopted. Advanced for Engrossment	543
Feb.	4	18	Correctly Engrossed	631
Feb.	4	18	ER0126 change	632
Feb.	7	21	Final Reading 36-8-5	705
Feb.	7	21	Speaker signed	711
Feb.	10	22	Presented to Governor (2/7)	713
Feb.	11	23	Approved by Governor (2/11)	742

LEGISLATIVE BILL 643A. By Pappas

Jan.	8	1	Title	59
Jan.	15	6	Advanced for Review	315
Jan.	23	11	Placed on Select File - AM5206	472
Jan.	28	14	AM5206 (E & R) adopted. Advanced for Engrossment	544
Feb.	4	18	Correctly Engrossed	631
Feb.	7	21	Final Reading 34-8-7	705
Feb.	7	21	Speaker signed	711
Feb.	10	22	Presented to Governor (2/7)	713
Feb.	11	23	Approved by Governor (2/11)	742

LEGISLATIVE BILL 644. By Nelson, Labedz, Hall

Jan.	8	1	Title	59
Jan.	14	5	Committee amendment #0533 p. 938, First Session, adopted. Advanced for Review	293
Jan.	21	9	Placed on Select File - AM5200	414
Jan.	28	14	AM5200 (E & R) adopted. Advanced for Engrossment	542
Feb.	3	17	Correctly Engrossed	610
Feb.	7	21	Final Reading 44-0-5	703
Feb.	7	21	Speaker signed	711
Feb.	10	22	Presented to Governor (2/7)	713
Feb.	11	23	Approved by Governor (2/11)	742

LEGISLATIVE BILL 645. By L. Johnson, Goodrich

Jan.	8	1	Title	59
Jan.	21	9	Advanced for Review	421
Jan.	29	15	Placed on Select File	556

CHRONOLOGY OF BILLS

2597

Feb. 13	25	Advanced for Engrossment	794
Feb. 18	26	Correctly Engrossed	833
Feb. 25	31	Failed on Final Reading 22-20-7	979

LEGISLATIVE BILL 645A. By L. Johnson, Goodrich

Jan. 8	1	Title	59
Jan. 21	9	Advanced for Review	422
Jan. 29	15	Placed on Select File - AM5226	556
Feb. 13	25	AM5226 (E & R) adopted. Advanced for Engrossment	795
Feb. 18	26	Correctly Engrossed	833
Apr. 7	55	Beyer amendment printed	2090
Apr. 8	56	Appropriations Committee amendment #2950 printed	2117
Apr. 14	58	Beyer pending amendment p. 2090 withdrawn. Returned to Select File for Appropriations Committee amendment. Appropriations Committee pending amendment #2950 p. 2117 adopted. Advanced for Re-Engrossment. Returned to Select File for Beyer amendment. Beyer amendment #2992 adopted. Advanced for Re-Engrossment	2319
Apr. 14	58	Correctly Re-Engrossed	2328
Apr. 14	58	ER0262 change	2329
Apr. 16	60	Nichol motion to suspend rules prevailed	2410
Apr. 16	60	Final Reading w/E 43-2-4	2425
Apr. 16	60	President signed	2431
Apr. 16	60	Presented to Governor (4/16)	2432
Apr. 24	AJ	Approved by Governor (4/19)	2475

LEGISLATIVE BILL 647. By Higgins, Morehead, Labedz, Carsten, Chronister, Lundy

Jan. 8	1	Title	59
Jan. 17	8	Higgins motion to withdraw laid over	383
Jan. 21	9	Higgins pending motion p. 383 prevailed. Withdrawn	420

LEGISLATIVE BILL 650. By Haberman

Jan. 8	1	Title	59
Jan. 29	15	Indefinitely postponed	575

LEGISLATIVE BILL 654. By Public Health and Welfare Committee

Jan.	8	1	Title	60
Mar.	6	38	Labeledz-Higgins-Pappas request to place on Consent Calendar printed	1258
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 654A. By Wesely

Jan.	8	1	Title	60
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 655. By Wesely

Jan.	8	1	Title	60
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 657. By Conway

Jan.	8	1	Title	60
Feb.	18	26	Indefinitely postponed	825

LEGISLATIVE BILL 661. By Vickers

Jan.	8	1	Title	60
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 663. By Labeledz, Higgins, Schmit, Nelson, L. Johnson, Hefner, Smith, Hall, Lynch, Pirsch, Remmers, Sieck, Rogers, Beyer, Hartnett, Peterson, Chronister, Rupp, Chizek, Carsten, Barrett, Lamb, Goodrich, Conway, Pappas

Jan.	8	1	Title	60
Jan.	21	9	Labeledz amendment #1762 printed	418
Jan.	22	10	Hall amendment #1779 printed	462
Jan.	24	12	Hall pending amendment #1779 p. 462 and Labeledz pending amendment #1762 p. 418 adopted. Marsh amendment #1809 ruled germane and lost. Advanced for Engrossment	488
Jan.	24	12	Smith name withdrawn	509
Jan.	24	12	Nelson name withdrawn	519
Feb.	3	17	Correctly Engrossed. ER0117 change	610
Feb.	6	20	Correctly Engrossed (corrected report)	666
Feb.	6	20	ER0130 change (corrected)	667

CHRONOLOGY OF BILLS

2599

Feb. 19 27	Final Reading 36-6-7	858
Feb. 19 27	President signed	868
Feb. 19 27	Presented to Governor (2/19)	883
Feb. 21 29	Approved by Governor (2/21)	913

LEGISLATIVE BILL 664. By Abboud, Hoagland

Jan. 8 1	Title	61
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 667. By Higgins, Eret, Labedz, Chambers

Jan. 8 1	Title	61
Jan. 21 9	Higgins amendments #1774 (1), #1785 (2), and #1784 (3) to committee amendment printed	419
Jan. 22 10	Higgins pending amendments #1618 p. 2721, First Session, #1785 (2), and #1784 (3) p. 419 lost. Higgins pending amendment #1774 (1) p. 419 adopted. Failed to advance for Engrossment	447
Feb. 5 19	Failed to advance for Engrossment. Stands indefinitely postponed	642

LEGISLATIVE BILL 667A. By Higgins

Jan. 8 1	Title	61
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 669. By Pirsch

Jan. 8 1	Title	61
Jan. 22 10	Indefinitely postponed	462

LEGISLATIVE BILL 670. By Barrett

Jan. 8 1	Title	61
Jan. 29 15	Indefinitely postponed	575

LEGISLATIVE BILL 671. By Chambers

Jan. 8 1	Title	62
Jan. 30 16	Chambers motion to withdraw laid over	595
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 674. By Wesely

Jan.	8	1	Title	62
Feb.	21	29	Committee amendment #0840 p. 1268, First Session, adopted. Advanced for Review	920
Feb.	26	32	Placed on Select File	1029
Mar.	3	35	Advanced for Engrossment	1116
Mar.	12	40	Correctly Engrossed	1346
Mar.	17	43	Final Reading 45-0-4	1461
Mar.	17	43	Speaker signed	1470
Mar.	17	43	Presented to Governor (3/17)	1476
Mar.	18	44	Approved by Governor (3/18)	1506

LEGISLATIVE BILL 675. By Wesely

Jan.	8	1	Title	62
Feb.	12	24	Placed on General File	766
Feb.	21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb.	21	29	Advanced for Review pursuant to Chambers motion	939
Mar.	4	36	Placed on Select File - AM5315	1149
Mar.	5	37	AM5315 (E & R) adopted. Advanced for Engrossment	1194
Mar.	14	42	Correctly Engrossed	1444
Mar.	19	45	Final Reading 44-0-5	1519
Mar.	19	45	Speaker signed	1537
Mar.	19	45	Presented to Governor (3/19)	1544
Mar.	24	47	Approved by Governor (3/24)	1644

LEGISLATIVE BILL 676. By Marsh

Jan.	8	1	Title	62
Feb.	13	25	Indefinitely postponed	781

LEGISLATIVE BILL 681. By V. Johnson, Vickers

Jan.	8	1	Title	62
Jan.	22	10	Indefinitely postponed	462
Jan.	23	11	V. Johnson motion to place on General File laid over	484
Jan.	30	16	V. Johnson pending motion p. 484 to place on General File lost	589

LEGISLATIVE BILL 685. By DeCamp

CHRONOLOGY OF BILLS

2601

Jan. 8 1	Title	62
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 686. By DeCamp

Jan. 8 1	Title	63
Jan. 22 10	Indefinitely postponed	462

LEGISLATIVE BILL 691. By DeCamp

Jan. 8 1	Title	63
Jan. 21 9	Bracketed until 4/15/86	426
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 695. By Pappas

Jan. 8 1	Title	63
Jan. 29 15	Indefinitely postponed	576

LEGISLATIVE BILL 701. By Pappas

Jan. 8 1	Title	63
Jan. 9 2	Withem amendment #1682 printed	159
Jan. 24 12	Placed on General File - Com am #1682	492
Feb. 25 31	Committee amendment #1682 adopted. Withem pending amendment #1682 withdrawn. Advanced for Review	990
Mar. 6 38	Placed on Select File - AM5325	1219
Mar. 24 47	AM5325 (E & R) adopted. Advanced for Engrossment	1632
Apr. 1 51	Correctly Engrossed	1841
Apr. 7 55	Final Reading 45-0-4	2047
Apr. 7 55	Speaker signed	2069
Apr. 7 55	Presented to Governor (4/7)	2080
Apr. 14 58	Approved by Governor (4/10)	2229

LEGISLATIVE BILL 706. By Pappas

Jan. 8 1	Title	63
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 710. By Lamb, Eret

Jan. 8 1	Title	63
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Jan. 29 15 Indefinitely postponed 576

LEGISLATIVE BILL 712. By V. Johnson

Jan. 8 1 Title 64
 Jan. 21 9 Bracketed until 4/1/86 424
 Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 714. By Education Committee

Jan. 8 1 Title 64
 Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 716. By Judiciary Committee

Jan. 8 1 Title 64
 Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 719. By Business and Labor Committee

Jan. 8 1 Title 65
 Jan. 27 13 Indefinitely postponed 522

LEGISLATIVE BILL 720. By Warner

Jan. 8 1 Title 65
 Feb. 28 34 Indefinitely postponed 1071

LEGISLATIVE BILL 729. By Executive Board

Jan. 8 1 Read first time 112
 Jan. 9 2 Placed on General File 169
 Jan. 13 4 Advanced for Review 259
 Jan. 14 5 Placed on Select File 286
 Jan. 15 6 Advanced for Engrossment 311
 Jan. 21 9 Correctly Engrossed 417
 Jan. 29 15 Final Reading 38-0-11 559
 Jan. 29 15 Speaker signed 572
 Jan. 29 15 Presented to Governor (1/29) 576
 Jan. 30 16 Approved by Governor (1/29) 587

LEGISLATIVE BILL 730. By Executive Board

Jan. 8 1 Read first time 112

CHRONOLOGY OF BILLS

2603

Jan.	9	2	Placed on General File	169
Jan.	13	4	Advanced for Review	259
Jan.	14	5	Placed on Select File	286
Jan.	15	6	Advanced for Engrossment	311
Jan.	21	9	Correctly Engrossed	417
Jan.	29	15	Final Reading 39-0-10	560
Jan.	29	15	Speaker signed	572
Jan.	29	15	Presented to Governor (1/29)	576
Jan.	30	16	Approved by Governor (1/29)	587

LEGISLATIVE BILL 731. By Executive Board

Jan.	8	1	Read first time	112
Jan.	9	2	Placed on General File	169
Jan.	13	4	Advanced for Review	259
Jan.	14	5	Placed on Select File	286
Jan.	15	6	Advanced for Engrossment	311
Jan.	21	9	Correctly Engrossed	417
Jan.	29	15	Final Reading 47-0-2	561
Jan.	29	15	Speaker signed	572
Jan.	29	15	Presented to Governor (1/29)	576
Jan.	30	16	Approved by Governor (1/29)	587

LEGISLATIVE BILL 732. By Executive Board

Jan.	8	1	Read first time	113
Jan.	9	2	Placed on General File	170
Jan.	13	4	Advanced for Review	259
Jan.	14	5	Placed on Select File	286
Jan.	15	6	Advanced for Engrossment	311
Jan.	21	9	Correctly Engrossed	417
Jan.	29	15	Final Reading 47-0-2	562
Jan.	29	15	Speaker signed	572
Jan.	29	15	Presented to Governor (1/29)	576
Jan.	30	16	Approved by Governor (1/29)	587

LEGISLATIVE BILL 733. By Executive Board

Jan.	8	1	Read first time	113
Jan.	9	2	Placed on General File	170
Jan.	13	4	Advanced for Review	259
Jan.	14	5	Placed on Select File - AM5188	286
Jan.	15	6	AM5188 (E & R) adopted.	
			Advanced for Engrossment	311
Jan.	21	9	Correctly Engrossed	417

Jan.	29	15	Final Reading 47-0-2	562
Jan.	29	15	Speaker signed	572
Jan.	29	15	Presented to Governor (1/29)	576
Jan.	30	16	Approved by Governor (1/29)	587

LEGISLATIVE BILL 734. By Executive Board

Jan.	8	1	Read first time	113
Jan.	9	2	Placed on General File	170
Jan.	13	4	Advanced for Review	259
Jan.	15	6	Placed on Select File - AM5190	309
Jan.	16	7	AM5190 (E & R) adopted. Advanced for Engrossment	338
Jan.	23	11	Correctly Engrossed	469
Jan.	29	15	Final Reading 47-0-2	563
Jan.	29	15	Speaker signed	572
Jan.	29	15	Presented to Governor (1/29)	576
Jan.	30	16	Approved by Governor (1/29)	587

LEGISLATIVE BILL 735. By Executive Board

Jan.	8	1	Read first time	113
Jan.	9	2	Placed on General File	170
Jan.	13	4	Advanced for Review	259
Jan.	15	6	Placed on Select File	309
Jan.	16	7	Advanced for Engrossment	338
Jan.	23	11	Correctly Engrossed	469
Jan.	29	15	Final Reading 47-0-2	564
Jan.	29	15	Speaker signed	572
Jan.	29	15	Presented to Governor (1/29)	576
Jan.	30	16	Approved by Governor (1/29)	587

LEGISLATIVE BILL 736. By Executive Board

Jan.	8	1	Read first time	113
Jan.	9	2	Placed on General File	170
Jan.	13	4	Advanced for Review	259
Jan.	15	6	Placed on Select File - AM5191	310
Jan.	16	7	AM5191 (E & R) adopted. Advanced for Engrossment	338
Jan.	23	11	Correctly Engrossed	469
Jan.	29	15	Final Reading 45-0-4	565
Jan.	29	15	Speaker signed	572
Jan.	29	15	Presented to Governor (1/29)	576
Jan.	30	16	Approved by Governor (1/29)	587

LEGISLATIVE BILL 737. By Executive Board

Jan.	8	1	Read first time	113
Jan.	9	2	Placed on General File	170
Jan.	13	4	Advanced for Review	259
Jan.	15	6	Placed on Select File	310
Jan.	16	7	Advanced for Engrossment	338
Jan.	23	11	Correctly Engrossed	469
Jan.	29	15	Final Reading 45-0-4	565
Jan.	29	15	Speaker signed	572
Jan.	29	15	Presented to Governor (1/29)	576
Jan.	30	16	Approved by Governor (1/29)	587

LEGISLATIVE BILL 738. By Executive Board

Jan.	8	1	Read first time	114
Jan.	9	2	Placed on General File	170
Jan.	13	4	Advanced for Review	260
Jan.	15	6	Placed on Select File	310
Jan.	16	7	Advanced for Engrossment	338
Jan.	23	11	Correctly Engrossed	469
Jan.	29	15	Final Reading 46-0-3	566
Jan.	29	15	Speaker signed	572
Jan.	29	15	Presented to Governor (1/29)	576
Jan.	30	16	Approved by Governor (1/29)	587

LEGISLATIVE BILL 739. By Executive Board

Jan.	8	1	Read first time	114
Jan.	9	2	Placed on General File	170
Jan.	13	4	Advanced for Review	260
Jan.	15	6	Placed on Select File	310
Jan.	16	7	Advanced for Engrossment	338
Jan.	23	11	Correctly Engrossed	469
Jan.	29	15	Final Reading 46-0-3	567
Jan.	29	15	Speaker signed	572
Jan.	29	15	Presented to Governor (1/29)	576
Jan.	30	16	Approved by Governor (1/29)	587

LEGISLATIVE BILL 740. By Executive Board

Jan.	8	1	Read first time	114
Jan.	9	2	Placed on General File	170
Jan.	16	7	Vickers amendment #1759 printed	346

Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 741. By Executive Board

Jan.	8	1	Read first time	114
Jan.	9	2	Placed on General File	170
Jan.	13	4	Advanced for Review	260
Jan.	15	6	Placed on Select File	310
Jan.	16	7	Advanced for Engrossment	338
Jan.	23	11	Correctly Engrossed	469
Jan.	29	15	Final Reading 46-0-3	568
Jan.	29	15	Speaker signed	572
Jan.	29	15	Presented to Governor (1/29)	576
Jan.	30	16	Approved by Governor (1/29)	587

LEGISLATIVE BILL 742. By Executive Board

Jan.	8	1	Read first time	114
Jan.	9	2	Placed on General File	170
Jan.	13	4	Advanced for Review	260
Jan.	15	6	Placed on Select File	310
Jan.	16	7	Advanced for Engrossment	338
Jan.	23	11	Correctly Engrossed	469
Jan.	29	15	Final Reading 46-0-3	569
Jan.	29	15	Speaker signed	572
Jan.	29	15	Presented to Governor	576
Jan.	30	16	Approved by Governor (1/29)	587

LEGISLATIVE BILL 743. By Executive Board

Jan.	8	1	Read first time	115
Jan.	9	2	Placed on General File	170
Jan.	13	4	Advanced for Review	260
Jan.	15	6	Placed on Select File	310
Jan.	16	7	Advanced for Engrossment	338
Jan.	23	11	Correctly Engrossed	469
Jan.	29	15	Final Reading 45-0-4	569
Jan.	29	15	Speaker signed	572
Jan.	29	15	Presented to Governor (1/29)	576
Jan.	30	16	Approved by Governor (1/29)	587

LEGISLATIVE BILL 744. By Executive Board

Jan.	8	1	Read first time	115
Jan.	9	2	Placed on General File	170

CHRONOLOGY OF BILLS

2607

Jan.	13	4	Advanced for Review	260
Jan.	15	6	Placed on Select File	310
Jan.	16	7	Advanced for Engrossment	338
Jan.	23	11	Correctly Engrossed	469
Jan.	29	15	Final Reading 46-0-3	570
Jan.	29	15	Speaker signed	572
Jan.	29	15	Presented to Governor (1/29)	576
Jan.	30	16	Approved by Governor (1/29)	587

LEGISLATIVE BILL 745. By Executive Board

Jan.	8	1	Read first time	115
Jan.	9	2	Placed on General File	170
Jan.	13	4	Advanced for Review	260
Jan.	15	6	Placed on Select File	328
Jan.	16	7	Advanced for Engrossment	338
Jan.	23	11	Correctly Engrossed	469
Jan.	29	15	Final Reading 46-0-3	571
Jan.	29	15	Speaker signed	572
Jan.	29	15	Presented to Governor (1/29)	576
Jan.	30	16	Approved by Governor (1/29)	587

LEGISLATIVE BILL 746. By Executive Board

Jan.	8	1	Read first time	115
Jan.	9	2	Placed on General File	170
Jan.	13	4	Advanced for Review	260
Jan.	15	6	Placed on Select File	328
Jan.	16	7	Advanced for Engrossment	338
Jan.	24	12	Correctly Engrossed	587
Feb.	7	21	Final Reading 34-0-15	690
Feb.	7	21	Speaker signed	711
Feb.	10	22	Presented to Governor (2/7)	713
Feb.	11	23	Approved by Governor (2/11)	742

LEGISLATIVE BILL 747. By Executive Board

Jan.	8	1	Read first time	115
Jan.	9	2	Placed on General File	170
Jan.	13	4	Advanced for Review	260
Jan.	15	6	Placed on Select File	329
Jan.	16	7	Advanced for Engrossment	338
Jan.	24	12	Correctly Engrossed	487
Feb.	7	21	Final Reading 36-0-13	691
Feb.	7	21	Speaker signed	711

Feb. 10	22	Presented to Governor (2/7)	713
Feb. 11	23	Approved by Governor (2/11)	742

LEGISLATIVE BILL 748. By Executive Board

Jan. 8	1	Read first time	116
Jan. 9	2	Placed on General File	170
Jan. 13	4	Advanced for Review	261
Jan. 15	6	Placed on Select File	329
Jan. 16	7	Advanced for Engrossment	338
Jan. 24	12	Correctly Engrossed	487
Feb. 7	21	Final Reading 38-0-11	692
Feb. 7	21	Speaker signed	711
Feb. 10	22	Presented to Governor (2/7)	713
Feb. 11	23	Approved by Governor (2/11)	742

LEGISLATIVE BILL 749. By Executive Board

Jan. 8	1	Read first time	116
Jan. 9	2	Placed on General File	170
Jan. 13	4	Advanced for Review	261
Jan. 15	6	Placed on Select File	329
Jan. 16	7	Advanced for Engrossment	338
Jan. 24	12	Correctly Engrossed	487
Feb. 7	21	Final Reading 37-0-12	693
Feb. 7	21	Speaker signed	711
Feb. 10	22	Presented to Governor (2/7)	713
Feb. 11	23	Approved by Governor (2/11)	742

LEGISLATIVE BILL 750. By Executive Board

Jan. 8	1	Read first time	116
Jan. 9	2	Placed on General File	170
Jan. 13	4	Advanced for Review	261
Jan. 15	6	Placed on Select File - AM5193	329
Jan. 16	7	AM5193 (E & R) adopted.	
		Advanced for Engrossment	338
Jan. 24	12	Correctly Engrossed. ER0113 change	487
Feb. 7	21	Final Reading 40-0-9	693
Feb. 7	21	Speaker signed	711
Feb. 10	22	Presented to Governor (2/7)	713
Feb. 11	23	Approved by Governor (2/11)	742

LEGISLATIVE BILL 751. By Withem

CHRONOLOGY OF BILLS

2609

Jan.	8	1	Read first time	116
Jan.	8	2	Referred to Committee on Education	170
Jan.	27	13	Notice of hearing (2/10)	528
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 752. By Withem

Jan.	8	1	Read first time	116
Jan.	9	2	Referred to Committee on Appropriations	170
Jan.	24	12	Notice of hearing (2/27)	504
Mar.	18	44	Indefinitely postponed	1514

LEGISLATIVE BILL 753. By Lamb

Jan.	8	1	Read first time	116
Jan.	9	2	Referred to Committee on Revenue	170
Jan.	14	5	Notice of hearing (1/21)	298
Jan.	23	11	Placed on General File	479
Jan.	30	16	Advanced for Review	593
Jan.	30	16	Lamb amendment #1902 printed	604
Feb.	5	19	Placed on Select File	656
Feb.	18	26	Lamb amendment printed	843
Feb.	25	31	Hefner amendment #2234 printed	989
Mar.	12	40	Lamb pending amendments #1902 p. 604 and p. 843 withdrawn. Hefner pending amendment #2234 p. 989 adopted. Advanced for Engrossment. Expedited	1332
Mar.	13	41	Correction	1355
Mar.	13	41	Correctly Engrossed	1361
Mar.	18	44	Final Reading w/E 43-0-6	1485
Mar.	18	44	Speaker signed	1493
Mar.	18	44	Presented to Governor (3/18)	1496
Mar.	18	44	Morehead explanation of vote	1497
Mar.	18	44	Approved by Governor (3/18)	1505

LEGISLATIVE BILL 754. By Morehead, Landis, DeCamp

Jan.	8	1	Read first time	117
Jan.	9	2	DeCamp name withdrawn	213
Jan.	10	3	Referred to Committee on Public Health and Welfare	215
Jan.	15	6	Marsh name added	325
Jan.	27	13	Notice of hearing (2/4)	527
Mar.	11	39	Indefinitely postponed	1290

LEGISLATIVE BILL 755. By Nichol

Jan.	8	1	Read first time	117
Jan.	9	2	Referred to Committee on Judiciary	170
Jan.	27	13	Notice of hearing (2/3)	526
Feb.	20	28	Nichol priority bill	887
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 756. By Nichol

Jan.	8	1	Read first time	117
Jan.	9	2	Referred to Committee on Miscellaneous Subjects	170
Jan.	27	13	Notice of hearing (2/6)	527
Feb.	10	22	Placed on General File	720
Feb.	21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb.	21	29	Advanced for Review pursuant to Chambers motion	938
Mar.	4	36	Placed on Select File - AM5304	1133
Mar.	5	37	AM5304 (E & R) adopted. Advanced for Engrossment	1193
Mar.	14	42	Correctly Engrossed	1423
Mar.	19	45	Final Reading 46-0-3	1519
Mar.	19	45	Speaker signed	1537
Mar.	19	45	Presented to Governor (3/19)	1544
Mar.	24	47	Approved by Governor (3/24)	1644

LEGISLATIVE BILL 757. By Goll

Jan.	8	1	Read first time	117
Jan.	9	2	Referred to Committee on Education	170
Jan.	27	13	Notice of hearing (2/10)	528
Feb.	13	25	Placed on General File	797
Feb.	21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb.	21	29	Advanced for Review pursuant to Chambers motion	940
Mar.	4	36	Placed on Select File	1151
Mar.	5	37	Advanced for Engrossment	1194
Mar.	14	42	Correctly Engrossed	1444
Apr.	2	52	Landis amendment #2820 printed	1870
Apr.	7	55	Landis motion to return to Select File withdrawn. Landis pending amendment #2820 p. 1870 withdrawn. Returned to	

CHRONOLOGY OF BILLS

2611

		Select File for Warner amendment.	
		Warner amendment #2947 adopted.	
		Advanced for Re-Engrossment	2069
Apr.	8 56	Correctly Re-Engrossed. ER0233 change	2104
Apr.	15 59	Final Reading 47-0-2	2357
Apr.	15 59	Speaker signed	2366
Apr.	15 59	Presented to Governor (4/15)	2380
Apr.	24 AJ	Approved by Governor (4/18)	2474

LEGISLATIVE BILL 757A. By Goll

Feb.	24 30	Read first time. Placed on General File	955
Feb.	26 32	Advanced for Review	1017
Mar.	4 36	Placed on Select File	1151
Mar.	5 37	Advanced for Engrossment	1195
Mar.	14 42	Correctly Engrossed	1444
Apr.	7 55	Returned to Select File for Warner amendment. Warner amendment #2946 adopted. Advanced for Re-Engrossment	2072
Apr.	8 56	Correctly Re-Engrossed	2104
Apr.	15 59	Final Reading 45-0-4	2358
Apr.	15 59	Speaker signed	2366
Apr.	15 59	Presented to Governor (4/15)	2380
Apr.	24 AJ	Approved by Governor (4/18)	2474

LEGISLATIVE BILL 758. By Goll

Jan.	8 1	Read first time	117
Jan.	9 2	Referred to Committee on Revenue	170
Feb.	3 17	Notice of hearing (2/19)	615
Feb.	20 28	Indefinitely postponed	896

LEGISLATIVE BILL 759. By Goll

Jan.	8 1	Read first time	117
Jan.	9 2	Referred to Committee on Public Works	170
Jan.	13 4	Notice of hearing (1/23)	272
Jan.	28 14	Placed on General File - Com am #1797	540
Jan.	30 16	Attorney General's Opinion #86010 to Goll	595
Feb.	13 25	Goll priority bill	802
Feb.	27 33	Committee amendment #1797 adopted. Advanced for Review	1066
Mar.	11 39	Placed on Select File - AM5337	1285
Mar.	27 50	AM5337 (E & R) adopted. Advanced for Engrossment	1796

Apr.	3	53	Correctly Engrossed	1905
Apr.	9	57	Final Reading 44-0-5	2197
Apr.	9	57	President signed	2220
Apr.	14	58	Presented to Governor (4/10)	2222
Apr.	15	59	Approved by Governor (4/14)	2333

LEGISLATIVE BILL 760. By Goll

Jan.	8	1	Read first time	118
Jan.	9	2	Referred to Committee on Judiciary	170
Jan.	14	5	Notice of hearing (1/21)	305
Feb.	3	17	Hoagland amendment printed	615
Feb.	3	17	Placed on General File - Com am #1925	620
Feb.	20	28	Nichol priority bill	887
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 761. By Abboud

Jan.	8	1	Read first time	118
Jan.	9	2	Referred to Committee on Urban Affairs	170
Jan.	15	6	Notice of hearing (1/22)	320
Feb.	7	21	Attorney General's Opinion #86014 to Beyer	689
Mar.	3	35	Indefinitely postponed	1110

LEGISLATIVE BILL 762. By Labedz

Jan.	8	1	Read first time	118
Jan.	9	2	Referred to Committee on Miscellaneous Subjects	170
Jan.	27	13	Notice of hearing (2/6)	527
Feb.	10	22	Placed on General File	720
Feb.	21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb.	21	29	Advanced for Review pursuant to Chambers motion	938
Mar.	4	36	Placed on Select File - AM5305	1134
Mar.	5	37	AM5305 (E & R) adopted. Advanced for Engrossment	1193
Mar.	14	42	Correctly Engrossed	1423
Mar.	19	45	Final Reading 43-0-6	1520
Mar.	19	45	Speaker signed	1537
Mar.	19	45	Presented to Governor (3/19)	1544
Mar.	24	47	Approved by Governor (3/24)	1644

LEGISLATIVE BILL 763. By Miller

CHRONOLOGY OF BILLS

2613

Jan.	8	1	Read first time	118
Jan.	9	2	Referred to Committee on Public Health and Welfare	170
Jan.	14	5	Notice of hearing (1/21)	307
Feb.	5	19	Placed on General File - Com am #1969	664
Feb.	18	26	Miller amendment #2112 printed	832
Feb.	19	27	Miller priority bill	855
Mar.	6	38	Committee amendment #1929 adopted as amended by Miller pending amendment #2112 p. 832. Advanced for Review	1239
Mar.	19	45	Placed on Select File - AM5366	1536
Mar.	27	50	AM5366 (E & R) adopted. Advanced for Engrossment	1797
Apr.	3	53	Correctly Engrossed	1905
Apr.	9	57	Final Reading 43-1-5	2197
Apr.	9	57	President signed	2220
Apr.	14	58	Presented to Governor (4/10)	2222
Apr.	15	59	Approved by Governor (4/14)	2333

LEGISLATIVE BILL 764. By Pappas

Jan.	8	1	Read first time	118
Jan.	9	2	Referred to Committee on Nebraska Retirement Systems	170
Jan.	22	10	Notice of hearing (2/3)	446
Jan.	23	11	Notice of hearing (2/7) (reset)	481
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 765. By Pappas

Jan.	8	1	Read first time	118
Jan.	9	2	Referred to Committee on Government, Military and Veterans Affairs	170
Jan.	16	7	Notice of hearing (1/23)	341
Feb.	6	20	Placed on General File - Com am #1949	671
Mar.	6	38	Committee amendment #1949 adopted. Advanced for Review	1239
Mar.	19	45	Placed on Select File - AM5367	1536
Apr.	4	54	AM5367 (E & R) adopted. Advanced for Engrossment	1991
Apr.	7	55	Correctly Engrossed	2032
Apr.	14	58	Final Reading 45-0-4	2252
Apr.	14	58	President signed	2272
Apr.	14	58	Presented to Governor (4/14)	2283

Apr. 16 60 Approved by Governor (4/16) 2447

LEGISLATIVE BILL 766. By Pappas

Jan. 8 1 Read first time 119
 Jan. 9 2 Referred to Committee on Miscellaneous
 Subjects 170
 Jan. 27 13 Notice of hearing (2/6) 527
 Feb. 10 22 Placed on General File 720
 Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 767. By Pappas

Jan. 8 1 Read first time 119
 Jan. 9 2 Referred to Committee on Banking,
 Commerce and Insurance 170
 Jan. 13 4 Notice of hearing (1/21) 264
 Jan. 24 12 Placed on General File - Com am #1824 512
 Feb. 3 17 DeCamp amendment #1945 printed 615
 Feb. 21 29 Committee amendment #1824 adopted.
 Advanced for Review 924
 Feb. 28 34 Placed on Select File - AM5281 1079
 Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 768. By Haberman

Jan. 8 1 Read first time 119
 Jan. 9 2 Referred to Committee on Agriculture
 and Environment 170
 Jan. 27 13 Notice of hearing (2/6) 529
 Feb. 19 27 Agriculture and Environment Committee
 priority bill 856
 Feb. 20 28 Nichol priority bill 887
 Feb. 25 31 Placed on General File - Com am #2098 989
 Mar. 11 39 Committee amendment #2098 adopted as
 amended by Vickers amendment #2390
 and Haberman amendment. Advanced
 for Review 1297
 Mar. 11 39 Expedited 1306
 Mar. 12 40 Placed on Select File - AM5347 1339
 Mar. 25 48 Warner amendment #2699 to committee
 amendment printed 1694
 Mar. 26 49 R. Johnson amendment #2726 to committee
 amendment printed 1720
 Apr. 2 52 AM5347 (E & R) adopted. Warner pending

CHRONOLOGY OF BILLS

2615

			amendment #2699 p. 1694, R. Johnson
			pending amendment #2726 p. 1720 and
			Haberman amendment #2758 adopted.
			Advanced for Engrossment 1895
Apr.	7	55	Correctly Engrossed 2032
Apr.	7	55	ER0196 change 2034
Apr.	14	58	Final Reading w/E 44-1-4 2253
Apr.	14	58	President signed 2272
Apr.	14	58	Presented to Governor (4/14) 2283
Apr.	16	60	Approved by Governor (4/16) 2447

LEGISLATIVE BILL 768A. By R. Johnson

Mar.	25	48	Read first time. Placed on General File 1690
Mar.	26	49	Advanced for Review 1741
Apr.	1	51	Placed on Select File 1838
Apr.	2	52	Advanced for Engrossment 1896
Apr.	7	55	Correctly Engrossed 2032
Apr.	14	58	Final Reading w/E 46-0-3 2254
Apr.	14	58	President signed 2272
Apr.	14	58	Presented to Governor (4/14) 2283
Apr.	16	60	Approved by Governor (4/16) 2447

LEGISLATIVE BILL 769. By Haberman

Jan.	8	1	Read first time 119
Jan.	9	2	Referred to Committee on Public Works 170
Jan.	13	4	Notice of hearing (1/23) 272
Feb.	19	27	Indefinitely postponed 873

LEGISLATIVE BILL 770. By Haberman

Jan.	8	1	Read first time 119
Jan.	9	2	Referred to Committee on Miscellaneous Subjects 170
Jan.	9	2	Haberman motion to withdraw laid over 209
Jan.	10	3	Haberman pending motion page 209 prevailed. Withdrawn 219

LEGISLATIVE BILL 771. By Chizek

Jan.	8	1	Read first time 119
Jan.	9	2	Referred to Committee on Judiciary 170
Jan.	17	8	Notice of hearing (1/27) 404
Jan.	28	14	Placed on General File - Com am #1856 552

Mar.	6	38	Committee amendment #1856 adopted. Advanced for Review	1231
Mar.	18	44	Placed on Select File	1504
Apr.	4	54	Advanced for Engrossment	1991
Apr.	7	55	Correctly Engrossed	2032
Apr.	14	58	Final Reading 48-0-1	2254
Apr.	14	58	President signed	2272
Apr.	14	58	Presented to Governor (4/14)	2283
Apr.	16	60	Approved by Governor (4/16)	2447

LEGISLATIVE BILL 772. By Chizek, Beutler, Hoagland

Jan.	8	1	Read first time	120
Jan.	9	2	Referred to Committee on Judiciary	170
Jan.	14	5	Notice of hearing (1/21)	305
Jan.	16	7	Conway name added	351
Jan.	28	14	Placed on General File	552
Jan.	30	16	Chizek priority bill	588
Feb.	11	23	Chambers amendments lost	739
Feb.	11	23	Chambers amendment lost	748
Feb.	12	24	Chambers amendments lost. V. Johnson motion to bracket lost	762
Feb.	12	24	Chambers motion to indefinitely postpone lost. Hoagland motion to suspend rules and vote without amendment or debate prevailed. Chambers amendment to Hoagland motion ruled appropriate by Chair. Point of order by Beutler. Challenge of Chair prevailed. Beutler request if closing is part of debate - ruled no. Challenge of Chair lost. Advanced for Review	767
Feb.	12	24	Chambers amendments (1), (2), (3), (4), (5), and (6) printed	775
Feb.	13	25	DeCamp amendment printed	786
Feb.	18	26	Placed on Select File - AM5245. Chambers letter to Attorney General printed	817
Mar.	4	36	Hoagland-DeCamp-Chizek-V. Johnson amendment #2317 printed	1160
Mar.	5	37	AM5245 (E & R) adopted. Chambers pending amendment (1) p. 775 lost. Chambers pending amendments (2) and (3) p. 775 withdrawn. Chambers pending amendment (4) p. 775 adopted	1191
Mar.	5	37	Hoagland et al pending amendment #2317	

CHRONOLOGY OF BILLS

2617

		p. 1160, Chambers pending amendments (5) and (6) p. 776 and DeCamp pending amendment p. 786 withdrawn. DeCamp amendment adopted. Advanced for Engrossment	1199
Mar. 11	39	Attorney General's Opinion #86030 to Chizek ...	1263
Mar. 18	44	Correctly Engrossed. ER0145 change	1482
Mar. 25	48	Final Reading w/E 44-2-3	1678
Mar. 25	48	President signed	1685
Mar. 25	48	Presented to Governor (3/25)	1691
Apr. 1	51	Approved by Governor (3/28)	1811

LEGISLATIVE BILL 773. By Nelson, Sieck, Marsh, Remmers, Wesely, Lundy

Jan. 8	1	Read first time	120
Jan. 9	2	Referred to Committee on Public Health and Welfare	170
Jan. 17	8	Peterson name added	393
Jan. 27	13	Notice of hearing (2/18)	527
Feb. 20	28	Nichol priority bill	887
Feb. 21	29	Placed on General File	926
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 774. By Revenue Committee

Jan. 8	1	Read first time	120
Jan. 9	2	Referred to Committee on Revenue	170
Jan. 14	5	Notice of hearing (1/22)	298
Jan. 23	11	Placed on General File - Com am #1815	479
Feb. 20	28	Committee amendment #1815 adopted. Advanced for Review	898
Feb. 21	29	Placed on Select File - AM5246	925
Mar. 3	35	AM5246 (E & R) adopted. Advanced for Engrossment	1115
Mar. 11	39	Correctly Engrossed	1299
Apr. 7	55	Final Reading 46-0-3	2053
Apr. 7	55	Speaker signed	2069
Apr. 7	55	Presented to Governor (4/7)	2080
Apr. 14	58	Approved by Governor (4/10)	2229

LEGISLATIVE BILL 774A. By V. Johnson

Feb. 20	28	Read first time. Placed on General File	900
Feb. 26	32	Advanced for Review	1017

Mar.	6	38	Placed on Select File	1256
Mar.	26	49	V. Johnson amendment #2293 adopted. Advanced for Engrossment	1741
Apr.	2	52	Correctly Engrossed	1869
Apr.	7	55	Final Reading 44-1-4	2055
Apr.	7	55	Speaker signed	2069
Apr.	7	55	Presented to Governor (4/7)	2080
Apr.	14	58	Approved by Governor (4/10)	2229

LEGISLATIVE BILL 775. By Rogers

Jan.	8	1	Read first time	120
Jan.	9	2	Referred to Committee on Agriculture and Environment	170
Jan.	16	7	Notice of hearing (1/23)	342
Feb.	12	24	Rogers priority bill	772
Feb.	19	27	Placed on General File - Com am #2107	867
Mar.	13	41	Committee amendment #2107 adopted as amended by Rogers amendment. Advanced for Review	1363
Mar.	24	47	Placed on Select File - AM5391	1631
Mar.	27	50	AM5391 (E & R) adopted. Advanced for Engrossment	1797
Apr.	3	53	Correctly Engrossed	1914
Apr.	14	58	Final Reading 48-0-1	2255
Apr.	14	58	President signed	2272
Apr.	14	58	Presented to Governor (4/14)	2283
Apr.	24	AJ	Approved by Governor (4/19)	2476

LEGISLATIVE BILL 775A. By Rogers

Mar.	14	42	Read first time. Placed on General File	1395
Mar.	26	49	Advanced for Review	1741
Apr.	1	51	Placed on Select File	1838
Apr.	4	54	Advanced for Engrossment	1992
Apr.	7	55	Correctly Engrossed	2032
Apr.	14	58	Final Reading 46-0-3	2256
Apr.	14	58	President signed	2272
Apr.	14	58	Presented to Governor (4/14)	2283
Apr.	24	AJ	Approved by Governor (4/19)	2476

LEGISLATIVE BILL 776. By DeCamp

Jan.	8	1	Read first time	120
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CHRONOLOGY OF BILLS

2619

Jan.	9	2	Referred to Committee on Government, Military and Veterans Affairs	170
Jan.	16	7	Notice of hearing (1/24)	341
Feb.	28	34	Indefinitely postponed	1073

LEGISLATIVE BILL 777. By Schmit, Rupp

Jan.	8	1	Read first time	121
Jan.	9	2	Referred to Committee on Government, Military and Veterans Affairs	170
Jan.	16	7	Notice of hearing (1/23)	341
Feb.	28	34	Indefinitely postponed	1073

LEGISLATIVE BILL 778. By Schmit, Rupp, Chronister

Jan.	8	1	Read first time	121
Jan.	9	2	Referred to Committee on Public Works	171
Jan.	13	4	Notice of hearing (1/22)	271
Jan.	23	11	Placed on General File	475
Jan.	30	16	Advanced for Review	593
Feb.	5	19	Placed on Select File	655
Mar.	12	40	Warner amendment #2364 (printed separate) adopted. Advanced for Engrossment	1332
Mar.	24	47	Correctly Engrossed	1606
Mar.	24	47	ER0172 change	1607
Mar.	27	50	Final Reading 42-2-5	1757
Mar.	27	50	President signed	1764
Mar.	27	50	Presented to Governor (3/27)	1775
Apr.	2	52	Returned by Governor without approval (4/2) ...	1864
Apr.	7	55	Warner-Rupp motion to override veto laid over	2066
Apr.	16	60	Warner motion to suspend rules prevailed. Warner-Rupp pending motion to override veto failed 27-20-2	2453

LEGISLATIVE BILL 779. By Schmit

Jan.	8	1	Read first time	121
Jan.	9	2	Referred to Committee on Public Works	171
Jan.	13	4	Notice of hearing (1/23)	271
Jan.	24	12	Placed on General File	491
Jan.	30	16	V. Johnson amendment adopted. Advanced for Review	602
Feb.	10	22	Schmit amendment #2047 printed	718
Feb.	10	22	Placed on Select File - AM5237	725

Mar. 12	40	AM5237 (E & R) adopted. Schmit pending amendment #2047 p. 718 adopted. Advanced for Engrossment	1332
Mar. 24	47	Correctly Engrossed	1606
Mar. 24	47	ER0163 change	1607
Mar. 27	50	Final Reading 46-0-3	1758
Mar. 27	50	President signed	1764
Mar. 27	50	Presented to Governor (3/27)	1775
Apr. 1	51	Approved by Governor (4/1)	1830

LEGISLATIVE BILL 780. By Schmit

Jan. 8	1	Read first time	121
Jan. 9	2	Referred to Committee on Public Works	171
Jan. 13	4	Notice of hearing (1/23)	271
Jan. 24	12	Placed on General File	491
Jan. 30	16	Advanced for Review	602
Feb. 10	22	Placed on Select File	726
Mar. 3	35	Advanced for Engrossment	1114
Mar. 11	39	Correctly Engrossed	1271
Mar. 14	42	Final Reading 46-0-3	1407
Mar. 14	42	Haberman explanation of vote	1415
Mar. 14	42	President signed	1420
Mar. 14	42	Presented to Governor (3/14)	1423
Mar. 18	44	Approved by Governor (3/18)	1506

LEGISLATIVE BILL 781. By Schmit

Jan. 8	1	Read first time	121
Jan. 9	2	Referred to Committee on Banking, Commerce and Insurance	171
Jan. 13	4	Notice of hearing (1/21)	264
Jan. 22	10	Placed on General File	462
Jan. 30	16	Advanced for Review	593
Feb. 5	19	Placed on Select File	639
Mar. 3	35	Advanced for Engrossment	1114
Mar. 11	39	Correctly Engrossed	1271
Mar. 14	42	Final Reading 46-0-3	1407
Mar. 14	42	Haberman explanation of vote	1415
Mar. 14	42	President signed	1420
Mar. 14	42	Presented to Governor (3/14)	1423
Mar. 18	44	Approved by Governor (3/18)	1506

LEGISLATIVE BILL 782. By Withem

CHRONOLOGY OF BILLS

2621

Jan.	8	1	Read first time	121
Jan.	9	2	Referred to Committee on Public Health and Welfare	171
Jan.	17	8	Notice of hearing (1/27)	403
Feb.	5	19	Placed on General File - Com am #1970	664
Feb.	19	27	Withem priority bill	856
Mar.	11	39	Withem amendment #2479 to committee amendment printed	1298
Mar.	12	40	Withem pending amendment #2479 p. 1298 withdrawn. Committee amendment #1970 adopted as amended by Withem amendment #2497. Advanced for Review	1341
Mar.	24	47	Wesely amendment #2618 printed	1622
Mar.	24	47	Placed on Select File - AM5387	1625
Apr.	7	55	AM5387 (E & R) adopted. Wesely pending amendment #2618 p. 1622 adopted. Advanced for Engrossment	2073
Apr.	8	56	Correctly Engrossed	2118
Apr.	8	56	ER0237 change	2119
Apr.	15	59	Final Reading 46-0-3	2358
Apr.	15	59	Speaker signed	2366
Apr.	15	59	Presented to Governor (4/15)	2380
Apr.	24	AJ	Approved by Governor (4/17)	2473

LEGISLATIVE BILL 783. By Beyer

Jan.	8	1	Read first time	122
Jan.	9	2	Referred to Committee on Public Works	171
Jan.	13	4	Notice of hearing (1/24)	272
Feb.	19	27	Attorney General's Opinion #86019 to Beyer	853
Feb.	19	27	Beyer priority bill	855
Feb.	19	27	Placed on General File - Com am #2163	869
Mar.	12	40	Beyer amendment #2421 printed	1352
Mar.	13	41	Committee amendment #2163 adopted. Beyer pending amendments #2421 p. 1352 and #2396 adopted. Advanced for Review	1363
Mar.	25	48	Placed on Select File - AM5396	1654
Apr.	8	56	AM5396 (E & R) adopted. Beyer amendment adopted. Advanced for Engrossment	2119
Apr.	9	57	Correctly Engrossed	2174
Apr.	15	59	Nichol motion to suspend rules prevailed	2385
Apr.	15	59	Final Reading w/E 48-0-1	2386
Apr.	15	59	President signed	2388
Apr.	16	60	Presented to Governor (4/16)	2409

Apr. 24 AJ Approved by Governor (4/17) 2473

LEGISLATIVE BILL 784. By Beyer

Jan. 8 1 Read first time 122
 Jan. 9 2 Referred to Committee on Education 171
 Jan. 14 5 Notice of hearing (1/21) 298
 Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 785. By Beyer

Jan. 8 1 Read first time 122
 Jan. 9 2 Referred to Committee on Government,
 Military and Veterans Affairs 171
 Jan. 16 7 Notice of hearing (1/23) 341
 Mar. 3 35 Indefinitely postponed 1110

LEGISLATIVE BILL 786. By Beyer, Withem, Chizek, Abboud

Jan. 8 1 Read first time 122
 Jan. 8 1 Abboud name withdrawn 135
 Jan. 9 2 Referred to Committee on Public Works 171
 Jan. 28 14 Notice of hearing (2/7) 547
 Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 787. By Beyer, Sieck

Jan. 8 1 Read first time 122
 Jan. 9 2 Referred to Committee on Public Works 171
 Jan. 13 4 Notice of hearing (1/24) 272
 Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 788. By Abboud, Rupp, Marsh, Hefner, L. Johnson, Hartnett, Remmers, Conway, Goodrich, Peterson

Jan. 8 1 Read first time 123
 Jan. 9 2 Referred to Committee on Judiciary 171
 Jan. 14 5 Notice of hearing (1/21) 305
 Jan. 29 15 Placed on General File - Com am #1881 583
 Feb. 12 24 Abboud priority bill 773
 Feb. 28 34 Committee amendment #1881 adopted.
 Advanced for Review 1071
 Mar. 5 37 Higgins amendment #2347 printed 1207
 Mar. 11 39 Placed on Select File - AM5339 1285
 Mar. 13 41 Attorney General's Opinion #86035 to DeCamp 1380

CHRONOLOGY OF BILLS

2623

Apr.	2	52	AM5339 (E & R) adopted. Higgins pending amendment #2347 p. 1207 and Chambers amendment lost. Hoagland motion to suspend rules and vote without further debate prevailed. Advanced for Engrossment ..	1889
Apr.	4	54	Hoagland name added	1979
Apr.	4	54	Correctly Engrossed	2018
Apr.	9	57	Final Reading 41-0-8	2208
Apr.	9	57	President signed	2220
Apr.	14	58	Presented to Governor (4/10)	2222
Apr.	15	59	Approved by Governor (4/14)	2333

LEGISLATIVE BILL 789. By DeCamp

Jan.	8	1	Read first time	123
Jan.	9	2	Referred to Committee on Revenue	171
Feb.	3	17	Notice of hearing (2/24)	615
Feb.	26	32	Indefinitely postponed	1041

LEGISLATIVE BILL 790. By Remmers

Jan.	8	1	Read first time	123
Jan.	9	2	Referred to Committee on Public Works	171
Jan.	13	4	Notice of hearing (1/24)	272
Feb.	19	27	Indefinitely postponed	873

LEGISLATIVE BILL 791. By Higgins, Rogers, Hall, Remmers, Miller, Beyer, Smith, Peterson, Pappas, Carsten, Morehead, Baack, Wesely, Eret, Labeledz, Haberman, Rupp

Jan.	8	1	Read first time	123
Jan.	9	2	Referred to Committee on Judiciary	171
Jan.	14	5	Notice of hearing (1/21)	305
Jan.	24	12	Higgins priority bill	512
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 792. By Wesely

Jan.	8	1	Read first time	123
Jan.	9	2	Referred to Committee on Banking, Commerce and Insurance	171
Jan.	13	4	Notice of hearing (1/21)	264
Feb.	5	19	Indefinitely postponed	645
Feb.	5	19	Wesely motion to place on General File laid over	658

Feb. 12 24 Wesely pending motion p. 658 lost 755

LEGISLATIVE BILL 793. By Vickers

Jan. 8 1 Read first time 124
 Jan. 9 2 Referred to Committee on Miscellaneous
 Subjects 171
 Jan. 29 15 Notice of hearing (2/20) 576
 Feb. 28 34 Placed on General File 1070
 Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 794. By Vickers

Jan. 8 1 Read first time 124
 Jan. 9 2 Referred to Committee on Nebraska
 Retirement Systems 171
 Jan. 13 4 Barrett name added 272
 Jan. 22 10 Notice of hearing (2/3) 446
 Jan. 23 11 Notice of hearing (2/7) (Reset) 481
 Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 795. By Vickers

Jan. 8 1 Read first time 124
 Jan. 9 2 Referred to Committee on Agriculture
 and Environment 171
 Jan. 16 7 Notice of hearing (1/24) 342
 Jan. 28 14 Placed on General File 547
 Feb. 21 29 Chambers motion to suspend rules and
 advance bills prevailed 935
 Feb. 21 29 Advanced for Review pursuant to
 Chambers motion 936
 Mar. 3 35 Placed on Select File - AM5290 1101
 Mar. 5 37 AM5290 (E & R) adopted.
 Advanced for Engrossment 1192
 Mar. 14 42 Correctly Engrossed 1392
 Mar. 14 42 ER0154 change 1395
 Mar. 19 45 Final Reading 47-0-2 1530
 Mar. 19 45 Speaker signed 1537
 Mar. 19 45 Presented to Governor (3/19) 1544
 Mar. 24 47 Approved by Governor (3/24) 1644

LEGISLATIVE BILL 795A. By Vickers

Feb. 5 19 Read first time. Placed on General File 646

CHRONOLOGY OF BILLS

2625

Feb. 26	32	Advanced for Review	1017
Mar. 3	35	Placed on Select File	1101
Mar. 5	37	Advanced for Engrossment	1192
Mar. 14	42	Correctly Engrossed	1392
Mar. 19	45	Final Reading 42-0-7	1531
Mar. 19	45	Speaker signed	1537
Mar. 19	45	Presented to Governor (3/19)	1544
Mar. 24	47	Approved by Governor (3/24)	1644

LEGISLATIVE BILL 796. By Nelson, Nichol, Smith, Vickers

Jan. 8	1	Read first time	124
Jan. 9	2	Referred to Committee on Education	171
Jan. 14	5	Notice of hearing (1/21)	298
Jan. 24	12	Placed on General File	491
Jan. 29	15	Nelson priority bill	580
Feb. 6	20	Lamb amendment lost. V. Johnson motion to indefinitely postpone lost. Advanced for Review	667
Feb. 7	21	V. Johnson amendment printed	688
Feb. 11	23	Placed on Select File	744
Mar. 3	35	Vickers amendment adopted. Peterson amendment lost	1112
Mar. 4	36	V. Johnson pending amendment p. 688 withdrawn. V. Johnson amendment adopted. Advanced for Engrossment	1145
Mar. 14	42	Correctly Engrossed	1392
Mar. 19	45	V. Johnson motion to bracket lost. Final Reading 35-12-2	1521
Mar. 19	45	Speaker signed	1537
Mar. 19	45	Presented to Governor (3/19)	1544
Mar. 25	48	Approved by Governor (3/25)	1690

LEGISLATIVE BILL 797. By Wesely, Hoagland

Jan. 8	1	Read first time	124
Jan. 9	2	Referred to Committee on Judiciary	171
Jan. 17	8	Notice of hearing (1/28)	404
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 798. By DeCamp

Jan. 8	1	Read first time	124
Jan. 9	2	Referred to Committee on Revenue	171
Feb. 3	17	Notice of hearing (2/11)	614

Feb. 13 25 Indefinitely postponed 786

LEGISLATIVE BILL 799. By Wesely, Labedz, Harris, Schmit, Vickers

Jan. 8 1 Read first time 125
 Jan. 9 2 Referred to Committee on Business and Labor 171
 Jan. 22 10 Notice of hearing (1/29) 447
 Feb. 3 17 Placed on General File - Com am #1932 618
 Feb. 20 28 Nichol priority bill 887
 Mar. 6 38 Committee amendment #1932 adopted.
 Advanced for Review 1237
 Mar. 19 45 Placed on Select File - AM5364 1534
 Apr. 7 55 AM5364 (E & R) adopted.
 Advanced for Engrossment 2092
 Apr. 8 56 Correctly Engrossed 2097
 Apr. 15 59 Final Reading w/E 47-0-2 2359
 Apr. 15 59 Speaker signed 2366
 Apr. 15 59 Presented to Governor (4/15) 2380
 Apr. 24 AJ Approved by Governor (4/17) 2473

LEGISLATIVE BILL 800. By DeCamp

Jan. 8 1 Read first time 129
 Jan. 9 2 Referred to Committee on Revenue 171
 Feb. 3 17 Notice of hearing (2/25) 615
 Feb. 26 32 Indefinitely postponed 1041

LEGISLATIVE BILL 801. By DeCamp

Jan. 8 1 Read first time 130
 Jan. 9 2 Referred to Committee on Banking,
 Commerce and Insurance 171
 Jan. 13 4 Notice of hearing (1/21) 264
 Jan. 16 7 Conway name added 351
 Jan. 24 12 Placed on General File - Com am #1827 513
 Feb. 19 27 Banking, Commerce and Insurance
 Committee priority bill 856
 Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 802. By Vickers, Nelson, Smith, Nichol, R. Johnson, Eret, Harris, Baack, Hefner, Sieck, Wesely

Jan. 8 1 Read first time 131
 Jan. 9 2 Referred to Committee on Education 171

CHRONOLOGY OF BILLS

2627

Jan.	14	5	Notice of hearing (1/21)	298
Jan.	24	12	Placed on General File - Com am #1821	491
Feb.	21	29	Committee amendment #1821 adopted. Abboud motion to indefinitely postpone pending	923
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 803. By Rupp

Jan.	8	1	Read first time	132
Jan.	9	2	Referred to Committee on Miscellaneous Subjects	171
Jan.	29	15	Notice of hearing (2/13)	576
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 804. By Carsten, Smith

Jan.	8	1	Read first time	132
Jan.	9	2	Referred to Committee on Banking, Commerce and Insurance	171
Jan.	15	6	Rereferred to Committee on Health and Human Services	310
Jan.	27	13	Notice of hearing (2/4)	527
Feb.	5	19	Carsten priority bill	653
Feb.	13	25	Placed on General File - Com am #2102	804
Feb.	21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb.	21	29	Advanced for Review pursuant to Chambers motion	940
Mar.	4	36	Placed on Select File - AM5318	1151
Mar.	11	39	AM5318 (E & R) adopted. Committee amendment #2102 adopted. Wesely amendment adopted. Advanced for Engrossment	1288
Mar.	20	46	Correctly Engrossed	1573
Apr.	7	55	Final Reading w/E 47-0-2	2055
Apr.	7	55	Speaker signed	2069
Apr.	7	55	Presented to Governor (4/7)	2080
Apr.	14	58	Approved by Governor (4/10)	2229

LEGISLATIVE BILL 804A. By Carsten

Feb.	26	32	Read first time. Placed on General File	1040
Mar.	6	38	Advanced for Review	1214
Mar.	17	43	Placed on Select File	1453

Mar. 26	49	Advanced for Engrossment	1741
Apr. 2	52	Correctly Engrossed	1869
Apr. 7	55	Final Reading 47-0-2	2056
Apr. 7	55	Speaker signed	2069
Apr. 7	55	Presented to Governor (4/7)	2080
Apr. 14	58	Approved by Governor (4/10)	2229

LEGISLATIVE BILL 805. By Abboud, Goodrich

Jan. 8	1	Read first time	132
Jan. 9	2	Referred to Committee on Judiciary	171
Jan. 27	13	Notice of hearing (2/3)	526
Feb. 6	20	Placed on General File	676
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 805A. By Hoagland, Abboud

Feb. 11	23	Read first time. Placed on General File	750
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 806. By Abboud

Jan. 8	1	Read first time	132
Jan. 9	2	Referred to Committee on Government, Military and Veterans Affairs	171
Jan. 16	7	Notice of hearing (1/24)	341
Feb. 7	21	Placed on General File - Com am #2031	711
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 807. By DeCamp, Hannibal

Jan. 8	1	Read first time	132
Jan. 9	2	Referred to Committee on Public Works	171
Jan. 28	14	Notice of hearing (2/5)	547
Feb. 19	27	Hannibal priority bill	855
Feb. 25	31	Placed on General File	989
Mar. 13	41	Bracketed until 3/19/86	1389
Mar. 19	45	Vickers motion to indefinitely postpone pending	1545
Mar. 19	45	Vickers pending motion p. 1545 lost. Nelson amendments #2612 and #2609 lost. Failed to advance for Review	1550
Mar. 25	48	Withem amendment #2687 printed	1676
Mar. 25	48	Withem amendment #2675 printed	1677
Mar. 25	48	Vickers amendment #2723 printed	1697

CHRONOLOGY OF BILLS

2629

Mar.	27	50	Vickers pending amendment #2723 p. 1697 and Scofield amendment #2771 lost. Advanced for Review	1779
Apr.	1	51	Placed on Select File - AM5416	1839
Apr.	3	53	Hannibal-DeCamp-Warner-Barrett-Carsten- Abboud-Goodrich-Lundy-Remmers-L. Johnson- V. Johnson-Sieck-Hefner-Schmit-Conway- R. Johnson-Withem-Miller-Rupp-Baack- Lamb-Peterson-Hall-Goll-Hartnett- Chronister-Lynch-Marsh-Smith-Pirsch amendment #2843 printed	1938
Apr.	3	53	Haberman name added	1954
Apr.	4	54	AM5416 (E & R) adopted. Withem pending amendment #2687 p. 1676 withdrawn. Hannibal et al pending amendment #2843 p. 1938 adopted as amended by Pappas amendment. Pappas amendments lost. Withem pending amendment #2675 p. 1677 withdrawn. Advanced for Engrossment	1982
Apr.	7	55	Correctly Engrossed	2032
Apr.	15	59	Nelson and Pappas motions to return to Select File withdrawn. Failed on Final Reading w/E 28-20-1. Final Reading 31-18-0	2380
Apr.	15	59	Correctly Enrolled	2384
Apr.	15	59	President signed	2388
Apr.	16	60	Presented to Governor (4/16)	2409
Apr.	24	AJ	Approved by Governor (4/22)	2478
Apr.	24	AJ	Message from Secretary of State	2512

LEGISLATIVE BILL 808. By Vickers

Jan.	8	1	Read first time	132
Jan.	9	2	Referred to Committee on Urban Affairs	171
Jan.	15	6	Notice of hearing (1/22)	320
Jan.	30	16	Placed on General File - Com am #1843	603
Mar.	6	38	Committee amendment #1843 adopted as amended by Withem amendment #2392. Advanced for Review	1236
Mar.	18	44	Placed on Select File	1505
Apr.	4	54	Advanced for Engrossment	1991
Apr.	7	55	Correctly Engrossed	2032
Apr.	14	58	Final Reading 46-0-3	2257
Apr.	14	58	President signed	2272
Apr.	14	58	Presented to Governor (4/14)	2283

Apr. 16 60 Approved by Governor (4/16) 2447

LEGISLATIVE BILL 809. By Business and Labor Committee

Jan.	8	1	Read first time	133
Jan.	9	2	Referred to Committee on Business and Labor	171
Jan.	15	6	Notice of hearing (1/22)	325
Jan.	24	12	Placed on General File - Com am #1835	491
Feb.	21	29	Committee amendment #1835 adopted.	
			Advanced for Review	923
Feb.	27	33	Placed on Select File - AM5275	1060
Mar.	3	35	AM5275 (E & R) adopted.	
			Advanced for Engrossment	1117
Mar.	13	41	Correctly Engrossed	1359
Mar.	18	44	Final Reading 45-0-4	1486
Mar.	18	44	Speaker signed	1493
Mar.	18	44	Presented to Governor (3/18)	1496
Mar.	18	44	Morehead explanation of vote	1497
Mar.	24	47	Approved by Governor (3/24)	1644

LEGISLATIVE BILL 810. By Business and Labor Committee

Jan.	8	1	Read first time	133
Jan.	9	2	Referred to Committee on Business and Labor	171
Jan.	15	6	Notice of hearing (1/22)	325
Jan.	24	12	Indefinitely postponed	491

LEGISLATIVE BILL 811. By Barrett, Vickers

Jan.	8	1	Read first time	134
Jan.	9	2	Referred to Committee on Business and Labor	171
Jan.	15	6	Notice of hearing (1/22)	325
Jan.	23	11	Placed on General File	484
Jan.	30	16	Advanced for Review	600
Feb.	12	24	Placed on Select File - AM5238	756
Mar.	3	35	AM5238 (E & R) adopted.	
			Advanced for Engrossment	1115
Mar.	4	36	Correction	1129
Mar.	11	39	Correctly Engrossed	1271
Mar.	14	42	Final Reading 46-0-3	1395
Mar.	14	42	President signed	1420
Mar.	14	42	Presented to Governor (3/14)	1423
Mar.	18	44	Approved by Governor (3/18)	1506

LEGISLATIVE BILL 812. By Barrett

CHRONOLOGY OF BILLS

2631

Jan.	8	1	Read first time	150
Jan.	10	3	Referred to Committee on Government, Military and Veterans Affairs	215
Jan.	16	7	Notice of hearing (1/24)	341
Feb.	6	20	Placed on General File - Com am #1952	671
Mar.	6	38	Committee amendment #1952 adopted. Advanced for Review	1240
Mar.	19	45	Placed on Select File - AM5372	1546
Apr.	4	54	AM5372 (E & R) adopted. Advanced for Engrossment	1991
Apr.	7	55	Correctly Engrossed	2032
Apr.	14	58	Returned to Select File for Miller amendment. Miller amendment #3039 adopted. Advanced for Re-Engrossment	2327
Apr.	14	58	Correctly Re-Engrossed	2328
Apr.	16	60	Nichol motion to suspend rules prevailed	2410
Apr.	16	60	Final Reading 44-0-5	2426
Apr.	16	60	President signed	2431
Apr.	16	60	Presented to Governor (4/16)	2432
Apr.	24	AJ	Approved by Governor (4/18)	2474

LEGISLATIVE BILL 813. By Barrett

Jan.	8	1	Read first time	150
Jan.	10	3	Referred to Committee on Judiciary	215
Jan.	14	5	Notice of hearing (1/22)	305
Feb.	6	20	Barrett priority bill	667
Feb.	6	20	Placed on General File - Com am #2014	676
Feb.	13	25	Pappas amendment printed	789
Feb.	27	33	Committee amendment #2014 adopted. Barrett amendment #2279 adopted. Pappas pending amendment p. 789 withdrawn. Advanced for Review	1065
Mar.	11	39	Placed on Select File - AM5334	1284
Mar.	17	43	Barrett amendment #2541 printed	1475
Apr.	1	51	Barrett amendment #2822 printed	1849
Apr.	2	52	AM5334 (E & R) adopted. Barrett pending amendment #2541 p. 1475 withdrawn. Barrett pending amendment #2822 p. 1849 adopted. Advanced for Engrossment ..	1888
Apr.	4	54	Correctly Engrossed	2018
Apr.	9	57	Final Reading 42-0-7	2208
Apr.	9	57	President signed	2220
Apr.	14	58	Presented to Governor (4/10)	2222

Apr. 15 59 Approved by Governor (4/14) 2333

LEGISLATIVE BILL 814. By Barrett

Jan. 8 1 Read first time 151
 Jan. 10 3 Referred to Committee on Miscellaneous
 Subjects 215
 Jan. 29 15 Notice of hearing (2/20) 576
 Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 815. By DeCamp, Haberman

Jan. 8 1 Read first time 151
 Jan. 10 3 Referred to Committee on Revenue 215
 Jan. 17 8 Peterson name added 393
 Feb. 3 17 Notice of hearing (2/18) 614
 Feb. 20 28 Indefinitely postponed 896

LEGISLATIVE BILL 816. By Revenue Committee

Jan. 8 1 Read first time 151
 Jan. 10 3 Referred to Committee on Revenue 216
 Jan. 14 5 Notice of hearing (1/21) 298
 Jan. 24 12 Placed on General File - Com am #1832 495
 Feb. 21 29 Committee amendment #1832 adopted.
 Advanced for Review 924
 Feb. 27 33 Placed on Select File - AM5280 1061
 Mar. 3 35 AM5280 (E & R) adopted.
 Advanced for Engrossment 1117
 Mar. 13 41 Correctly Engrossed 1359
 Mar. 18 44 Final Reading 43-0-6 1487
 Mar. 18 44 Speaker signed 1493
 Mar. 18 44 Presented to Governor (3/18) 1496
 Mar. 18 44 Morehead explanation of vote 1497
 Mar. 24 47 Approved by Governor (3/24) 1644

LEGISLATIVE BILL 817. By Revenue Committee

Jan. 8 1 Read first time 151
 Jan. 10 3 Referred to Committee on Revenue 216
 Jan. 14 5 Notice of hearing (1/21) 298
 Jan. 24 12 Placed on General File - Com am #1833 495
 Feb. 21 29 Committee amendment #1833 adopted.
 Advanced for Review 924
 Feb. 28 34 Placed on Select File - AM5287 1077

CHRONOLOGY OF BILLS

2633

Mar.	5	37	Schmit amendment #2363 printed	1195
Mar.	6	38	V. Johnson amendment #2389 printed	1221
Apr.	4	54	AM5287 (E & R) adopted. Schmit pending amendment #2363 p. 1195 withdrawn. V. Johnson pending amendment #2389 p. 1221 adopted. Advanced for Engrossment ..	1998
Apr.	8	56	Correctly Engrossed	2097
Apr.	8	56	ER0217 change	2098
Apr.	15	59	Final Reading 46-0-3	2360
Apr.	15	59	Speaker signed	2366
Apr.	15	59	Presented to Governor (4/15)	2380
Apr.	24	AJ	Approved by Governor (4/17)	2473

LEGISLATIVE BILL 818. By R. Johnson

Jan.	8	1	Read first time	152
Jan.	10	3	Referred to Committee on Agriculture and Environment	216
Jan.	28	14	Notice of hearing (2/7)	547
Feb.	10	22	R. Johnson motion to withdraw laid over	718
Feb.	11	23	R. Johnson pending motion p. 718 prevailed. Withdrawn	739

LEGISLATIVE BILL 819. By V. Johnson

Jan.	8	1	Read first time	156
Jan.	10	3	Referred to Committee on Revenue	216
Jan.	14	5	Notice of hearing (1/21)	298
Jan.	23	11	Placed on General File	479
Jan.	30	16	Advanced for Review	600
Feb.	5	19	Placed on Select File - AM5236	656
Mar.	3	35	AM5236 (E & R) adopted. Advanced for Engrossment	1114
Mar.	11	39	Correctly Engrossed	1271
Mar.	14	42	Passed over	1408
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 820. By V. Johnson

Jan.	8	1	Read first time	156
Jan.	10	3	Referred to Committee on Education	216
Jan.	14	5	Notice of hearing (1/21)	298
Jan.	24	12	Placed on General File - Com am #1820	491
Feb.	21	29	Committee amendment #1820 adopted. Advanced for Review	923

Feb. 27	33	Placed on Select File - AM5276	1061
Mar. 3	35	AM5276 (E & R) adopted.	
		Advanced for Engrossment	1117
Mar. 13	41	Correctly Engrossed	1359
Mar. 18	44	Final Reading 39-5-5	1488
Mar. 18	44	Speaker signed	1493
Mar. 18	44	Presented to Governor (3/18)	1496
Mar. 18	44	Morehead explanation of vote	1497
Mar. 24	47	Approved by Governor (3/24)	1644

LEGISLATIVE BILL 821. By Landis

Jan. 8	1	Read first time	156
Jan. 10	3	Referred to Committee on Public Works	216
Jan. 13	4	Notice of hearing (1/24)	272
Feb. 3	17	Indefinitely postponed	619

LEGISLATIVE BILL 822. By Hoagland

Jan. 8	1	Read first time	156
Jan. 10	3	Referred to Committee on Nebraska Retirement Systems	216
Jan. 22	10	Notice of hearing (1/30)	446
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 823. By Peterson, Lundy, Lamb, Hefner, Chronister, Pirsch, Higgins, Beyer, Goodrich, Remmers, Nichol, DeCamp

Jan. 9	2	Read first time	172
Jan. 10	3	Referred to Committee on Judiciary	216
Jan. 14	5	Notice of hearing (1/22)	305
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 824. By Peterson, Sieck, Abboud, Hefner, Chronister, Higgins, Remmers, Barrett, Beyer, Nichol, Pirsch

Jan. 9	2	Read first time	172
Jan. 10	3	Referred to Committee on Revenue	216
Jan. 17	8	Notice of hearing (1/27)	403
Jan. 30	16	Indefinitely postponed	589

LEGISLATIVE BILL 825. By Banking, Commerce and Insurance Committee

CHRONOLOGY OF BILLS

2635

Jan.	9	2	Read first time	172
Jan.	10	3	Referred to Committee on Miscellaneous Subjects	216
Jan.	13	4	Placed on General File	241
Jan.	13	4	Notice of informational hearing by Banking, Commerce, and Insurance Committee (1/14)	246
Jan.	13	4	DeCamp amendment #1738 printed	268
Jan.	14	5	DeCamp motion to suspend rules prevailed. DeCamp pending amendment #1738 p. 268 adopted. Advanced for Review	279
Jan.	14	5	Expedited	280
Jan.	14	5	Placed on Select File - AM5189	299
Jan.	15	6	AM5189 (E & R) adopted. Advanced for Engrossment	311
Jan.	15	6	Correctly Engrossed	326
Jan.	17	8	DeCamp motion to suspend rules prevailed. Final Reading w/E 39-0-10	363
Jan.	17	8	Speaker signed	368
Jan.	17	8	Haberman explanation of vote	382
Jan.	17	8	Presented to Governor (1/17)	383
Jan.	17	8	Approved by Governor (1/17)	393

LEGISLATIVE BILL 826. By Withem

Jan.	9	2	Read first time	173
Jan.	10	3	Referred to Committee on Public Health and Welfare	216
Jan.	27	13	Notice of hearing (2/24)	527
Mar.	11	39	Indefinitely postponed	1290

LEGISLATIVE BILL 827. By Withem

Jan.	9	2	Read first time	173
Jan.	10	3	Referred to Committee on Education	216
Jan.	27	13	Notice of hearing (2/10)	528
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 828. By Withem

Jan.	9	2	Read first time	173
Jan.	10	3	Referred to Committee on Public Health and Welfare	216
Jan.	14	5	Notice of hearing (1/21)	307
Feb.	18	26	Placed on General File - Com am #2116	837
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 829. By Smith

Jan.	9	2	Read first time	173
Jan.	10	3	Referred to Committee on Public Health and Welfare	216
Jan.	27	13	Smith priority bill	522
Jan.	27	13	Notice of hearing (2/4)	527
Feb.	12	24	Placed on General File	766
Feb.	27	33	Smith amendment #1758 printed	1066
Feb.	28	34	Smith pending amendment #1758 p. 1066 adopted. Advanced for Review	1076
Mar.	11	39	Placed on Select File - AM5342	1286
Mar.	14	42	Smith amendment #2561 printed	1447
Apr.	2	52	AM5342 (E & R) adopted. Smith pending amendment #2561 p. 1447 adopted. Smith amendment adopted. Advanced for Engrossment	1891
Apr.	7	55	Correctly Engrossed	2032
Apr.	7	55	ER0193 change	2033
Apr.	14	58	Final Reading 47-0-2	2258
Apr.	14	58	President signed	2272
Apr.	14	58	Presented to Governor (4/14)	2283
Apr.	24	AJ	Returned by Governor without approval (4/18) .	2479
Apr.	24	AJ	Message from Secretary of State	2501
Apr.	24	AJ	Certificate from Secretary of State	2502

LEGISLATIVE BILL 829A. By Smith

Feb.	28	34	Read first time. Placed on General File	1073
Mar.	6	38	Advanced for Review	1214
Mar.	11	39	Placed on Select File	1287
Mar.	14	42	Smith amendment #2566 printed	1448
Apr.	2	52	Smith pending amendment #2566 p. 1448 adopted. Advanced for Engrossment	1892
Apr.	7	55	Correctly Engrossed	2032
Apr.	14	58	Final Reading 43-0-6	2258
Apr.	14	58	President signed	2272
Apr.	14	58	Presented to Governor (4/14)	2283
Apr.	24	AJ	Returned by Governor without approval (4/18) .	2479
Apr.	24	AJ	Message from Secretary of State	2501
Apr.	24	AJ	Certificate from Secretary of State	2502

LEGISLATIVE BILL 830. By Scofield

CHRONOLOGY OF BILLS

2637

Jan.	9	2	Read first time	173
Jan.	10	3	Referred to Committee on Urban Affairs	216
Jan.	15	6	Notice of hearing (1/22)	320
Feb.	13	25	Placed on General File - Com am #2062	796
Feb.	19	27	Urban Affairs Committee priority bill	857
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 831. By Pappas

Jan.	9	2	Read first time	174
Jan.	10	3	Referred to Committee on Public Works	216
Jan.	13	4	Notice of hearing (1/22)	271
Jan.	23	11	Placed on General File	475
Jan.	30	16	Advanced for Review	593
Feb.	5	19	Placed on Select File	655
Mar.	3	35	Advanced for Engrossment	1114
Mar.	11	39	Correctly Engrossed	1271
Mar.	14	42	Final Reading 45-0-4	1408
Mar.	14	42	Haberman explanation of vote	1415
Mar.	14	42	President signed	1420
Mar.	14	42	Presented to Governor (3/14)	1423
Mar.	18	44	Approved by Governor (3/18)	1506

LEGISLATIVE BILL 832. By Pappas

Jan.	9	2	Read first time	174
Jan.	10	3	Referred to Committee on Agriculture and Environment	216
Jan.	16	7	Notice of hearing (1/24)	342
Jan.	28	14	Indefinitely postponed	548
Jan.	29	15	Pappas motion to place on General File laid over	572
Feb.	3	17	Pappas pending motion p. 572 lost	611

LEGISLATIVE BILL 833. By Pappas

Jan.	9	2	Read first time	174
Jan.	10	3	Referred to Committee on Public Works	216
Jan.	13	4	Notice of hearing (1/24)	272
Feb.	19	27	Placed on General File - Com am #2020	869
Feb.	20	28	Nichol priority bill	887
Apr.	3	53	Committee amendment #2020 adopted. Advanced for Review	1945
Apr.	7	55	Placed on Select File - AM5427	2039
Apr.	9	57	AM5427 (E & R) adopted.	

		Advanced for Engrossment	2193
Apr.	9 57	Correctly Engrossed	2219
Apr.	15 59	Nichol motion to suspend rules prevailed	2385
Apr.	15 59	Final Reading 47-1-1	2387
Apr.	15 59	President signed	2388
Apr.	16 60	Presented to Governor (4/16)	2409
Apr.	24 AJ	Approved by Governor (4/19)	2475

LEGISLATIVE BILL 834. By Withem, Hartnett, Chizek

Jan.	9 2	Read first time	174
Jan.	10 3	Referred to Committee on Education	216
Jan.	27 13	Notice of hearing (2/10)	528
Apr.	16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 835. By DeCamp

Jan.	9 2	Read first time	174
Jan.	10 3	Referred to Committee on Public Works	216
Jan.	28 14	Notice of hearing (2/5)	547
Feb.	19 27	DeCamp priority bill	855
Feb.	28 34	Placed on General File - Com am #2165	1094
Mar.	20 46	Smith amendment #2634 printed	1582
Mar.	20 46	DeCamp amendment #2536 printed separate	1589
Mar.	24 47	Schmit amendment #2455 printed separate	1649
Mar.	25 48	Committee amendment #2165 lost. Smith pending amendment #2634 p. 1582 withdrawn. Smith amendment #2679, DeCamp amendment #2707, DeCamp amendment, V. Johnson amendments #2705 and #2704, and Hefner amendment #2711 to pending DeCamp amendment #2536 adopted. Landis motion to return to Public Works Committee lost	1685
Mar.	25 48	Barrett amendment to pending DeCamp amendment #2536 adopted. Lamb amendment to pending DeCamp amendment #2536 sustained division of question - (1) adopted and (2) pending	1696
Mar.	25 48	Lamb pending amendment (2) p. 1696 to DeCamp pending amendment #2536 adopted	1702
Mar.	26 49	Schmit amendment #2735 (on file), Lamb amendment #2755, and Schmit amendment #2736 lost. DeCamp pending	

CHRONOLOGY OF BILLS

2639

			amendment #2536 p. 1589 adopted as amended by Lamb amendment #2740.	
			Schmit pending amendment #2455 p. 1649 withdrawn. Advanced for Review	1743
Apr.	1	51	Placed on Select File - AM5418	1838
Apr.	3	53	DeCamp amendment #2900 printed	1943
Apr.	3	53	Lamb amendment #2902 printed	1962
Apr.	4	54	AM5418 (E & R) adopted as amended by Lamb amendment #2917, DeCamp amendment #2915, Hefner amendment #2920 and Barrett amendment. Schmit amendment #2872 (on file) to AM5418 (E & R) lost. DeCamp pending amendment #2900 p. 1943 and Lamb pending amendment #2902 p. 1962 withdrawn. Hoagland-Landis amendment adopted. Smith amendment #2929 pending	1971
Apr.	4	54	Smith pending amendment #2929 p. 1976 withdrawn. Smith amendment adopted. Advanced for Engrossment	1981
Apr.	7	55	Attorney General's Opinion #86045 to Schmit ...	2021
Apr.	8	56	Correctly Engrossed. ER0219 change	2104
Apr.	8	56	Schmit amendment #2982 printed separate	2130
Apr.	15	59	Nichol motion to suspend rules prevailed	2385
Apr.	15	59	Abboud motion to return to Select File for amendment pending	2388
Apr.	15	59	Abboud pending motion p. 2388 lost. Schmit and McFarland motions to return to Select File withdrawn	2389
Apr.	15	59	Final Reading 28-21-0	2390
Apr.	15	59	President signed	2408
Apr.	16	60	Presented to Governor (4/16)	2409
Apr.	24	AJ	Approved by Governor (4/18)	2474

LEGISLATIVE BILL 835A. By Warner

Apr.	4	54	Read first time. Placed on General File	1988
Apr.	9	57	DeCamp motion to indefinitely postpone lost. Warner amendment adopted. Advanced for Review	2159
Apr.	9	57	Placed on Select File	2170
Apr.	9	57	Advanced for Engrossment	2179
Apr.	9	57	Correctly Engrossed	2194
Apr.	15	59	Nichol motion to suspend rules prevailed	2385
Apr.	15	59	Final Reading 31-16-2	2391

Apr. 15	59	President signed	2408
Apr. 16	60	Presented to Governor (4/16)	2409
Apr. 24	AJ	Approved by Governor (4/18)	2474

LEGISLATIVE BILL 836. By Withem

Jan. 9	2	Read first time	175
Jan. 10	3	Referred to Committee on Public Health and Welfare	216
Jan. 27	13	Notice of hearing (2/3)	527
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 837. By Speaker Nichol at request of Governor

Jan. 9	2	Read first time	193
Jan. 10	3	Referred to Committee on Business and Labor	216
Jan. 15	6	Notice of hearing (1/22)	525
Jan. 24	12	Indefinitely postponed	491

LEGISLATIVE BILL 838. By Speaker Nichol at request of Governor

Jan. 9	2	Read first time	193
Jan. 10	3	Referred to Committee on Appropriations	216
Feb. 21	29	Notice of hearing (2/28)	916
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 839. By Speaker Nichol at request of Governor

Jan. 9	2	Read first time	194
Jan. 10	3	Referred to Committee on Appropriations	216
Jan. 29	15	Notice of hearing (2/6)	576
Feb. 20	28	Placed on General File - Com am #2134	903
Feb. 26	32	Committee amendment #2134 - division of question sustained. Committee amendments (1), (2), and (3) adopted. Advanced for Review	1023
Feb. 28	34	Placed on Select File - AM5288	1094
Mar. 3	35	AM5288 (E & R) adopted. Advanced for Engrossment	1108
Mar. 4	36	Correction	1129
Mar. 4	36	Correctly Engrossed. ER0142 change	1139
Mar. 11	39	Final Reading w/E 45-0-4	1277
Mar. 11	39	Speaker signed	1279
Mar. 11	39	Presented to Governor (3/11)	1282
Mar. 17	43	Approved by Governor w/line item	

CHRONOLOGY OF BILLS

2641

		veto (3/14)	1472
Mar. 18	44	Appropriations Committee report - recommendation to override	1495
Mar. 18	44	Warner motion to override line-item veto laid over	1496
Mar. 25	48	Warner pending motion p. 1496 to override line-item veto prevailed 38-10-1	1675
Mar. 25	48	Communication	1684
Mar. 25	48	Certificate	1685
Mar. 26	49	Message from Secretary of State	1704
Mar. 26	49	Certificate from Secretary of State	1705

LEGISLATIVE BILL 840. By Speaker Nichol at request of Governor

Jan. 9	2	Read first time	194
Jan. 10	3	Referred to Committee on Appropriations	216
Feb. 21	29	Notice of hearing (2/28)	916
Mar. 12	40	Placed on General File	1317
Mar. 25	48	Advanced for Review	1659
Mar. 27	50	Placed on Select File	1778
Apr. 2	52	Advanced for Engrossment	1886
Apr. 3	53	Correctly Engrossed	1944
Apr. 9	57	Final Reading w/E 42-0-7	2198
Apr. 9	57	President signed	2220
Apr. 14	58	Presented to Governor (4/10)	2222
Apr. 14	58	Approved by Governor (4/10)	2228

LEGISLATIVE BILL 841. By Speaker Nichol at request of Governor

Jan. 9	2	Read first time	194
Jan. 10	3	Referred to Committee on Appropriations	216
Feb. 21	29	Notice of hearing (2/28)	916
Mar. 12	40	Placed on General File	1317
Mar. 25	48	Advanced for Review	1659
Mar. 27	50	Placed on Select File	1778
Apr. 2	52	Advanced for Engrossment	1886
Apr. 3	53	Correctly Engrossed	1944
Apr. 9	57	Final Reading w/E 44-0-5	2199
Apr. 9	57	President signed	2220
Apr. 14	58	Presented to Governor (4/10)	2222
Apr. 14	58	Approved by Governor (4/10)	2228

LEGISLATIVE BILL 842. By Speaker Nichol at request of Governor

Jan. 9	2	Read first time	194
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Jan.	10	3	Referred to Committee on Appropriations	216
Jan.	24	12	Notice of hearing (2/19)	504
Mar.	12	40	Placed on General File - Com am #2451	1317
Mar.	25	48	Committee amendment #2451 adopted. Advanced for Review	1659
Mar.	27	50	Placed on Select File - AM5404	1782
Apr.	2	52	AM5404 (E & R) adopted. Advanced for Engrossment	1886
Apr.	4	54	Correctly Engrossed. ER0192 change	1980
Apr.	9	57	Final Reading w/E 40-0-9	2209
Apr.	9	57	President signed	2220
Apr.	14	58	Presented to Governor (4/10)	2222
Apr.	15	59	Approved by Governor (4/14)	2333

LEGISLATIVE BILL 843. By Speaker Nichol at request of Governor

Jan.	9	2	Read first time	195
Jan.	10	3	Referred to Committee on Government, Military and Veterans Affairs	216
Jan.	16	7	Notice of hearing (1/31)	341
Jan.	17	8	Notice of hearing (2/6) (Reset)	369
Feb.	18	26	Indefinitely postponed	830

LEGISLATIVE BILL 844. By Speaker Nichol at request of Governor

Jan.	9	2	Read first time	195
Jan.	10	3	Referred to Committee on Government, Military and Veterans Affairs	216
Jan.	16	7	Notice of hearing (1/31)	341
Jan.	17	8	Notice of hearing (2/6) (Reset)	369
Feb.	18	26	Placed on General File	825
Feb.	20	28	Nichol priority bill	887
Feb.	21	29	Landis amendment #2152 printed	916
Feb.	27	33	Landis amendment #2254 printed	1063
Mar.	6	38	Landis amendment #2399 printed	1224
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 845. By Speaker Nichol at request of Governor

Jan.	9	2	Read first time	195
Jan.	10	3	Referred to Committee on Public Works	216
Jan.	13	4	Notice of hearing (1/23)	271
Jan.	24	12	Placed on General File	491
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 846. By Speaker Nichol at request of Governor

Jan.	9	2	Read first time	195
Jan.	10	3	Referred to Committee on Revenue	216
Jan.	28	14	Notice of hearing (2/5)	546
Feb.	13	25	Indefinitely postponed	786
Feb.	20	28	Wesely-Harris-Warner-Beutler-Landis- Marsh motion to place on General File laid over	899

LEGISLATIVE BILL 847. By Speaker Nichol at request of Governor

Jan.	9	2	Read first time	195
Jan.	10	3	Referred to Committee on Appropriations	216
Jan.	24	12	Notice of hearing (2/3)	504
Feb.	4	18	Indefinitely postponed	635

LEGISLATIVE BILL 848. By Speaker Nichol at request of Governor

Jan.	9	2	Read first time	196
Jan.	10	3	Referred to Committee on Public Health and Welfare	216
Jan.	27	13	Notice of hearing (2/3)	527
Feb.	12	24	Indefinitely postponed	766

LEGISLATIVE BILL 849. By Speaker Nichol at request of Governor

Jan.	9	2	Read first time	196
Jan.	10	3	Referred to Committee on Agriculture and Environment	216
Jan.	16	7	Notice of hearing (1/30)	342
Feb.	13	25	Placed on General File - Com am #1988	802
Feb.	19	27	R. Johnson priority bill	855
Mar.	13	41	R. Johnson name added. Committee amendment #1988 adopted. Advanced for Review	1359
Mar.	13	41	Conway name added	1373
Mar.	24	47	Placed on Select File - AM5390	1630
Mar.	26	49	R. Johnson amendment #2727 printed	1726
Apr.	7	55	AM5390 (E & R) adopted. R. Johnson pending amendment #2727 p. 1726 sustained division of question - #1 and #2 adopted. V. Johnson amendment adopted. Passed over	2073
Apr.	9	57	Advanced for Engrossment.	

		DeCamp amendment printed	2162
Apr. 14	58	Correctly Engrossed	2223
Apr. 14	58	ER0252 change	2225
Apr. 16	60	Nichol motion to suspend rules prevailed	2410
Apr. 16	60	DeCamp pending amendment p. 2162 withdrawn. Final Reading w/E 38-6-5	2427
Apr. 16	60	President signed	2431
Apr. 16	60	Presented to Governor (4/16)	2432
Apr. 24	AJ	Approved by Governor (4/17)	2473

LEGISLATIVE BILL 850. By Speaker Nichol at request of Governor

Jan. 9	2	Read first time	196
Jan. 10	3	Referred to Committee on Banking, Commerce and Insurance	216
Jan. 13	4	Beutler name added	246
Jan. 17	8	Notice of hearing (1/27)	364
Jan. 29	15	Placed on General File	583
Feb. 19	27	Morehead priority bill	855
Mar. 3	35	Morehead name added	1128
Mar. 12	40	Advanced for Review	1336
Mar. 24	47	Placed on Select File - AM5389	1623
Apr. 2	52	Wesely name added	1869
Apr. 2	52	AM5389 (E & R) adopted. Morehead amendment #2565 (printed separate) adopted. Morehead-Wesely amendment #2838 adopted. Advanced for Engrossment	1893
Apr. 2	52	Abboud name added	1903
Apr. 7	55	Correctly Engrossed	2075
Apr. 7	55	ER0211 change	2077
Apr. 14	58	Final Reading w/E 44-0-5	2259
Apr. 14	58	President signed	2272
Apr. 14	58	Presented to Governor (4/14)	2283
Apr. 24	AJ	Approved by Governor (4/17)	2474

LEGISLATIVE BILL 850A. By Morehead

Feb. 28	34	Read first time. Placed on General File	1092
Mar. 12	40	Advanced for Review	1337
Mar. 24	47	Placed on Select File	1624
Mar. 27	50	Hannibal amendment #2768 printed	1809
Apr. 2	52	Hannibal pending amendment #2768 p. 1809 withdrawn. Advanced for Engrossment	1893
Apr. 7	55	Correctly Engrossed	2075
Apr. 14	58	Final Reading 41-1-7	2260

CHRONOLOGY OF BILLS

2645

Apr.	14	58	President signed	2272
Apr.	14	58	Presented to Governor (4/14)	2283
Apr.	24	AJ	Approved by Governor (4/17)	2474

LEGISLATIVE BILL 851. By Speaker Nichol at request of Governor

Jan.	9	2	Read first time	196
Jan.	10	3	Referred to Committee on Appropriations	216
Jan.	24	12	Notice of hearing (2/21)	504
Mar.	13	41	Placed on General File - Com am #2513	1382
Mar.	25	48	Committee amendment #2513 adopted. Goll amendment #2596 adopted. Advanced for Review	1662
Mar.	27	50	Placed on Select File - AM5400	1782
Apr.	2	52	AM5400 (E & R) adopted. Advanced for Engrossment	1887
Apr.	4	54	Correctly Engrossed	1980
Apr.	9	57	Final Reading w/E 41-0-8	2210
Apr.	9	57	President signed	2220
Apr.	14	58	Presented to Governor (4/10)	2222
Apr.	15	59	Approved by Governor (4/14)	2333

LEGISLATIVE BILL 851A. By Goll

Mar.	25	48	Read first time. Placed on General File	1675
Mar.	26	49	Advanced for Review	1741
Mar.	27	50	Placed on Select File - AM5401	1784
Apr.	2	52	AM5401 (E & R) adopted. Advanced for Engrossment	1887
Apr.	4	54	Correctly Engrossed	1980
Apr.	9	57	Final Reading w/E 40-0-9	2211
Apr.	9	57	President signed	2220
Apr.	14	58	Presented to Governor (4/10)	2222
Apr.	15	59	Approved by Governor (4/14)	2333

LEGISLATIVE BILL 852. By Speaker Nichol at request of Governor

Jan.	9	2	Read first time	196
Jan.	10	3	Referred to Committee on Appropriations	216
Jan.	24	12	Notice of hearing (2/4)	504
Mar.	18	44	Indefinitely postponed	1514

LEGISLATIVE BILL 853. By Speaker Nichol at request of Governor

Jan.	9	2	Read first time	197
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Jan.	10	3	Referred to Committee on Appropriations	216
Jan.	24	12	Notice of hearing (2/5)	504
Mar.	12	40	Placed on General File	1317
Mar.	25	48	Advanced for Review	1664
Mar.	27	50	Placed on Select File	1784
Apr.	2	52	Advanced for Engrossment	1887
Apr.	4	54	Correctly Engrossed	1980
Apr.	9	57	Final Reading 42-0-7	2212
Apr.	9	57	President signed	2220
Apr.	14	58	Presented to Governor (4/10)	2222
Apr.	15	59	Approved by Governor (4/14)	2333

LEGISLATIVE BILL 854. By Speaker Nichol at request of Governor

Jan.	9	2	Read first time	197
Jan.	10	3	Referred to Committee on Public Works	216
Jan.	13	4	Notice of hearing (1/22)	271
Feb.	3	17	Indefinitely postponed	619

LEGISLATIVE BILL 855. By Speaker Nichol at request of Governor

Jan.	9	2	Read first time	197
Jan.	10	3	Referred to Committee on Government, Military and Veterans Affairs	216
Jan.	16	7	Notice of hearing (1/30)	341
Feb.	6	20	Indefinitely postponed	674

LEGISLATIVE BILL 856. By Speaker Nichol at request of Governor

Jan.	9	2	Read first time	198
Jan.	10	3	Referred to Committee on Government, Military and Veterans Affairs	216
Jan.	16	7	Notice of hearing (1/30)	341
Feb.	6	20	Indefinitely postponed	675

LEGISLATIVE BILL 857. By Speaker Nichol at request of Governor

Jan.	9	2	Read first time	198
Jan.	19	3	Referred to Committee on Government, Military and Veterans Affairs	216
Jan.	16	7	Notice of hearing (1/30)	341
Feb.	6	20	Indefinitely postponed	675

LEGISLATIVE BILL 858. By Speaker Nichol at request of Governor

CHRONOLOGY OF BILLS

2647

Jan.	9	2	Read first time	198
Jan.	10	3	Referred to Committee on Public Health and Welfare	216
Jan.	27	13	Notice of hearing (2/24)	527
Mar.	11	39	Indefinitely postponed	1290

LEGISLATIVE BILL 859. By Speaker Nichol at request of Governor

Jan.	9	2	Read first time	199
Jan.	10	3	Referred to Committee on Banking, Commerce and Insurance	216
Jan.	17	8	Notice of hearing (1/27)	364
Feb.	13	25	Indefinitely postponed	795

LEGISLATIVE BILL 860. By Speaker Nichol at request of Governor

Jan.	9	2	Read first time	199
Jan.	10	3	Referred to Committee on Banking, Commerce and Insurance	216
Jan.	21	9	Rereferred to Committee on Nebraska Retirement Systems	410
Jan.	22	10	Notice of hearing (1/30)	446
Feb.	7	21	Indefinitely postponed	711

LEGISLATIVE BILL 861. By Speaker Nichol at request of Governor

Jan.	9	2	Read first time	199
Jan.	10	3	Referred to Committee on Government, Military and Veterans Affairs	217
Jan.	16	7	Notice of hearing (1/30)	341
Feb.	6	20	Placed on General File - Com am #1995	673
Feb.	20	28	Nichol priority bill	887
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 862. By Speaker Nichol at request of Governor

Jan.	9	2	Read first time	200
Jan.	10	3	Referred to Committee on Government, Military and Veterans Affairs	217
Jan.	16	7	Notice of hearing (1/31)	341
Jan.	17	8	Notice of hearing (2/6) (Reset)	369
Feb.	18	26	Placed on General File	825
Feb.	19	27	Government, Military and Veterans Affairs Committee priority bill	856
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 863. By Pappas, Lundy, Harris, Conway

Jan.	9	2	Read first time	200
Jan.	10	3	Referred to Committee on Revenue	217
Jan.	14	5	Notice of hearing (1/21)	298
Jan.	30	16	Indefinitely postponed	589

LEGISLATIVE BILL 864. By Hall, Labedz

Jan.	9	2	Read first time	200
Jan.	10	3	Referred to Committee on Public Works	217
Jan.	13	4	Notice of hearing (1/23)	272
Jan.	24	12	Placed on General File	491
Jan.	30	16	Advanced for Review	602
Feb.	10	22	Placed on Select File	726
Mar.	3	35	Advanced for Engrossment	1114
Mar.	11	39	Correctly Engrossed	1271
Mar.	14	42	Final Reading 45-2-2	1409
Mar.	14	42	Haberman explanation of vote	1415
Mar.	14	42	President signed	1420
Mar.	14	42	Presented to Governor (3/14)	1423
Mar.	18	44	Approved by Governor (3/18)	1506

LEGISLATIVE BILL 865. By Goodrich, Lundy

Jan.	9	2	Read first time	200
Jan.	10	3	Referred to Committee on Education	217
Jan.	27	13	Notice of hearing (2/11)	528
Feb.	20	28	Indefinitely postponed	896

LEGISLATIVE BILL 866. By V. Johnson

Jan.	9	2	Read first time	200
Jan.	10	3	Referred to Committee on Education	217
Jan.	27	13	Notice of hearing (2/11)	528
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 867. By Schmit, Vickers

Jan.	9	2	Read first time	201
Jan.	10	3	Referred to Committee on Revenue	217
Jan.	27	13	Notice of hearing (2/3)	529
Feb.	6	20	Indefinitely postponed	680

LEGISLATIVE BILL 868. By Hefner

Jan.	9	2	Read first time	201
Jan.	10	3	Referred to Committee on Miscellaneous Subjects	217
Jan.	27	13	Notice of hearing (2/7)	527
Feb.	20	28	Indefinitely postponed	886

LEGISLATIVE BILL 869. By Labedz, Pappas

Jan.	9	2	Read first time	201
Jan.	10	3	Referred to Committee on Banking, Commerce and Insurance	217
Jan.	13	4	Notice of hearing (1/21)	264
Jan.	22	10	Placed on General File	462
Jan.	30	16	Advanced for Review	593
Feb.	5	19	Placed on Select File	639
Mar.	3	35	Advanced for Engrossment	1114
Mar.	11	39	Correctly Engrossed	1271
Mar.	14	42	Final Reading w/E 45-0-4	1410
Mar.	14	42	Haberman explanation of vote	1415
Mar.	14	42	President signed	1420
Mar.	14	42	Presented to Governor (3/14)	1423
Mar.	18	44	Approved by Governor (3/18)	1506

LEGISLATIVE BILL 870. By Warner, Hannibal, Goll, Scofield, Carsten, Marsh, Lundy, L. Johnson, Goodrich

Jan.	9	2	Read first time	201
Jan.	13	4	Referred to Committee on Appropriations	241
Jan.	24	12	Notice of hearing (2/27)	504
Mar.	13	41	Placed on General File - Com am #2518	1386
Mar.	17	43	Goodrich amendment #2554 printed	1481
Mar.	26	49	Committee amendment #2518 adopted. Advanced for Review	1717
Mar.	27	50	Hannibal amendment #2769 printed	1809
Apr.	1	51	Placed on Select File - AM5417	1818
Apr.	14	58	AM5417 (E & R) adopted. Goodrich pending amendment #2554 p. 1481 and Hannibal pending amendment #2769 p. 1809 withdrawn. Goodrich amendments adopted. Advanced for Engrossment	2311
Apr.	14	58	Correctly Engrossed	2321
Apr.	16	60	Nichol motion to suspend rules prevailed	2410

Apr. 16	60	Final Reading w/E 45-0-4	2428
Apr. 16	60	President signed	2431
Apr. 16	60	Presented to Governor (4/16)	2432
Apr. 24	AJ	Approved by Governor (4/18)	2474

LEGISLATIVE BILL 871. By Miscellaneous Subjects Committee

Jan. 9	2	Read first time	201
Jan. 13	4	Referred to Committee on Miscellaneous Subjects	241
Jan. 16	7	Notice of hearing (1/23)	355
Jan. 27	13	Placed on General File	526
Jan. 30	16	Advanced for Review	602
Feb. 10	22	Placed on Select File - AM5241	726
Mar. 3	35	AM5241 (E & R) adopted. Advanced for Engrossment	1114
Mar. 11	39	Correctly Engrossed	1271
Mar. 11	39	ER0140 change	1274
Mar. 14	42	Final Reading 45-0-4	1411
Mar. 14	42	Haberman explanation of vote	1415
Mar. 14	42	President signed	1420
Mar. 14	42	Presented to Governor (3/14)	1423
Mar. 18	44	Approved by Governor (3/18)	1506

LEGISLATIVE BILL 872. By Miscellaneous Subjects Committee

Jan. 9	2	Read first time	202
Jan. 13	4	Referred to Committee on Miscellaneous Subjects	242
Jan. 16	7	Notice of hearing (1/24)	355
Feb. 10	22	Placed on General File - Com am #2037	720
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 872A. By Hefner

Feb. 18	26	Read first time. Placed on General File	832
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 873. By Miscellaneous Subjects Committee

Jan. 9	2	Read first time	202
Jan. 13	4	Referred to Committee on Miscellaneous Subjects	242
Jan. 16	7	Notice of hearing (1/24)	355
Feb. 19	27	Miscellaneous Subjects Committee	

CHRONOLOGY OF BILLS

2651

		priority bill	856
Feb. 20	28	Placed on General File - Com am #2077	886
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 874. By DeCamp

Jan. 9	2	Read first time	206
Jan. 13	4	Referred to Committee on Judiciary	242
Jan. 14	5	Notice of hearing (1/22)	305
Feb. 3	17	Indefinitely postponed	621

LEGISLATIVE BILL 875. By Chambers

Jan. 9	2	Read first time	207
Jan. 13	4	Referred to Committee on Government, Military and Veterans Affairs	242
Feb. 6	20	Notice of hearing (2/21)	675
Feb. 24	30	Placed on General File	947
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 876. By Chambers

Jan. 9	2	Read first time	207
Jan. 13	4	Referred to Committee on Government, Military and Veterans Affairs	242
Feb. 6	20	Notice of hearing (2/21)	675
Feb. 24	30	Placed on General File	947
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 877. By Chambers

Jan. 9	2	Read first time	207
Jan. 13	4	Referred to Committee on Judiciary	242
Jan. 14	5	Notice of hearing (1/22)	305
Feb. 3	17	Placed on General File	619
Feb. 5	19	Hoagland amendment #1966 printed	646
Feb. 20	28	Nichol priority bill	887
Feb. 21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb. 21	29	Advanced for Review pursuant to Chambers motion	938
Mar. 4	36	Placed on Select File - AM5301	1133
Mar. 11	39	Haberman amendment printed	1310
Mar. 12	40	AM5301 (E & R) adopted. DeCamp amendment #2393 lost. Haberman	

		pending amendment p. 1310 withdrawn.	
		Haberman amendment adopted.	
		Advanced for Engrossment	1313
Mar. 12	40	Expedited	1346
Mar. 13	41	Correctly Engrossed	1361
Mar. 13	41	ER0153 change	1362
Mar. 18	44	Hoagland pending amendment #1966	
		p. 646 withdrawn. Returned to Select	
		File for Hoagland amendment.	
		Hoagland amendment adopted.	
		Advanced for Re-Engrossment (Correction) ...	1489
Mar. 19	45	Correctly Re-Engrossed	1549
Mar. 24	47	Correction	1606
Mar. 25	48	Final Reading 27-15-7	1682
Mar. 25	48	President signed	1685
Mar. 25	48	Presented to Governor (3/25)	1691
Apr. 1	51	Approved by Governor (3/31)	1813

LEGISLATIVE BILL 878. By Chambers

Jan. 9	2	Read first time	207
Jan. 13	4	Referred to Committee on Government, Military and Veterans Affairs	242
Jan. 16	7	Notice of hearing (1/23)	341
Feb. 6	20	Placed on General File - Com am #2017	674
Mar. 6	38	Committee amendment #2017 adopted.	
		Advanced for Review	1240
Mar. 19	45	Placed on Select File - AM5373	1546
Apr. 4	54	AM5373 (E & R) adopted.	
		Advanced for Engrossment	1991
Apr. 7	55	Correctly Engrossed	2032
Apr. 14	58	Final Reading 25-22-2	2261
Apr. 14	58	President signed	2272
Apr. 14	58	Presented to Governor (4/14)	2283
Apr. 24	AJ	Approved by Governor (4/19)	2476

LEGISLATIVE BILL 879. By Hannibal

Jan. 9	2	Read first time	207
Jan. 13	4	Referred to Committee on Urban Affairs	242
Jan. 24	12	Notice of hearing (3/5)	519
Feb. 20	28	Nichol motion to suspend rules prevailed.	
		Notice of hearing (2/26) (Reset)	897
Mar. 3	35	Indefinitely postponed	1110

LEGISLATIVE BILL 880. By DeCamp

CHRONOLOGY OF BILLS

2653

Jan.	9	2	Read first time	207
Jan.	13	4	Referred to Committee on Banking, Commerce and Insurance	242
Jan.	17	8	Notice of hearing (1/27)	364
Feb.	5	19	Placed on General File - Com am #1916	644
Feb.	7	21	DeCamp amendment #2006 to committee amendment printed	710
Feb.	20	28	Nichol priority bill	887
Feb.	26	32	Hoagland amendment #2068 to committee amendment printed	1034
Mar.	19	45	DeCamp amendment #2607 printed	1517
Mar.	27	50	DeCamp amendment #2720 to amendment #2006 printed	1766
Mar.	27	50	DeCamp amendment #2721 to committee amendment printed	1767
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 881. By DeCamp

Jan.	9	2	Read first time	208
Jan.	13	4	Referred to Committee on Judiciary	242
Feb.	11	23	Notice of hearing (2/18)	747
Feb.	20	28	Placed on General File	902
Mar.	5	37	DeCamp amendment printed	1198
Mar.	6	38	DeCamp pending amendment p. 1198 adopted. Advanced for Review	1228
Mar.	17	43	Placed on Select File - AM5354	1466
Apr.	4	54	AM5354 (E & R) adopted. Advanced for Engrossment	1989
Apr.	7	55	Correctly Engrossed	2032
Apr.	14	58	Final Reading 48-0-1	2262
Apr.	14	58	President signed	2272
Apr.	14	58	Presented to Governor (4/14)	2283
Apr.	16	60	Approved by Governor (4/16)	2447

LEGISLATIVE BILL 882. By Hefner, Hartnett, Higgins, Nelson, L. Johnson, Morehead, Lundy, Sieck, Landis

Jan.	9	2	Read first time	208
Jan.	10	3	Haberman name added	238
Jan.	13	4	Referred to Committee on Miscellaneous Subjects	242
Jan.	16	7	Notice of hearing (1/23)	355
Jan.	27	13	Indefinitely postponed	526

LEGISLATIVE BILL 883. By Banking, Commerce and Insurance Committee

Jan.	9	2	Read first time	208
Jan.	13	4	Referred to Committee on Banking, Commerce and Insurance	242
Jan.	17	8	Notice of hearing (1/27)	364
Jan.	28	14	Indefinitely postponed	544

LEGISLATIVE BILL 884. By Banking, Commerce and Insurance Committee

Jan.	9	2	Read first time	208
Jan.	13	4	Referred to Committee on Banking, Commerce and Insurance	242
Jan.	21	9	DeCamp motion to withdraw laid over	423
Jan.	22	10	DeCamp pending motion p. 423 prevailed. Withdrawn	437

LEGISLATIVE BILL 885. By Haberman

Jan.	9	2	Read first time	208
Jan.	13	4	Referred to Committee on Government, Military and Veterans Affairs	242
Jan.	16	7	Notice of hearing (1/24)	341
Feb.	10	22	Placed on General File - Com am #1992	727
Mar.	6	38	Committee amendment #1992 adopted. Advanced for Review	1241
Mar.	19	45	Placed on Select File - AM5376	1547
Apr.	4	54	AM5376 (E & R) adopted. Advanced for Engrossment	1992
Apr.	7	55	Correctly Engrossed	2032
Apr.	9	57	Haberman amendment #3022 printed	2182
Apr.	15	59	Haberman pending amendment #3022 p. 2182 withdrawn. Final Reading 48-0-1	2382
Apr.	15	59	President signed	2388
Apr.	16	60	Presented to Governor (4/16)	2409
Apr.	24	AJ	Approved by Governor (4/17)	2473

LEGISLATIVE BILL 886. By Schmit

Jan.	9	2	Read first time	209
Jan.	13	4	Referred to Committee on Public Works	242
Jan.	13	4	Notice of hearing (1/22)	271

CHRONOLOGY OF BILLS

2655

Jan. 23	11	Placed on General File	475
Jan. 30	16	Advanced for Review	593
Feb. 5	19	Placed on Select File - AM5235	655
Mar. 3	35	AM5235 (E & R) adopted. Advanced for Engrossment	1114
Mar. 11	39	Correctly Engrossed	1271
Mar. 11	39	ER0148 change	1274
Mar. 14	42	Final Reading 47-0-2	1411
Mar. 14	42	President signed	1420
Mar. 14	42	Presented to Governor (3/14)	1423
Mar. 18	44	Approved by Governor (3/18)	1506

LEGISLATIVE BILL 887. By Wesely

Jan. 9	2	Read first time	209
Jan. 13	4	Referred to Committee on Education	242
Jan. 14	5	Notice of hearing (1/21)	298
Jan. 30	16	Placed on General File	592
Feb. 21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb. 21	29	Advanced for Review pursuant to Chambers motion	937
Mar. 4	36	Placed on Select File - AM5299	1132
Mar. 5	37	AM5299 (E & R) adopted. Advanced for Engrossment	1195
Mar. 18	44	Correctly Engrossed	1482
Mar. 25	48	Final Reading 46-0-3	1678
Mar. 25	48	President signed	1685
Mar. 25	48	Presented to Governor (3/25)	1691
Apr. 1	51	Approved by Governor (3/28)	1811

LEGISLATIVE BILL 888. By Lynch

Jan. 9	2	Read first time	209
Jan. 13	4	Referred to Committee on Revenue	242
Jan. 21	9	Notice of hearing (1/28)	423
Jan. 30	16	Placed on General File	589
Feb. 21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb. 21	29	Advanced for Review pursuant to Chambers motion	937
Mar. 4	36	Placed on Select File	1132
Mar. 5	37	Advanced for Engrossment	1193
Mar. 14	42	Correctly Engrossed	1423
Mar. 19	45	Final Reading 47-0-2	1522

Mar. 19	45	Speaker signed	1537
Mar. 19	45	Presented to Governor (3/19)	1544
Mar. 24	47	Approved by Governor (3/24)	1644

LEGISLATIVE BILL 889. By Lynch

Jan. 9	2	Read first time	209
Jan. 13	4	Referred to Committee on Revenue	242
Jan. 21	9	Notice of hearing (1/28)	423
Feb. 6	20	Placed on General File - Com am #1944	678
Mar. 6	38	Committee amendment #1944 adopted. Advanced for Review	1240
Mar. 19	45	Placed on Select File - AM5375	1547
Apr. 4	54	AM5375 (E & R) adopted. Advanced for Engrossment	1991
Apr. 7	55	Correctly Engrossed	2032
Apr. 8	56	V. Johnson amendment #2934 printed	2150
Apr. 14	58	Returned to Select File for V. Johnson amendment. V. Johnson pending amendment #2934 p. 2150 adopted. Advanced for Re-Engrossment	2326
Apr. 14	58	Correctly Re-Engrossed	2328
Apr. 16	60	Nichol motion to suspend rules prevailed	2410
Apr. 16	60	Final Reading 46-0-3	2429
Apr. 16	60	President signed	2431
Apr. 16	60	Presented to Governor (4/16)	2432
Apr. 24	AJ	Approved by Governor (4/19)	2475

LEGISLATIVE BILL 890. By Sieck

Jan. 9	2	Read first time	209
Jan. 13	4	Referred to Committee on Revenue	242
Jan. 22	10	Notice of hearing (1/29)	437
Jan. 30	16	Placed on General File	589
Feb. 10	22	Pappas amendment printed	730
Feb. 13	25	Lundy amendment #2087 printed	787
Feb. 13	25	Lundy priority bill	802
Feb. 28	34	Pappas pending amendment p. 730 withdrawn. Lundy pending amendment #2087 p. 787 and Morehead amendment #2142 adopted. Advanced for Review	1072
Mar. 5	37	Wesely amendment #2315 printed	1180
Mar. 6	38	Vickers amendment #2405 printed	1245
Mar. 6	38	Vickers amendment #2404 printed	1246
Mar. 11	39	Placed on Select File - AM5340	1285

CHRONOLOGY OF BILLS

2657

Mar. 14	42	Pappas name added	1441
Mar. 14	42	Sieck amendments #2557 and #2558 printed	1445
Mar. 17	43	Lundy name added	1471
Apr. 3	53	AM5340 (E & R) adopted. Wesely pending amendment #2315 p. 1180 withdrawn. Sieck amendments #2557 and #2558 p. 1445 adopted. Lamb motion to indefinitely postpone pending	1907
Apr. 3	53	Lamb pending motion p. 1907 lost. Lamb amendment withdrawn. Advanced for Engrossment	1908
Apr. 7	55	Correctly Engrossed	2032
Apr. 7	55	ER0200 change	2034
Apr. 9	57	Vickers amendment #2997 printed	2174
Apr. 15	59	Vickers motion to return to Select File withdrawn. Vickers pending amendments #2405 p. 1245, #2404 p. 1246 and #2997 p. 2174 withdrawn. V. Johnson motion to return to Select File lost. Final Reading 28-16-5	2383
Apr. 15	59	President signed	2388
Apr. 16	60	Presented to Governor (4/16)	2409
Apr. 24	AJ	Approved by Governor (4/19)	2475

LEGISLATIVE BILL 891. By DeCamp

Jan. 9	2	Read first time	211
Jan. 13	4	Referred to Committee on Judiciary	242
Jan. 14	5	Conway name added	291
Jan. 27	13	Notice of hearing (2/3)	526
Feb. 6	20	Placed on General File	676
Feb. 21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb. 21	29	Advanced for Review pursuant to Chambers motion	938
Mar. 4	36	Placed on Select File - AM5303	1133
Mar. 5	37	AM5303 (E & R) adopted. Advanced for Engrossment	1193
Mar. 14	42	Correctly Engrossed	1423
Mar. 19	45	Final Reading w/E 48-0-1	1523
Mar. 19	45	Speaker signed	1537
Mar. 19	45	Presented to Governor (3/19)	1544
Mar. 24	47	Approved by Governor (3/24)	1644

LEGISLATIVE BILL 892. By DeCamp

Jan.	9	2	Read first time	211
Jan.	13	4	Referred to Committee on Banking, Commerce and Insurance	242
Jan.	13	4	Notice of hearing (1/21)	264
Feb.	13	25	Indefinitely postponed	795

LEGISLATIVE BILL 893. By DeCamp

Jan.	9	2	Read first time	211
Jan.	13	4	Referred to Committee on Banking, Commerce and Insurance	242
Jan.	13	4	Notice of hearing (1/21)	264
Jan.	29	15	Indefinitely postponed	583

LEGISLATIVE BILL 894. By Schmit, Beutler, Vickers

Jan.	9	2	Read first time	212
Jan.	13	4	Referred to Committee on Public Works	242
Jan.	13	4	R. Johnson motion to rerefer to Agriculture and Environment Committee laid over	269
Jan.	13	4	Notice of hearing (1/22)	271
Jan.	15	6	R. Johnson pending motion p. 269 withdrawn	311
Jan.	16	7	Hefner name added	352
Jan.	28	14	Placed on General File - Com am #1863	540
Feb.	19	27	Beutler priority bill	855
Feb.	28	34	Committee amendment #1863 adopted. Advanced for Review	1084
Mar.	11	39	Placed on Select File - AM5341	1287
Mar.	17	43	R. Johnson amendment #2369 printed	1477
Mar.	25	48	Scofield amendment #2697 printed	1698
Mar.	25	48	Scofield amendments #2619 and #2620 printed	1700
Mar.	25	48	Scofield amendment #2621 printed	1701
Apr.	3	53	AM5341 (E & R) adopted. R. Johnson pending amendment #2369 p. 1477 lost. Scofield pending amendments #2697 p. 1698, #2619 p. 1700, #2620 p. 1700 and #2621 p. 1701 withdrawn. Scofield amendment #2849 lost. Advanced for Engrossment	1910
Apr.	7	55	Correctly Engrossed	2032
Apr.	7	55	ER0222 change	2035

CHRONOLOGY OF BILLS

2659

Apr.	14	58	Final Reading 47-0-2	2263
Apr.	14	58	President signed	2279
Apr.	14	58	Presented to Governor (4/14)	2283
Apr.	24	AJ	Approved by Governor (4/18)	2475

LEGISLATIVE BILL 894A. By Schmit

Feb.	7	21	Read first time. Placed on General File	709
Feb.	28	34	Advanced for Review	1085
Mar.	11	39	Placed on Select File	1287
Mar.	25	48	Scofield amendment #2622 printed	1701
Apr.	3	53	Scofield pending amendment #2622 p. 1701 adopted. Advanced for Engrossment	1912
Apr.	7	55	Correctly Engrossed	2032
Apr.	7	55	ER0198 change	2035
Apr.	14	58	Final Reading 45-0-4	2263
Apr.	14	58	President signed	2279
Apr.	14	58	Presented to Governor (4/14)	2283
Apr.	24	AJ	Approved by Governor (4/18)	2475

LEGISLATIVE BILL 895. By Banking, Commerce and Insurance Committee

Jan.	9	2	Read first time	212
Jan.	13	4	Referred to Committee on Banking, Commerce and Insurance	242
Jan.	17	8	Notice of hearing (1/27)	364
Jan.	28	14	Placed on General File	544
Feb.	12	24	Lynch priority bill	772
Feb.	19	27	Lynch amendment #2169 printed	874
Feb.	21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb.	21	29	Advanced for Review pursuant to Chambers motion	936
Feb.	28	34	Placed on Select File - AM5282	1079
Mar.	5	37	Lynch amendment #2397 printed	1198
Mar.	11	39	AM5282 (E & R) adopted. Lynch pending amendment #2169 p. 874 withdrawn. Lynch pending amendment #2397 p. 1198 adopted. V. Johnson amendment lost	1279
Mar.	11	39	DeCamp amendment adopted. Advanced for Engrossment	1287
Mar.	19	45	Correctly Engrossed. ER0159 change	1549
Mar.	25	48	Final Reading 30-13-6	1682

Mar. 25	48	President signed	1685
Mar. 25	48	Presented to Governor (3/25)	1691
Apr. 1	51	Approved by Governor (3/31)	1813

LEGISLATIVE BILL 896. By Lamb

Jan. 9	2	Read first time	212
Jan. 13	4	Referred to Committee on Public Works	242
Jan. 22	10	Notice of hearing (1/29)	446
Feb. 3	17	Placed on General File	619
Feb. 21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb. 21	29	Advanced for Review pursuant to Chambers motion	938
Mar. 4	36	Placed on Select File - AM5300	1133
Mar. 5	37	AM5300 (E & R) adopted. Advanced for Engrossment	1193
Mar. 14	42	Correctly Engrossed	1423
Mar. 19	45	Final Reading 46-1-2	1524
Mar. 19	45	Speaker signed	1537
Mar. 19	45	Presented to Governor (3/19)	1544
Mar. 24	47	Approved by Governor (3/24)	1644

LEGISLATIVE BILL 897. By Rupp

Jan. 10	3	Read first time	222
Jan. 24	12	Referred to Committee on Education	486
Jan. 27	13	Notice of hearing (2/18)	528
Feb. 20	28	Placed on General File - Com am #2185	901
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 898. By Agriculture and Environment Committee

Jan. 10	3	Read first time	223
Jan. 13	4	Referred to Committee on Agriculture and Environment	242
Jan. 16	7	Notice of hearing (1/24)	342
Jan. 28	14	Placed on General File	547
Feb. 21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb. 21	29	Advanced for Review pursuant to Chambers motion	936
Mar. 3	35	Placed on Select File - AM5284	1101
Mar. 3	35	R. Johnson amendment #2310 printed separate	1128

CHRONOLOGY OF BILLS

2661

Mar. 12	40	Morehead amendment #2301 printed separate ...	1345
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 898A. By R. Johnson

Feb. 28	34	Read first time. Placed on General File	1092
Mar. 17	43	Advanced for Review	1465
Mar. 24	47	Placed on Select File	1651
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 899. By Agriculture and Environment Committee

Jan. 10	3	Read first time	223
Jan. 13	4	Referred to Committee on Agriculture and Environment	242
Jan. 16	7	Notice of hearing (1/24)	342
Jan. 28	14	Placed on General File	548
Feb. 21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb. 21	29	Advanced for Review pursuant to Chambers motion	937
Feb. 25	31	R. Johnson amendment #2236 printed	984
Mar. 3	35	Placed on Select File - AM5285	1102
Mar. 5	37	AM5285 (E & R) adopted. Advanced for Engrossment	1192
Mar. 14	42	Correctly Engrossed	1392
Mar. 17	43	R. Johnson motion to return to Select File lost	1463
Mar. 18	44	Pappas name added	1514
Apr. 7	55	R. Johnson motion to return to Select File lost. Passed over	2057
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 899A. By R. Johnson

Feb. 25	31	Read first time. Placed on General File	989
Mar. 6	38	Advanced for Review	1214
Mar. 17	43	Placed on Select File	1453
Mar. 26	49	Advanced for Engrossment	1741
Apr. 2	52	Correctly Engrossed	1869
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 900. By Agriculture and Environment Committee

Jan.	10	3	Read first time	223
Jan.	13	4	Referred to Committee on Agriculture and Environment	242
Jan.	16	7	Notice of hearing (1/24)	342
Jan.	29	15	Placed on General File - Com am #1888	572
Mar.	6	38	Committee amendment #1888 adopted. Advanced for Review	1232
Mar.	18	44	Placed on Select File - AM5360	1504
Apr.	4	54	AM5360 (E & R) adopted. R. Johnson amendment #2886 (printed separate) adopted. Advanced for Engrossment	2000
Apr.	7	55	Correctly Engrossed	2075
Apr.	7	55	ER0223 change	2078
Apr.	14	58	Final Reading w/E 46-0-3	2264
Apr.	14	58	President signed	2279
Apr.	14	58	Presented to Governor (4/14)	2283
Apr.	16	60	Approved by Governor (4/16)	2447

LEGISLATIVE BILL 900A. By R. Johnson

Feb.	5	19	Read first time. Placed on General File	646
Mar.	6	38	Advanced for Review	1232
Mar.	18	44	Placed on Select File	1505
Apr.	4	54	Sieck amendment adopted. Advanced for Engrossment	2001
Apr.	7	55	Correctly Engrossed	2075
Apr.	14	58	Final Reading 47-0-2	2265
Apr.	14	58	President signed	2279
Apr.	14	58	Presented to Governor (4/14)	2265
Apr.	16	60	Approved by Governor (4/16)	2447

LEGISLATIVE BILL 901. By Barrett

Jan.	10	3	Read first time	224
Jan.	13	4	Referred to Committee on Business and Labor	242
Jan.	22	10	Notice of hearing (1/29)	447
Feb.	3	17	Placed on General File	616
Feb.	21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb.	21	29	Advanced for Review pursuant to Chambers motion	938
Mar.	4	36	Placed on Select File	1132
Mar.	5	37	Advanced for Engrossment	1193
Mar.	14	42	Correctly Engrossed	1423

CHRONOLOGY OF BILLS

2663

Mar. 19	45	Final Reading 48-0-1	1525
Mar. 19	45	Speaker signed	1537
Mar. 19	45	Presented to Governor (3/19)	1544
Mar. 24	47	Approved by Governor (3/24)	1644

LEGISLATIVE BILL 902. By Pirsch, Lynch, Hoagland

Jan. 10	3	Read first time	224
Jan. 13	4	Referred to Committee on Public Works	242
Jan. 22	10	Notice of hearing (1/29)	446
Feb. 12	24	Notice of hearing (2/20) (Rehearing)	763
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 903. By Lynch

Jan. 10	3	Read first time	225
Jan. 13	4	Referred to Committee on Banking, Commerce and Insurance	242
Jan. 13	4	Notice of hearing (1/21)	264
Jan. 23	11	Placed on General File - Com am #1823	475
Feb. 24	30	Lynch amendment #2147 printed	954
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 904. By Select Committee on Early Childhood Special Education

Jan. 10	3	Read first time	225
Jan. 13	4	Referred to Committee on Public Health and Welfare	242
Jan. 14	5	Notice of hearing (1/21)	307
Jan. 24	12	Placed on General File	492
Jan. 30	16	Advanced for Review	602
Feb. 10	22	Placed on Select File - AM5240	726
Mar. 3	35	AM5240 (E & R) adopted. Advanced for Engrossment	1114
Mar. 11	39	Correctly Engrossed	1271
Mar. 11	39	ER0141 change	1275
Mar. 14	42	Final Reading 45-0-4	1412
Mar. 14	42	President signed	1420
Mar. 14	42	Presented to Governor (3/14)	1423
Mar. 18	44	Approved by Governor (3/18)	1506

LEGISLATIVE BILL 905. By Select Committee on Early Childhood Special Education

Jan.	10	3	Read first time	226
Jan.	13	4	Referred to Committee on Public Health and Welfare	242
Jan.	21	9	Notice of hearing (1/28)	430
Apr.	16	60	Indefinitely postponed	2469

**LEGISLATIVE BILL 906. By Select Committee on Early Childhood
Special Education**

Jan.	10	3	Read first time	226
Jan.	13	4	Referred to Committee on Education	242
Jan.	17	8	Notice of hearing (1/27)	383
Feb.	10	22	Indefinitely postponed	719

LEGISLATIVE BILL 907. By DeCamp

Jan.	10	3	Read first time	226
Jan.	13	4	Referred to Committee on Banking, Commerce and Insurance	242
Jan.	13	4	Notice of hearing (1/21)	265
Jan.	22	10	Placed on General File	462
Jan.	30	16	Advanced for Review	593
Feb.	5	19	Placed on Select File - AM5234	639
Feb.	18	26	DeCamp amendment #2151 printed	842
Mar.	12	40	AM5234 (E & R) adopted. DeCamp pending amendment #2151 p. 842 withdrawn. Advanced for Engrossment	1331
Mar.	20	46	Correctly Engrossed	1603
Mar.	26	49	Final Reading 43-0-6	1724
Mar.	26	49	President signed	1731
Mar.	26	49	Presented to Governor (3/26)	1737
Apr.	1	51	Approved by Governor (3/28)	1812

LEGISLATIVE BILL 908. By DeCamp

Jan.	10	3	Read first time	226
Jan.	13	4	Referred to Committee on Banking, Commerce and Insurance	242
Jan.	13	4	Notice of hearing (1/21)	265
Jan.	23	11	Placed on General File - Com am #1826	475
Feb.	21	29	Committee amendment #1826 adopted. Advanced for Review	923
Feb.	27	33	Placed on Select File - AM5277	1060
Mar.	3	35	AM5277 (E & R) adopted. Advanced for Engrossment	1117

CHRONOLOGY OF BILLS

2665

Mar. 13	41	Correctly Engrossed	1359
Mar. 18	44	Final Reading w/E 43-0-6	1489
Mar. 18	44	Speaker signed	1493
Mar. 18	44	Presented to Governor (3/18)	1496
Mar. 18	44	Morehead explanation of vote	1497
Mar. 18	44	Approved by Governor (3/18)	1505

LEGISLATIVE BILL 909. By DeCamp

Jan. 10	3	Read first time	227
Jan. 13	4	Referred to Committee on Banking, Commerce and Insurance	242
Jan. 13	4	Notice of hearing (1/21)	265
Jan. 22	10	Placed on General File	462
Jan. 30	16	Advanced for Review	593
Feb. 5	19	Placed on Select File	655
Feb. 7	21	DeCamp amendment #2019 printed separate	709
Mar. 12	40	DeCamp pending amendment #2019 p. 709 adopted. Advanced for Engrossment	1332
Mar. 24	47	Correctly Engrossed	1606
Mar. 24	47	ER0167 change	1607
Mar. 27	50	Final Reading 47-0-2	1759
Mar. 27	50	President signed	1765
Mar. 27	50	Presented to Governor (3/27)	1775
Apr. 1	51	Approved by Governor (4/1)	1830

LEGISLATIVE BILL 910. By DeCamp

Jan. 10	3	Read first time	227
Jan. 13	4	Referred to Committee on Banking, Commerce and Insurance	242
Jan. 13	4	Notice of hearing (1/21)	265
Jan. 24	12	Placed on General File - Com am #1825	494
Feb. 21	29	Committee amendment #1825 adopted. Advanced for Review	924
Feb. 27	33	Placed on Select File - AM5279	1061
Mar. 3	35	AM5279 (E & R) adopted. Advanced for Engrossment	1117
Mar. 13	41	Correctly Engrossed	1359
Mar. 18	44	Final Reading 44-0-5	1490
Mar. 18	44	Speaker signed	1493
Mar. 18	44	Presented to Governor (3/18)	1496
Mar. 18	44	Morehead explanation of vote	1497
Mar. 24	47	Approved by Governor (3/24)	1644

LEGISLATIVE BILL 911. By Pappas, Morehead, Nelson, Hall, Lundy, Marsh, Higgins, DeCamp, Conway, Labedz, Wesely, Hartnett, Nichol

Jan.	10	3	Read first time	227
Jan.	13	4	Referred to Committee on Miscellaneous Subjects	242
Jan.	16	7	Notice of hearing (1/23)	355
Feb.	18	26	Placed on General File	825
Feb.	19	27	Miscellaneous Subjects Committee priority bill	856
Feb.	21	29	Hefner amendment #2190 printed	910
Feb.	25	31	Hefner amendment #2238 to amendment #2190 printed	1001
Mar.	24	47	Pappas amendment #2468 printed	1645
Mar.	26	49	Pappas amendment #2678 printed	1717
Apr.	2	52	Landis-Hefner-Lundy amendment #2851 printed separate	1897
Apr.	3	53	Hefner pending amendment #2190 p. 910 adopted as amended by Hefner pending amendment #2238 p. 1001 and amendment #2871 (printed separate). Pappas pending amendments #2678 p. 1717, #2648 p. 1645, and Landis-Hefner-Lundy pending amendment #2851 p. 1897 withdrawn. Conway motion to indefinitely postpone withdrawn. Advanced for Review	1932
Apr.	3	53	Hefner name added	1954
Apr.	7	55	Placed on Select File - AM5425	2039
Apr.	7	55	L. Johnson name added	2090
Apr.	8	56	Pappas amendment #2949 printed	2126
Apr.	8	56	Pappas amendment #2988 printed	2148
Apr.	8	56	Sieck name added	2153
Apr.	9	57	AM5425 (E & R) adopted. Hefner amendment to E & R amendment ruled not germane. Pappas pending amendments #2949 p. 2126 and #2988 p. 2148 withdrawn. Hefner amendment adopted. Advanced for Engrossment	2176
Apr.	14	58	Correctly Engrossed	2223
Apr.	14	58	ER0253 change	2225
Apr.	16	60	Nichol motion to suspend rules prevailed	2410
Apr.	16	60	Hoagland motion to return to Select File withdrawn. Final Reading w/E 35-10-4	2430
Apr.	16	60	President signed	2431

CHRONOLOGY OF BILLS

2667

Apr. 16	60	Presented to Governor (4/16)	2432
Apr. 24	AJ	Approved by Governor (4/18)	2474

LEGISLATIVE BILL 912. By Lundy, Scofield, Conway, Chronister, Remmers

Jan. 10	3	Read first time	227
Jan. 14	5	Referred to Committee on Education	277
Jan. 27	13	Notice of hearing (2/3)	528
Feb. 13	25	Placed on General File	797
Feb. 21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb. 21	29	Advanced for Review pursuant to Chambers motion	940
Mar. 4	36	Placed on Select File - AM5321	1151
Mar. 5	37	AM5321 (E & R) adopted. Advanced for Engrossment	1195
Mar. 14	42	Correctly Engrossed	1444
Mar. 19	45	Final Reading 43-1-5	1525
Mar. 19	45	Speaker signed	1537
Mar. 19	45	Presented to Governor (3/19)	1544
Mar. 24	47	Approved by Governor (3/24)	1644

LEGISLATIVE BILL 913. By Nichol, Nelson, Rupp, Pappas

Jan. 10	3	Read first time	227
Jan. 14	5	Referred to Committee on Education	277
Jan. 27	13	Notice of hearing (2/4)	528
Feb. 20	28	Indefinitely postponed	896

LEGISLATIVE BILL 914. By Eret

Jan. 10	3	Read first time	228
Jan. 14	5	Referred to Committee on Revenue	277
Feb. 3	17	Notice of hearing (3/4)	615
Feb. 20	28	Nichol motion to suspend rules prevailed. Notice of hearing (2/25) (Reset)	897
Feb. 26	32	Indefinitely postponed	1041

LEGISLATIVE BILL 915. By Wesely

Jan. 10	3	Read first time	228
Jan. 14	5	Referred to Committee on Banking, Commerce and Insurance	277

Jan. 24	12	Notice of hearing (2/3)	503
Feb. 13	25	Indefinitely postponed	795

LEGISLATIVE BILL 916. By Wesely

Jan. 10	3	Read first time	228
Jan. 14	5	Referred to Committee on Health and Human Services	277
Jan. 27	13	Notice of hearing (2/10)	527
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 917. By Hall

Jan. 10	3	Read first time	228
Jan. 14	5	Referred to Committee on Business and Labor	277
Jan. 22	10	Notice of hearing (1/29)	447
Feb. 18	26	Placed on General File - Com am #1942	841
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 918. By R. Johnson

Jan. 10	3	Read first time	232
Jan. 14	5	Referred to Committee on Education	277
Jan. 27	13	Notice of hearing (2/3)	528
Feb. 18	26	Indefinitely postponed	817

LEGISLATIVE BILL 919. By Warner

Jan. 10	3	Read first time	232
Jan. 14	5	Referred to Committee on Judiciary	277
Feb. 11	23	Notice of hearing (2/24)	747
Feb. 25	31	Indefinitely postponed	1010

LEGISLATIVE BILL 920. By Warner

Jan. 10	3	Read first time	232
Jan. 14	5	Referred to Committee on Public Works	277
Jan. 16	7	Sieck name added	351
Jan. 22	10	Notice of hearing (1/29)	446
Feb. 3	17	Placed on General File	619
Feb. 20	28	Nichol priority bill	887
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 921. By Public Health and Welfare Committee

CHRONOLOGY OF BILLS

2669

Jan. 10	3	Read first time	235
Jan. 14	5	Referred to Committee on Health and Human Services	277
Jan. 17	8	Notice of hearing (1/27)	403
Feb. 10	22	Placed on General File - Com am #1998	722
Mar. 6	38	Committee amendment #1998 adopted. Advanced for Review	1241
Mar. 19	45	Placed on Select File - AM5378	1547
Apr. 4	54	AM5378 (E & R) adopted. Advanced for Engrossment	1991
Apr. 7	55	Wesely amendment #2943 printed	2092
Apr. 14	58	Wesely pending amendment #2943 p. 2092 withdrawn. Returned to Select File for Wesely-Smith amendment. Wesely- Smith amendment #3054 adopted. Advanced for Engrossment	2323
Apr. 14	58	Correctly Engrossed	2328
Apr. 14	58	ER0265 change	2329
Apr. 16	60	Nichol motion to suspend rules prevailed	2410
Apr. 16	60	Final Reading 45-0-4	2432
Apr. 16	60	President signed	2440
Apr. 16	60	Presented to Governor (4/16)	2448
Apr. 24	AJ	Approved by Governor (4/18)	2474

LEGISLATIVE BILL 922. By Public Health and Welfare Committee

Jan. 10	3	Read first time	236
Jan. 14	5	Referred to Committee on Health and Human Services	277
Jan. 14	5	Notice of hearing (1/21)	307
Jan. 24	12	Placed on General File	492
Jan. 30	16	Advanced for Review	602
Feb. 10	22	Placed on Select File - AM5239	726
Feb. 20	28	Wesely amendment #2140 printed	895
Mar. 12	40	AM5239 (E & R) adopted. Wesely pending amendment #2140 p. 895 adopted. Advanced for Engrossment	1333
Mar. 24	47	Correctly Engrossed	1606
Mar. 24	47	ER0164 change	1608
Mar. 27	50	Final Reading 47-0-2	1760
Mar. 27	50	President signed	1765
Mar. 27	50	Presented to Governor (3/27)	1775
Apr. 1	51	Approved by Governor (4/1)	1830

LEGISLATIVE BILL 923. By Public Health and Welfare Committee

Jan.	10	3	Read first time	236
Jan.	14	5	Referred to Committee on Judiciary	277
Jan.	14	5	Notice of hearing (1/22)	305
Mar.	4	36	Placed on General File - Com am #2324	1152
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 924. By Public Health and Welfare Committee

Jan.	10	3	Read first time	236
Jan.	14	5	Referred to Committee on Health and Human Services	277
Jan.	17	8	Notice of hearing (1/27)	403
Jan.	29	15	Placed on General File	582
Feb.	20	28	Nichol priority bill	887
Feb.	21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb.	21	29	Advanced for Review pursuant to Chambers motion	937
Mar.	4	36	Placed on Select File - AM5294	1130
Mar.	5	37	Wesely amendment #2336 printed	1182
Mar.	11	39	AM5294 (E & R) adopted. Wesely pending amendment 2336 p. 1182, Wesely amendment and Hannibal amendment adopted. Advanced for Engrossment	1307
Mar.	20	46	Correctly Engrossed. ER0169 change	1579
Mar.	25	48	Smith amendment #2688 printed	1692
Apr.	1	51	Wesely amendment #2777 printed	1849
Apr.	2	52	Attorney General's Opinion #86041 to Wesely ...	1856
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 925. By Public Health and Welfare Committee

Jan.	10	3	Read first time	236
Jan.	14	5	Referred to Committee on Health and Human Services	277
Jan.	27	13	Notice of hearing (2/3)	527
Feb.	7	21	Placed on General File - Com am #1999	709
Feb.	13	25	V. Johnson priority bill	802
Feb.	28	34	Committee amendment #1999 adopted. V. Johnson-Wesely amendment #2286 adopted. Advanced for Review	1074
Mar.	5	37	Wesely amendment #2378 to committee amendment printed	1183
Mar.	11	39	Placed on Select File - AM5344	1286

CHRONOLOGY OF BILLS

2671

Apr.	2	52	AM5344 (E & R) adopted. Wesely pending amendment #2378 p. 1183 adopted. Advanced for Engrossment	1891
Apr.	4	54	Correctly Engrossed	2018
Apr.	9	57	Final Reading 42-0-7	2213
Apr.	9	57	President signed	2220
Apr.	14	58	Presented to Governor (4/10)	2222
Apr.	15	59	Approved by Governor (4/14)	2333

LEGISLATIVE BILL 925A. By Wesely

Feb.	20	28	Read first time. Placed on General File	900
Feb.	28	34	Advanced for Review	1076
Mar.	11	39	Placed on Select File	1286
Apr.	2	52	Advanced for Engrossment	1891
Apr.	4	54	Correctly Engrossed	2018
Apr.	9	57	Final Reading 42-0-7	2214
Apr.	9	57	President signed	2220
Apr.	14	58	Presented to Governor (4/10)	2222
Apr.	15	59	Approved by Governor (4/14)	2333

LEGISLATIVE BILL 926. By Public Health and Welfare Committee

Jan.	10	3	Read first time	237
Jan.	14	5	Referred to Committee on Health and Human Services	277
Jan.	27	13	Notice of hearing (2/3)	527
Feb.	10	22	Placed on General File - Com am #2000	723
Feb.	19	27	Health and Human Services Committee priority bill	856
Feb.	27	33	Chronister amendment #2271 printed	1052
Mar.	24	47	Wesely amendment #2653 printed separate	1649
Apr.	7	55	Committee amendment #2000 adopted as amended by Wesely pending amendment #2653 p. 1649. Chronister pending amendment #2271 p. 1052 and Wesely amendment #2318 adopted. Lamb amendment ruled not germane. Advanced for Review	2031
Apr.	9	57	Placed on Select File - AM5428	2161
Apr.	14	58	AM5428 (E & R) adopted. Advanced for Engrossment	2311
Apr.	14	58	Correctly Engrossed	2321
Apr.	16	60	Nichol motion to suspend rules prevailed	2410
Apr.	16	60	Final Reading w/E 47-0-2	2433
Apr.	16	60	President signed	2440

Apr. 16	60	Presented to Governor (4/16)	2448
Apr. 24	AJ	Approved by Governor (4/18)	2474

LEGISLATIVE BILL 927. By DeCamp, Haberman, Landis, Schmit, Carsten, R. Johnson, Barrett, Harris

Jan. 10	3	Read first time	237
Jan. 14	5	Referred to Committee on Agriculture and Environment	277
Jan. 30	16	Notice of hearing (2/20)	603
Feb. 27	33	Placed on General File	1063
Feb. 28	34	Corrected committee report - Indefinitely postponed	1081

LEGISLATIVE BILL 928. By Government, Military and Veterans Affairs Committee

Jan. 10	3	Read first time	238
Jan. 14	5	Referred to Committee on Banking, Commerce and Insurance	277
Jan. 24	12	Notice of hearing (2/3)	503
Feb. 6	20	Placed on General File	670
Feb. 19	27	Government, Military and Veterans Affairs Committee priority bill	856
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 929. By Government, Military and Veterans Affairs Committee

Jan. 10	3	Read first time	238
Jan. 14	5	Referred to Committee on Government, Military and Veterans Affairs	277
Feb. 6	20	Notice of hearing (2/20)	675
Feb. 21	29	Placed on General File	916
Mar. 6	38	Advanced for Review	1229
Mar. 17	43	Placed on Select File - AM5355	1466
Apr. 4	54	AM5355 (E & R) adopted. Advanced for Engrossment	1989
Apr. 7	55	Correctly Engrossed	2032
Apr. 14	58	Final Reading 47-0-2	2266
Apr. 14	58	President signed	2279
Apr. 14	58	Presented to Governor (4/14)	2283
Apr. 16	60	Approved by Governor (4/16)	2447

LEGISLATIVE BILL 930. By Government, Military and Veterans

CHRONOLOGY OF BILLS

2673

Affairs Committee

Jan.	10	3	Read first time	238
Jan.	14	5	Referred to Committee on Government, Military and Veterans Affairs	277
Feb.	6	20	Notice of hearing (2/20)	675
Feb.	21	29	Placed on General File	917
Mar.	6	38	Advanced for Review	1229
Mar.	17	43	Placed on Select File	1467
Apr.	4	54	Advanced for Engrossment	1990
Apr.	7	55	Correctly Engrossed	2032
Apr.	7	55	ER0226 change	2036
Apr.	14	58	Final Reading 47-0-2	2267
Apr.	14	58	President signed	2279
Apr.	14	58	Presented to Governor (4/14)	2283
Apr.	16	60	Approved by Governor (4/16)	2447

LEGISLATIVE BILL 931. By Government, Military and Veterans Affairs Committee

Jan.	10	3	Read first time	239
Jan.	14	5	Referred to Committee on Government, Military and Veterans Affairs	277
Feb.	6	20	Notice of hearing (2/20)	675
Mar.	5	37	Placed on General File - Com am #2339	1187
Mar.	26	49	Committee amendment #2339 adopted. Vickers amendments lost. Advanced for Review	1716
Apr.	1	51	Placed on Select File - AM5415	1818
Apr.	4	54	AM5415 (E & R) adopted. Advanced for Engrossment	1971
Apr.	7	55	Correctly Engrossed	2032
Apr.	14	58	Final Reading 40-5-4	2268
Apr.	14	58	President signed	2279
Apr.	14	58	Presented to Governor (4/14)	2283
Apr.	16	60	Approved by Governor (4/16)	2447

LEGISLATIVE BILL 932. By Government, Military and Veterans Affairs Committee

Jan.	10	3	Read first time	239
Jan.	14	5	Referred to Committee on Government, Military and Veterans Affairs	277
Feb.	6	20	Notice of hearing (2/20)	675
Feb.	28	34	Indefinitely postponed	1073

LEGISLATIVE BILL 933. By Wesely

Jan.	10	3	Read first time	239
Jan.	14	5	Referred to Committee on Public Works	277
Jan.	22	10	Notice of hearing (1/30)	446
Feb.	3	17	Indefinitely postponed	619

LEGISLATIVE BILL 934. By Wesely

Jan.	10	3	Read first time	239
Jan.	14	5	Referred to Committee on Public Works	277
Jan.	22	10	Notice of hearing (1/30)	446
Feb.	3	17	Indefinitely postponed	619

LEGISLATIVE BILL 935. By Hartnett

Jan.	13	4	Read first time	247
Jan.	14	5	Referred to Committee on Miscellaneous Subjects	277
Jan.	16	7	Notice of hearing (1/24)	355
Feb.	10	22	Indefinitely postponed	722

LEGISLATIVE BILL 936. By Speaker Nichol at request of Governor

Jan.	13	4	Read first time	247
Jan.	14	5	Referred to Committee on Revenue	277
Jan.	17	8	Notice of hearing (1/27)	403
Jan.	30	16	Indefinitely postponed	589

LEGISLATIVE BILL 937. By R. Johnson

Jan.	13	4	Read first time	247
Jan.	14	5	Referred to Committee on Agriculture and Environment	277
Jan.	27	13	Notice of hearing (2/6)	529
Feb.	13	25	Placed on General File - Com am #2097	804
Mar.	18	44	R. Johnson amendment #2575 printed	1498
Mar.	19	45	R. Johnson amendment #2462 printed	1517
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 938. By Wesely

Jan.	13	4	Read first time	247
Jan.	14	5	Referred to Committee on Nebraska	

CHRONOLOGY OF BILLS

2675

		Retirement Systems	277
Jan.	22 10	Notice of hearing (2/3)	446
Jan.	23 11	Notice of hearing (2/7) (Reset)	481
Apr.	16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 939. By Select Committee on Early Childhood Special Education

Jan.	13 4	Read first time	254
Jan.	14 5	Referred to Committee on Education	277
Jan.	17 8	Notice of hearing (1/27)	383
Feb.	10 22	Indefinitely postponed	719

LEGISLATIVE BILL 940. By Education Committee

Jan.	13 4	Read first time	254
Jan.	14 5	Referred to Committee on Education	277
Jan.	17 8	Notice of hearing (1/27)	383
Feb.	10 22	Indefinitely postponed	719

LEGISLATIVE BILL 941. By Education Committee

Jan.	13 4	Read first time	254
Jan.	14 5	Referred to Committee on Education	278
Jan.	17 8	Notice of hearing (1/27)	383
Feb.	10 22	Indefinitely postponed	719

LEGISLATIVE BILL 942. By Education Committee

Jan.	13 4	Read first time	255
Jan.	14 5	Referred to Committee on Education	278
Jan.	17 8	Notice of hearing (1/27)	383
Jan.	30 16	Baack priority bill	588
Feb.	6 20	Placed on General File - Com am #2021	685
Feb.	24 30	Remmers amendment #2226 to committee amendment printed	953
Feb.	27 33	Committee amendment #2021 adopted. Advanced for Review	1066
Mar.	11 39	Placed on Select File - AM5336	1284
Apr.	2 52	AM5336 (E & R) adopted. Remmers pending amendment #2226 p. 953 withdrawn. Advanced for Engrossment	1888
Apr.	7 55	Correctly Engrossed	2032
Apr.	7 55	ER0204 change	2033
Apr.	14 58	Final Reading 47-0-2	2269

Apr. 14	58	President signed	2279
Apr. 14	58	Presented to Governor (4/14)	2283
Apr. 24	AJ	Approved by Governor (4/17)	2474

LEGISLATIVE BILL 943. By Education Committee

Jan. 13	4	Read first time	255
Jan. 14	5	Referred to Committee on Education	278
Jan. 17	8	Notice of hearing (1/27)	383
Feb. 10	22	Indefinitely postponed	719

LEGISLATIVE BILL 944. By Education Committee

Jan. 13	4	Read first time	255
Jan. 14	5	Referred to Committee on Education	278
Jan. 27	13	Notice of hearing (2/3)	528
Feb. 18	26	Indefinitely postponed	817

LEGISLATIVE BILL 945. By Schmit

Jan. 13	4	Read first time	255
Jan. 14	5	Referred to Committee on Health and Human Services	278
Jan. 16	7	Sieck and Lynch names added	352
Jan. 17	8	Smith and Hall names added	406
Jan. 27	13	Notice of hearing (2/18)	527
Jan. 29	15	Chronister name added	558
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 946. By Schmit

Jan. 13	4	Read first time	256
Jan. 14	5	Referred to Committee on Agriculture and Environment	278
Jan. 28	14	Notice of hearing (2/13)	547
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 947. By Schmit

Jan. 13	4	Read first time	256
Jan. 14	5	Referred to Committee on Revenue	278
Jan. 27	13	Notice of hearing (2/3)	529
Feb. 20	28	Indefinitely postponed	897

LEGISLATIVE BILL 948. By Schmit

CHRONOLOGY OF BILLS

2677

Jan.	13	4	Read first time	256
Jan.	14	5	Referred to Committee on Public Works	278
Jan.	22	10	Notice of hearing (1/30)	446
Feb.	3	17	Placed on General File	619
Feb.	21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb.	21	29	Advanced for Review pursuant to Chambers motion	938
Mar.	4	36	Placed on Select File	1133
Mar.	5	37	Advanced for Engrossment	1193
Mar.	14	42	Correctly Engrossed	1423
Mar.	19	45	Final Reading 45-0-4	1526
Mar.	19	45	Speaker signed	1537
Mar.	19	45	Presented to Governor (3/19)	1544
Mar.	24	47	Approved by Governor (3/24)	1644

LEGISLATIVE BILL 949. By Schmit

Jan.	13	4	Read first time	256
Jan.	14	5	Referred to Committee on Public Works	278
Jan.	22	10	Notice of hearing (1/30)	446
Feb.	3	17	Placed on General File - Com am #1940	619
Feb.	19	27	Pappas priority bill	856
Feb.	20	28	Nichol priority bill	887
Mar.	4	36	Attorney General's Opinion #86026 to Hartnett	1135
Mar.	5	37	Hartnett amendment to committee amendment printed	1169
Mar.	6	38	Committee amendment #1940 adopted. Advanced for Review	1238
Mar.	19	45	Placed on Select File - AM5369	1535
Mar.	20	46	Schmit amendment #2560 printed	1558
Mar.	27	50	Smith amendment #2648 printed	1798
Apr.	2	52	AM5369 (E & R) adopted. Schmit pending amendment #2560 p. 1558 adopted. Smith pending amendment #2648 p. 1798 adopted as amended by Vickers amendment. Advanced for Engrossment	1892
Apr.	8	56	Correctly Engrossed	2104
Apr.	8	56	ER0199 change	2105
Apr.	15	59	Hartnett pending amendment p. 1169 withdrawn. Final Reading 46-0-3	2361
Apr.	15	59	Speaker signed	2366
Apr.	15	59	Presented to Governor (4/15)	2380
Apr.	24	AJ	Approved by Governor (4/17)	2473

LEGISLATIVE BILL 950. By Business and Labor Committee

Jan.	13	4	Read first time	257
Jan.	14	5	Referred to Committee on Business and Labor	278
Jan.	22	10	Notice of hearing (1/29)	446
Feb.	3	17	Placed on General File - Com am #1933	618
Feb.	19	27	Business and Labor Committee priority bill	856
Mar.	6	38	Committee amendment #1933 adopted. Advanced for Review	1237
Mar.	19	45	Placed on Select File - AM5365	1534
Mar.	27	50	AM5365 (E & R) adopted. Advanced for Engrossment	1797
Apr.	3	53	Correctly Engrossed	1914
Apr.	9	57	Final Reading w/E 41-0-8	2200
Apr.	9	57	President signed	2220
Apr.	14	58	Presented to Governor (4/10)	2222
Apr.	15	59	Approved by Governor (4/14)	2333

LEGISLATIVE BILL 951. By Business and Labor Committee

Jan.	13	4	Read first time	257
Jan.	14	5	Referred to Committee on Business and Labor	278
Jan.	22	10	Notice of hearing (1/29)	446
Feb.	3	17	Indefinitely postponed	618

LEGISLATIVE BILL 952. By Business and Labor Committee

Jan.	13	4	Read first time	257
Jan.	14	5	Referred to Committee on Business and Labor	278
Jan.	22	10	Notice of hearing (1/29)	446
Feb.	3	17	Indefinitely postponed	618

LEGISLATIVE BILL 953. By Pappas

Jan.	13	4	Read first time	257
Jan.	14	5	Referred to Committee on Agriculture and Environment	278
Jan.	28	14	Notice of hearing (2/7)	547
Feb.	27	33	Placed on General File	1063
Feb.	28	34	Corrected committee report - Indefinitely postponed	1070
Mar.	5	37	Attorney General's Opinion #86027 to R. Johnson	1163

CHRONOLOGY OF BILLS

2679

LEGISLATIVE BILL 954. By Vickers

Jan.	13	4	Read first time	257
Jan.	14	5	Referred to Committee on Urban Affairs	278
Jan.	24	12	Notice of hearing (2/19)	519
Mar.	3	35	Indefinitely postponed	1110

LEGISLATIVE BILL 955. By Vickers

Jan.	13	4	Read first time	258
Jan.	13	4	Conway name added	268
Jan.	14	5	Referred to Committee on Nebraska Retirement Systems	278
Jan.	14	5	Nelson name added	291
Jan.	22	10	Notice of hearing (2/3)	446
Jan.	23	11	Notice of hearing (2/7) (Reset)	481
Feb.	18	26	Placed on General File - Com am #2149	836
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 956. By Schmit, Pirsch

Jan.	13	4	Read first time	258
Jan.	14	5	Referred to Committee on Judiciary	278
Jan.	17	8	Notice of hearing (1/28)	404
Feb.	19	27	Pirsch priority bill	856
Mar.	4	36	Placed on General File - Com am #2296	1152
Mar.	6	38	Sieck name added	1258
Mar.	13	41	Pirsch amendment #2258 printed	1370
Mar.	17	43	Pirsch amendment to committee amendment adopted. Chambers amendment to committee amendment pending	1478
Mar.	18	44	Chambers pending amendment p. 1479 and Pirsch pending amendment #2258 p. 1370 withdrawn. Committee amendment #2296 adopted as amended. Advanced for Review	1509
Mar.	27	50	Placed on Select File - AM5406	1786
Apr.	3	53	Hoagland amendment #2783 to committee amendment printed	1961
Apr.	8	56	AM5406 (E & R) adopted. Pirsch amendment #2911 adopted. Hoagland motion to suspend rules prevailed. Hoagland amendment #2977 to committee amendment adopted. Advanced for Engrossment	2124
Apr.	8	56	Hoagland name added	2153

Apr. 9	57	Correctly Engrossed. ER0245 change	2219
Apr. 15	59	Nichol motion to suspend rules prevailed	2385
Apr. 15	59	Final Reading 44-2-3	2392
Apr. 15	59	President signed	2408
Apr. 16	60	Presented to Governor (4/16)	2409
Apr. 24	AJ	Approved by Governor (4/17)	2473

LEGISLATIVE BILL 957. By Chambers

Jan. 13	4	Read first time	258
Jan. 14	5	Referred to Committee on Judiciary	278
Jan. 17	8	Notice of hearing (1/28)	404
Jan. 30	16	Placed on General File	604
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 958. By Hoagland

Jan. 13	4	Read first time	258
Jan. 14	5	Referred to Committee on Business and Labor	278
Jan. 27	13	Notice of hearing (2/5)	522
Feb. 18	26	Placed on General File - Com am #2130	842
Feb. 19	27	Hoagland priority bill	855
Mar. 13	41	Committee amendment #2130 adopted. DeCamp motion to indefinitely postpone prevailed	1360

LEGISLATIVE BILL 959. By Lynch

Jan. 13	4	Read first time	258
Jan. 14	5	Referred to Committee on Banking, Commerce and Insurance	278
Jan. 17	8	Notice of hearing (1/28)	364
Jan. 30	16	Placed on General File - Com am #1903	588
Feb. 4	18	DeCamp amendment #1976 to committee amendment printed	636
Mar. 6	38	Committee amendment #1903 adopted as amended by DeCamp pending amendment #1976 p. 636. Advanced for Review	1236
Mar. 18	44	Placed on Select File	1505
Apr. 4	54	Advanced for Engrossment	1991
Apr. 7	55	Correctly Engrossed	2032
Apr. 14	58	Final Reading 47-0-2	2270
Apr. 14	58	President signed	2279
Apr. 14	58	Presented to Governor (4/14)	2283
Apr. 24	AJ	Returned by Governor without approval (4/19) .	2482

CHRONOLOGY OF BILLS

2681

Apr. 24	AJ	Message and Certificate from Secretary of State	2505
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LEGISLATIVE BILL 959A. By Lynch

Feb. 5	19	Read first time. Placed on General File	646
Mar. 6	38	Advanced for Review	1236
Mar. 18	44	Placed on Select File	1505
Apr. 4	54	Advanced for Engrossment	1991
Apr. 7	55	Correctly Engrossed	2032
Apr. 14	58	Final Reading 43-0-6	2271
Apr. 14	58	President signed	2279
Apr. 14	58	Presented to Governor (4/14)	2283
Apr. 24	AJ	Returned by Governor without approval (4/19) .	2482
Apr. 24	AJ	Message and Certificate from Secretary of State	2505

LEGISLATIVE BILL 960. By Hartnett

Jan. 13	4	Read first time	261
Jan. 14	5	Referred to Committee on Miscellaneous Subjects	278
Jan. 27	13	Notice of hearing (2/7)	527
Feb. 18	26	Placed on General File - Com am #2129	825
Mar. 20	46	Committee amendment #2129 adopted. Advanced for Review	1592
Apr. 1	51	Placed on Select File - AM5411	1835
Apr. 2	52	Lamb amendment #2824 printed	1859
Apr. 4	54	AM5411 (E & R) adopted. Lamb pending amendment #2824 p. 1859 adopted. Advanced for Engrossment	2007
Apr. 8	56	Correctly Engrossed	2097
Apr. 8	56	ER0225 change	2099
Apr. 9	57	Pappas amendment #3006 printed	2175
Apr. 15	59	Pappas pending amendment #3006 p. 2175 withdrawn	2362
Apr. 15	59	Final Reading w/E 36-5-8	2363
Apr. 15	59	Speaker signed	2366
Apr. 15	59	Presented to Governor (4/15)	2380
Apr. 16	60	Approved by Governor (4/16)	2447

LEGISLATIVE BILL 961. By Hartnett, Withem

Jan. 13	4	Read first time	261
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Jan. 14	5	Referred to Committee on Education	278
Jan. 27	13	Notice of hearing (2/10)	528
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 962. By Goodrich

Jan. 13	4	Read first time	261
Jan. 14	5	Referred to Committee on Education	278
Jan. 27	13	Notice of hearing (2/3)	528
Feb. 20	28	Placed on General File - Com am #2184	901
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 963. By Goodrich

Jan. 13	4	Read first time	262
Jan. 14	5	Referred to Committee on Banking, Commerce and Insurance	278
Jan. 17	8	Notice of hearing (1/27)	364
Jan. 28	14	Placed on General File	544
Feb. 21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb. 21	29	Advanced for Review pursuant to Chambers motion	936
Feb. 28	34	Placed on Select File - AM5283	1080
Mar. 3	35	Schmit amendment #2297 printed	1121
Apr. 4	54	AM5283 (E & R) adopted. Schmit pending amendment #2297 p. 1121 lost. Advanced for Engrossment	1999
Apr. 7	55	Correctly Engrossed	2032
Apr. 14	58	Final Reading w/E 46-0-3	2271
Apr. 14	58	President signed	2279
Apr. 14	58	Presented to Governor (4/14)	2283
Apr. 16	60	Approved by Governor (4/16)	2447

LEGISLATIVE BILL 964. By Morehead, Landis, Wesely, Smith, R. Johnson, Conway, Chronister

Jan. 13	4	Read first time	265
Jan. 15	6	Referred to Committee on Education	310
Jan. 24	12	Rereferred to Committee on Banking, Commerce and Insurance	485
Jan. 24	12	Notice of hearing (2/4)	503
Feb. 12	24	Placed on General File	766
Apr. 16	60	Indefinitely postponed	2469

CHRONOLOGY OF BILLS

2683

LEGISLATIVE BILL 965. By Wesely, Landis, Smith, Hefner, Nelson, Schmit, Chronister, R. Johnson, Beutler, Abboud, Conway, Hoagland

Jan. 13	4	Read first time	265
Jan. 15	6	Referred to Committee on Government, Military and Veterans Affairs	310
Jan. 24	12	Notice of hearing (2/6)	503
Feb. 19	27	Wesely priority bill	856
Feb. 27	33	Placed on General File - Com am #2256	1062
Mar. 12	40	Landis amendment #2422 to committee printed	1319
Mar. 17	43	Committee amendment #2256 adopted as amended by Landis pending amendment #2422 p. 1319, DeCamp amendment and Pappas amendment. Pappas amendment lost. Advanced for Review	1474
Mar. 18	44	Pappas amendment printed	1512
Mar. 25	48	Withem amendment #2649 to committee amendment printed	1674
Mar. 27	50	Placed on Select File - AM5405	1785
Apr. 3	53	Wesely amendment #2870 printed	1918
Apr. 8	56	Withem name added	2109
Apr. 8	56	AM5405 (E & R) adopted. Pappas pending amendment p. 1512 withdrawn. Withem pending amendment #2649 p. 1674 adopted. Wesely pending amendment #2870 p. 1918 adopted. Advanced for Engrossment	2124
Apr. 14	58	Correctly Engrossed	2223
Apr. 14	58	ER0251 change	2225
Apr. 16	60	Nichol motion to suspend rules prevailed	2410
Apr. 16	60	Final Reading 44-4-1	2435
Apr. 16	60	President signed	2440
Apr. 16	60	Presented to Governor (4/16)	2448
Apr. 24	AJ	Approved by Governor (4/19)	2475

LEGISLATIVE BILL 966. By Hannibal, Scofield, Smith, Miller, Wesely, Barrett, Schmit, Beutler, Hoagland, Landis, Sieck, Conway, Nelson, R. Johnson, Chronister

Jan. 13	4	Read first time	265
Jan. 15	6	Referred to Committee on Banking, Commerce and Insurance	310
Jan. 17	8	Notice of hearing (1/28)	364
Feb. 19	27	Placed on General File - Com am #2167	880

Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 967. By Scofield, Eret, Landis, Wesely, Smith, Hefner, Barrett, R. Johnson, Withem, Conway, Beutler, Hannibal, Schmit, Sieck, Nelson, Hoagland, Chronister, Abboud

Jan. 13	4	Read first time	266
Jan. 15	6	Referred to Committee on Banking, Commerce and Insurance	310
Jan. 17	8	Notice of hearing (1/28)	364
Jan. 29	15	Placed on General File	583
Feb. 21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb. 21	29	Advanced for Review pursuant to Chambers motion	937
Mar. 4	36	Placed on Select File - AM5297	1131
Mar. 5	37	AM5297 (E & R) adopted. Advanced for Engrossment	1193
Mar. 14	42	Correctly Engrossed. ER0155 change	1423
Apr. 14	58	Returned to Select File for Scofield et al amendment. Scofield-Wesely- Hannibal-Morehead-Conway-Nichol- Goodrich-Pappas-Warner-Vickers-Baack amendment #3001 adopted. Advanced for Re-Engrossment	2324
Apr. 14	58	Correctly Re-Engrossed	2328
Apr. 16	60	Nichol motion to suspend rules prevailed	2410
Apr. 16	60	Final Reading w/E 48-0-1	2436
Apr. 16	60	President signed	2440
Apr. 16	60	Presented to Governor (4/16)	2448
Apr. 24	AJ	Approved by Governor with line-item veto (4/19)	2483
Apr. 24	AJ	Message and Certificate from Secretary of State	2500

LEGISLATIVE BILL 968. By Rogers

Jan. 13	4	Read first time	266
Jan. 15	6	Referred to Committee on Banking, Commerce and Insurance	310
Jan. 17	8	Notice of hearing (1/28)	364
Feb. 5	19	Placed on General File - Com am #1958	645
Feb. 20	28	Nichol priority bill	887
Feb. 26	32	Rogers amendment #2192 printed	1035
Mar. 6	38	Committee amendment #1958 adopted as amended	

CHRONOLOGY OF BILLS

2685

		by Rogers pending amendment #2192	
		p. 1035. DeCamp amendment adopted	1238
Mar.	6 38	DeCamp motion to suspend rules lost	1243
Apr.	16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 969. By Conway, Remmers

Jan.	13 4	Read first time	269
Jan.	15 6	Referred to Committee on Judiciary	310
Jan.	17 8	Notice of hearing (1/27)	404
Jan.	28 14	Placed on General File	552
Feb.	21 29	Chambers motion to suspend rules and advance bills prevailed	935
Feb.	21 29	Advanced for Review pursuant to Chambers motion	937
Mar.	3 35	Placed on Select File - AM5286	1102
Mar.	5 37	AM5286 (E & R) adopted. Advanced for Engrossment	1192
Mar.	14 42	Correctly Engrossed	1423
Mar.	19 45	Final Reading 47-1-1	1527
Mar.	19 45	Speaker signed	1537
Mar.	19 45	Presented to Governor (3/19)	1544
Mar.	24 47	Approved by Governor (3/24)	1644

LEGISLATIVE BILL 970. By Urban Affairs Committee

Jan.	13 4	Read first time	269
Jan.	15 6	Referred to Committee on Government, Military and Veterans Affairs	310
Jan.	24 12	Notice of hearing (2/13)	504
Feb.	28 34	Indefinitely postponed	1073

LEGISLATIVE BILL 971. By Urban Affairs Committee

Jan.	13 4	Read first time	269
Jan.	15 6	Referred to Committee on Urban Affairs	310
Jan.	24 12	Notice of hearing (2/5)	519
Feb.	13 25	Placed on General File	796
Feb.	21 29	Chambers motion to suspend rules and advance bills prevailed	935
Feb.	21 29	Advanced for Review pursuant to Chambers motion	939
Mar.	4 36	Placed on Select File - AM5310	1150
Mar.	5 37	AM5310 (E & R) adopted. Advanced for Engrossment	1194

Mar. 14	42	Correctly Engrossed	1444
Mar. 19	45	Final Reading 45-0-4	1528
Mar. 19	45	Speaker signed	1537
Mar. 19	45	Presented to Governor (3/19)	1544
Mar. 24	47	Approved by Governor (3/24)	1644

LEGISLATIVE BILL 972. By Urban Affairs Committee

Jan. 13	4	Read first time	270
Jan. 15	6	Referred to Committee on Urban Affairs	310
Jan. 24	12	Notice of hearing (2/26)	519
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 973. By DeCamp

Jan. 13	4	Read first time	270
Jan. 15	6	Referred to Committee on Banking, Commerce and Insurance	310
Jan. 17	8	Notice of hearing (1/28)	364
Jan. 29	15	Placed on General File	583
Feb. 21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb. 21	29	Advanced for Review pursuant to Chambers motion	937
Mar. 4	36	Placed on Select File - AM5296	1131
Mar. 5	37	AM5296 (E & R) adopted. Advanced for Engrossment	1193
Mar. 14	42	Correctly Engrossed	1423
Mar. 19	45	Final Reading w/E 47-0-2	1529
Mar. 19	45	Speaker signed	1537
Mar. 19	45	Presented to Governor (3/19)	1544
Mar. 24	47	Approved by Governor (3/24)	1644

LEGISLATIVE BILL 974. By DeCamp, Beutler

Jan. 13	4	Read first time	270
Jan. 15	6	Referred to Committee on Judiciary	310
Feb. 11	23	Notice of hearing (2/24)	747
Feb. 25	31	Indefinitely postponed	1010

LEGISLATIVE BILL 975. By Remmers

Jan. 13	4	Read first time	270
Jan. 15	6	Referred to Committee on Judiciary	310
Jan. 17	8	Notice of hearing (1/27)	404

CHRONOLOGY OF BILLS

2687

Jan.	28	14	Placed on General File	552
Feb.	21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb.	21	29	Advanced for Review pursuant to Chambers motion	937
Mar.	4	36	Placed on Select File - AM5293	1129
Mar.	5	37	AM5293 (E & R) adopted. Advanced for Engrossment	1193
Mar.	14	42	Correctly Engrossed	1423
Mar.	19	45	Final Reading 46-1-2	1530
Mar.	19	45	Speaker signed	1537
Mar.	19	45	Presented to Governor (3/19)	1544
Mar.	24	47	Approved by Governor (3/24)	1644

LEGISLATIVE BILL 976. By DeCamp

Jan.	13	4	Read first time	270
Jan.	15	6	Referred to Committee on Banking, Commerce and Insurance	310
Jan.	17	8	Notice of hearing (1/27)	379
Jan.	29	15	Placed on General File - Com am #1879	583
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 977. By Urban Affairs Committee and Scofield

Jan.	13	4	Read first time	271
Jan.	15	6	Referred to Committee on Urban Affairs	310
Jan.	15	6	Notice of hearing (1/29)	320
Feb.	18	26	Placed on General File - Com am #2117	838
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 978. By Eret

Jan.	13	4	Read first time	271
Jan.	15	6	Referred to Committee on Education	310
Jan.	27	13	Notice of hearing (2/10)	528
Mar.	5	37	Placed on General File - Com am #2341	1183
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 979. By Abboud

Jan.	13	4	Read first time	271
Jan.	15	6	Referred to Committee on Judiciary	310
Jan.	17	8	Notice of hearing (1/27)	404
Feb.	3	17	Placed on General File - Com am #1935	620

Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 980. By Pappas

Jan. 13 4 Read first time 275
 Jan. 15 6 Referred to Committee on Revenue 310
 Feb. 3 17 Notice of hearing (2/18) 614
 Feb. 19 27 Indefinitely postponed 880

LEGISLATIVE BILL 981. By Haberman

Jan. 14 5 Read first time 280
 Jan. 15 6 Referred to Committee on Banking,
 Commerce and Insurance 310
 Jan. 27 13 Notice of hearing (2/10) 526
 Feb. 13 25 Indefinitely postponed 795

LEGISLATIVE BILL 982. By Withem

Jan. 14 5 Read first time 280
 Jan. 15 6 Referred to Committee on Judiciary 311
 Feb. 11 23 Notice of hearing (2/24) 747
 Feb. 27 33 Indefinitely postponed 1067

LEGISLATIVE BILL 983. By DeCamp

Jan. 14 5 Read first time 280
 Jan. 15 6 Referred to Committee on Banking,
 Commerce and Insurance 311
 Jan. 17 8 Notice of hearing (1/27) 379
 Jan. 28 14 Placed on General File 544
 Feb. 21 29 Chambers motion to suspend rules and
 advance bills prevailed 935
 Feb. 21 29 Advanced for Review pursuant to
 Chambers motion 936
 Feb. 28 34 DeCamp-Schmit-Pappas amendment #2290
 printed 1081
 Mar. 3 35 Placed on Select File - AM5289 1100
 Apr. 1 51 Pappas amendment #2816 printed 1849
 Apr. 2 52 Pappas amendment #2815 printed separate 1863
 Apr. 2 52 Harris amendment #2853 printed 1897
 Apr. 4 54 AM5289 (E & R) adopted. DeCamp et al
 pending amendment #2290 p. 1081,
 Pappas pending amendments #2816
 p. 1849 and #2815 p. 1863 adopted.

CHRONOLOGY OF BILLS

2689

		Harris pending amendment #2853 p. 1897	
		withdrawn. Advanced for Engrossment	1999
Apr.	7	55 Correctly Engrossed	2032
Apr.	7	55 ER0224 change	2037
Apr.	14	58 Final Reading w/E 44-3-2	2272
Apr.	14	58 President signed	2279
Apr.	14	58 Presented to Governor (4/14)	2283
Apr.	24	AJ Approved by Governor (4/17)	2474

LEGISLATIVE BILL 984. By Chizek

Jan.	14	5	Read first time	287
Jan.	16	7	Referred to Committee on Judiciary	336
Feb.	4	18	Notice of hearing (2/11)	635
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 985. By Sieck, R. Johnson

Jan.	14	5	Read first time	288
Jan.	16	7	Referred to Committee on Agriculture and Environment	336
Jan.	30	16	Notice of hearing (2/21)	603
Feb.	20	28	Nichol priority bill	887
Feb.	26	32	Placed on General File	1041
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 986. By Sieck

Jan.	14	5	Read first time	288
Jan.	16	7	Referred to Committee on Agriculture and Environment	336
Jan.	16	7	Notice of hearing (1/23)	342
Feb.	7	21	Indefinitely postponed	711

LEGISLATIVE BILL 987. By Hefner

Jan.	14	5	Read first time	288
Jan.	16	7	Referred to Committee on Judiciary	336
Feb.	11	23	Notice of hearing (2/24)	747
Feb.	25	31	Indefinitely postponed	1010

LEGISLATIVE BILL 988. By Beutler

Jan.	14	5	Read first time	288
Jan.	15	6	Withem name added	316

Jan.	15	6	Hall and Labeledz names added	325
Jan.	15	6	Referred to Committee on Appropriations. Notice of hearing (1/23)	332
Jan.	28	14	Higgins name added	548
Jan.	29	15	Placed on General File - Com am #1862	572
Feb.	3	17	Committee amendment #1862 adopted as amended by Beutler amendment #1946. Advanced for Review	612
Feb.	3	17	Expedited	613
Feb.	3	17	Placed on Select File	624
Feb.	4	18	Advanced for Engrossment	636
Feb.	5	19	Correctly Engrossed	640
Feb.	7	21	Nichol motion to suspend rules prevailed	706
Feb.	7	21	Final Reading w/E 39-0-10	707
Feb.	7	21	Speaker signed	711
Feb.	10	22	Presented to Governor (2/7)	713
Feb.	11	23	Approved by Governor (2/11)	742

LEGISLATIVE BILL 989. By Beutler

Jan.	14	5	Read first time	288
Jan.	16	7	Referred to Committee on Judiciary	336
Jan.	17	8	Notice of hearing (1/27)	404
Feb.	6	20	Indefinitely postponed	676

LEGISLATIVE BILL 990. By Beutler

Jan.	14	5	Read first time	288
Jan.	24	12	Beutler motion to withdraw laid over	502
Jan.	27	13	Beutler pending motion p. 502 prevailed. Withdrawn	523

LEGISLATIVE BILL 991. By Beutler

Jan.	14	5	Read first time	289
Jan.	24	12	Referred to Committee on Executive Board	486
Jan.	29	15	Notice of hearing (2/12)	576
Feb.	18	26	Placed on General File	825
Mar.	6	38	Advanced for Review	1228
Mar.	17	43	Placed on Select File - AM5351	1453
Apr.	4	54	AM5351 (E & R) adopted. Advanced for Engrossment	1989
Apr.	7	55	Correctly Engrossed	2032
Apr.	14	58	Final Reading 45-0-4	2273
Apr.	14	58	President signed	2279

CHRONOLOGY OF BILLS

2691

Apr.	14	58	Presented to Governor (4/14)	2283
Apr.	16	60	Approved by Governor (4/16)	2447

LEGISLATIVE BILL 992. By Beutler

Jan.	14	5	Read first time	289
Jan.	24	12	Referred to Committee on Executive Board	486
Jan.	29	15	Notice of hearing (2/12)	576
Feb.	13	25	Placed on General File	796
Feb.	21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb.	21	29	Advanced for Review pursuant to Chambers motion	939
Mar.	4	36	Placed on Select File - AM5311	1150
Mar.	5	37	AM5311 (E & R) adopted. Advanced for Engrossment	1194
Mar.	5	37	Carsten amendment #2235 printed	1208
Mar.	14	42	Correctly Engrossed. ER0157 change	1444
Apr.	14	58	Carsten pending amendment #2235 p. 1208 withdrawn	2237
Apr.	14	58	Final Reading 33-2-14	2238
Apr.	14	58	President signed	2272
Apr.	14	58	Presented to Governor (4/14)	2283
Apr.	16	60	Approved by Governor (4/16)	2447

LEGISLATIVE BILL 992A. By Carsten

Mar.	5	37	Read first time. Placed on General File	1209
Mar.	6	38	Advanced for Review	1215
Mar.	17	43	Placed on Select File	1453
Mar.	26	49	Advanced for Engrossment	1741
Apr.	2	52	Correctly Engrossed	1869
Apr.	14	58	Final Reading 33-0-16	2239
Apr.	14	58	President signed	2272
Apr.	14	58	Presented to Governor (4/14)	2283
Apr.	16	60	Approved by Governor (4/16)	2447

LEGISLATIVE BILL 993. By Beutler

Jan.	14	5	Read first time	289
Jan.	24	12	Referred to Committee on Executive Board	486
Jan.	29	15	Notice of hearing (2/12)	577
Feb.	18	26	Placed on General File	825
Mar.	6	38	Advanced for Review	1228
Mar.	17	43	Placed on Select File - AM5353	1465

Apr. 4	54	AM5353 (E & R) adopted.	
		Advanced for Engrossment	1989
Apr. 7	55	Correctly Engrossed	2032
Apr. 14	58	Final Reading 46-0-3	2274
Apr. 14	58	President signed	2279
Apr. 14	58	Presented to Governor (4/14)	2283
Apr. 16	60	Approved by Governor (4/16)	2447

LEGISLATIVE BILL 994. By Beutler

Jan. 14	5	Read first time	289
Jan. 24	12	Referred to Committee on Executive Board	486
Jan. 29	15	Notice of hearing (2/12)	577
Feb. 18	26	Placed on General File	825
Mar. 6	38	Advanced for Review	1228
Mar. 17	43	Placed on Select File - AM5352	1466
Apr. 4	54	AM5352 (E & R) adopted.	
		Advanced for Engrossment	1989
Apr. 7	55	Correctly Engrossed	2032
Apr. 14	58	Final Reading 42-0-7	2275
Apr. 14	58	President signed	2279
Apr. 14	58	Presented to Governor (4/14)	2283
Apr. 16	60	Approved by Governor (4/16)	2447

LEGISLATIVE BILL 995. By Beutler

Jan. 14	5	Read first time	290
Jan. 24	12	Referred to Committee on Executive Board	486
Jan. 29	15	Notice of hearing (2/12)	577
Feb. 13	25	Placed on General File	796
Feb. 21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb. 21	29	Advanced for Review pursuant to Chambers motion	939
Mar. 4	36	Placed on Select File - AM5312	1151
Mar. 5	37	AM5312 (E & R) adopted.	
		Advanced for Engrossment	1194
Mar. 14	42	Correctly Engrossed	1444
Mar. 20	46	Final Reading 38-0-11	1561
Mar. 20	46	Speaker signed	1571
Mar. 20	46	Presented to Governor (3/20)	1576
Mar. 25	48	Approved by Governor (3/25)	1690

LEGISLATIVE BILL 996. By Beutler

CHRONOLOGY OF BILLS

2693

Jan.	14	5	Read first time	290
Jan.	24	12	Referred to Committee on Executive Board	486
Jan.	29	15	Notice of hearing (2/12)	577
Feb.	18	26	Placed on General File	825
Mar.	6	38	Advanced for Review	1228
Mar.	17	43	Placed on Select File - AM5357	1466
Apr.	4	54	AM5357 (E & R) adopted. Advanced for Engrossment	1989
Apr.	7	55	Correctly Engrossed	2032
Apr.	14	58	Final Reading 44-0-5	2276
Apr.	14	58	President signed	2279
Apr.	14	58	Presented to Governor (4/14)	2283
Apr.	16	60	Approved by Governor (4/16)	2447

LEGISLATIVE BILL 997. By Education Committee

Jan.	14	5	Read first time	290
Jan.	16	7	Referred to Committee on Education	337
Jan.	27	13	Notice of hearing (2/4)	528
Feb.	13	25	Placed on General File	797
Feb.	20	28	Nichol priority bill	887
Feb.	21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb.	21	29	Advanced for Review pursuant to Chambers motion	940
Mar.	5	37	Placed on Select File - AM5322	1162
Mar.	6	38	Vickers amendment #2342 printed	1222
Mar.	11	39	Hartnett amendment printed	1305
Mar.	12	40	Vickers amendment #2463 printed	1344
Mar.	14	42	AM5322 (E & R) adopted. Vickers amendment #2344 adopted. Vickers pending amendment #2342 p. 1222 withdrawn. Vickers-Baack amendment #2505 adopted as amended by Lamb amendment. Hartnett pending amendment p. 1305 lost	1418
Mar.	14	42	Vickers pending amendment #2463 p. 1344 and amendment #2520 adopted. Advanced for Engrossment	1425
Mar.	24	47	Attorney General's Opinion #86038 to Baack	1611
Mar.	25	48	Correctly Engrossed. ER0175 change	1660
Mar.	27	50	Returned to Select File for Hartnett amendment. Hartnett amendment #2645 pending	1763
Mar.	27	50	Hartnett pending amendment #2645 p. 1763	

		adopted. Advanced for Re-Engrossment.	
		Returned to Select File for Baack	
		amendment. Baack amendment #2765	
		adopted. Advanced for Re-Engrossment	1766
Apr.	3 53	Correctly Re-Engrossed	1904
Apr.	3 53	ER0183 change	1905
Apr.	15 59	Nichol motion to suspend rules prevailed	2385
Apr.	15 59	Final Reading w/E 44-0-5	2393
Apr.	15 59	President signed	2408
Apr.	16 60	Presented to Governor (4/16)	2409
Apr.	24 AJ	Approved by Governor (4/17)	2473

LEGISLATIVE BILL 997A. By Baack, Vickers

Mar.	26 49	Read first time. Placed on General File	1720
Apr.	3 53	Advanced for Review	1907
Apr.	4 54	Placed on Select File	1980
Apr.	8 56	Advanced for Engrossment	2156
Apr.	9 57	Correctly Engrossed. ER0249 change	2174
Apr.	15 59	Nichol motion to suspend rules prevailed	2385
Apr.	15 59	Final Reading 43-0-6	2394
Apr.	15 59	President signed	2408
Apr.	16 60	Presented to Governor (4/16)	2409
Apr.	24 AJ	Approved by Governor (4/17)	2473

LEGISLATIVE BILL 998. By Education Committee

Jan.	14 5	Read first time	290
Jan.	16 7	Referred to Committee on Education	337
Jan.	27 13	Notice of hearing (2/4)	528
Feb.	12 24	Education Committee priority bill	773
Feb.	13 25	Placed on General File - Com am #2105	797
Apr.	16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 999. By R. Johnson

Jan.	14 5	Read first time	290
Jan.	16 7	Referred to Committee on Judiciary	337
Jan.	16 7	Eret name added	352
Jan.	23 11	Beutler name added	473
Jan.	27 13	Notice of hearing (2/4)	526
Feb.	19 27	Eret priority bill	855
Feb.	25 31	DeCamp amendments #2239 and #2240 printed	1000
Feb.	28 34	Placed on General File - Com am #2283	1095
Mar.	4 36	Hoagland amendment #2322 to committee	

CHRONOLOGY OF BILLS

2695

			amendment printed	1140
Mar. 13	41	Attorney General's Opinion #86033		
		to R. Johnson		1355
Mar. 14	42	Chambers name added		1424
Mar. 17	43	Hoagland pending amendment #2322 p. 1140		
		withdrawn. Hoagland-Chambers-R. Johnson-		
		Eret amendment #2584 (printed separate)		
		pending. Pappas request to bracket		
		until 3/25. Chambers objected. Pappas		
		motion to bracket until 3/25		
		withdrawn. Bracketed until 3/20/86		1477
Mar. 20	46	Schmit amendment #2639 to committee		
		amendment printed		1589
Mar. 20	46	Committee amendment #2283 adopted as		
		amended by Hoagland et al amendment		
		#2584 p. 1477. Hoagland-Eret-R. Johnson		
		amendment adopted. Advanced for Review		1592
Apr. 1	51	Placed on Select File - AM5412		1837
Apr. 4	54	Hoagland-Eret-Chambers amendment #2860		
		to amendment #2858 printed		2007
Apr. 4	54	Chambers-Hoagland-Eret amendment #2858		
		printed separate		2008
Apr. 7	55	Lynch amendment #2661 printed		2072
Apr. 8	56	AM5412 (E & R) adopted. Schmit pending		
		amendment #2639 p. 1589 and Lynch		
		pending amendment #2661 p. 2072		
		withdrawn. Hoagland et al pending		
		amendment #2858 p. 2008 adopted as		
		amended by DeCamp amendment #2953 and		
		V. Johnson amendment #3005. Hoagland et al		
		pending amendment #2860 p. 2007,		
		Hoagland-Eret amendment #2978, Lynch		
		amendment #2995, and Schmit reoffered		
		amendment #2639 p. 1589 lost. R. Johnson		
		request to bracket - V. Johnson objected.		
		R. Johnson motion to bracket withdrawn.		
		Advanced for Engrossment		2133
Apr. 9	57	Correction		2158
Apr. 14	58	Correctly Engrossed		2223
Apr. 14	58	ER0250 change		2226
Apr. 16	60	Nichol motion to suspend rules prevailed		2410
Apr. 16	60	DeCamp, Higgins and V. Johnson motions to		
		return to Select File withdrawn.		
		Final Reading 30-17-2		2436
Apr. 16	60	President signed		2440

Apr. 16	60	Presented to Governor (4/16)	
		Hoagland name added	2448
Apr. 24	AJ	Approved by Governor (4/19)	2475

LEGISLATIVE BILL 1000. By Eret

Jan. 14	5	Read first time	291
Jan. 16	7	Referred to Committee on Public Works	337
Jan. 22	10	Notice of hearing (1/29)	446
Feb. 19	27	Indefinitely postponed	873

LEGISLATIVE BILL 1001. By Peterson

Jan. 14	5	Read first time	300
Jan. 16	7	Referred to Committee on Agriculture and Environment	337
Jan. 28	14	Notice of hearing (2/13)	547
Feb. 20	28	Nichol priority bill	887
Feb. 26	32	Placed on General File - Com am #2237	1041
Mar. 25	48	Committee amendment #2237 adopted. Advanced for Review	1664
Mar. 25	48	R. Johnson amendment #2680 printed separate	1677
Mar. 27	50	Placed on Select File - AM5402	1784
Apr. 3	53	R. Johnson amendment #2844 printed separate .	1941
Apr. 8	56	AM5402 (E & R) adopted. R. Johnson pending amendment #2680 p. 1677 withdrawn. R. Johnson pending amendment #2844 p. 1941 ruled not germane. Challenge of Chair lost. Advanced for Engrossment	2155
Apr. 9	57	Correctly Engrossed	2219
Apr. 15	59	Nichol motion to suspend rules prevailed	2385
Apr. 15	59	Final Reading w/E 45-0-4	2394
Apr. 15	59	President signed	2408
Apr. 16	60	Presented to Governor (4/16)	2409
Apr. 24	AJ	Approved by Governor (4/17)	2473

LEGISLATIVE BILL 1001A. By Peterson

Mar. 3	35	Read first time. Placed on General File	1125
Mar. 25	48	Advanced for Review	1664
Mar. 27	50	Placed on Select File	1785
Apr. 8	56	Advanced for Engrossment	2156
Apr. 9	57	Correctly Engrossed	2219
Apr. 15	59	Nichol motion to suspend rules prevailed	2385

CHRONOLOGY OF BILLS

2697

Apr. 15	59	Final Reading w/E 45-0-4	2395
Apr. 15	59	President signed	2408
Apr. 16	60	Presented to Governor (4/16)	2409
Apr. 24	AJ	Approved by Governor (4/17)	2473

LEGISLATIVE BILL 1002. By Urban Affairs Committee and Scofield

Jan. 14	5	Read first time	300
Jan. 16	7	Referred to Committee on Government, Military and Veterans Affairs	337
Jan. 24	12	Rereferred to Committee on Urban Affairs	485
Jan. 24	12	Notice of hearing (2/13)	504
Jan. 24	12	Notice of hearing (2/12)	519
Jan. 30	16	Notice of hearing (2/13) (Cancelled)	589
Feb. 13	25	Indefinitely postponed	796

LEGISLATIVE BILL 1003. By Urban Affairs Committee and Scofield

Jan. 14	5	Read first time	300
Jan. 16	7	Referred to Committee on Public Works	337
Jan. 24	12	Rereferred to Committee on Urban Affairs	485
Jan. 24	12	Notice of hearing (2/12)	519
Feb. 18	26	Placed on General File - Com am #2118	830
Feb. 19	27	Urban Affairs Committee priority bill	857
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1004. By Landis, Smith

Jan. 14	5	Read first time	301
Jan. 16	7	Referred to Committee on Public Works	337
Jan. 28	14	Notice of hearing (2/6)	547
Feb. 19	27	Landis priority bill	855
Feb. 19	27	Placed on General File - Com am #1961	872
Mar. 13	41	Committee amendment #1961 adopted. Hoagland amendment #2436 to committee amendment ruled not germane. Challenge lost. Advanced for Review	1364
Mar. 13	41	Hoagland amendment #2514 printed	1365
Mar. 13	41	Hoagland amendment #2436 printed	1366
Mar. 17	43	Hoagland amendment #2531 printed	1454
Mar. 17	43	Beyer amendment #2538 printed	1469
Mar. 19	45	Beyer amendment #2615 printed	1518
Mar. 25	48	Placed on Select File - AM5394	1655

Apr. 7 55	AM5394 (E & R) adopted. Beyer pending amendments #2615 p. 1518, #2538 p. 1469, Hoagland pending amendments #2531 p. 1454, #2436 p.1366, and #2514 p. 1365 withdrawn. Advanced for Engrossment	2091
Apr. 9 57	Correctly Engrossed. ER0243 change	2170
Apr. 15 59	Nichol motion to suspend rules prevailed	2385
Apr. 15 59	Final Reading 43-2-4	2396
Apr. 15 59	President signed	2408
Apr. 16 60	Presented to Governor (4/16)	2409
Apr. 24 AJ	Approved by Governor (4/17)	2473

LEGISLATIVE BILL 1004A. By Landis

Feb. 27 33	Read first time. Placed on General File	1062
Mar. 13 41	Advanced for Review	1365
Mar. 25 48	Placed on Select File - AM5395	1656
Apr. 7 55	AM5395 (E & R) adopted. Advanced for Engrossment	2092
Apr. 9 57	Correctly Engrossed	2170
Apr. 15 59	Nichol motion to suspend rules prevailed	2385
Apr. 15 59	Final Reading 44-1-4	2397
Apr. 15 59	President signed	2408
Apr. 16 60	Presented to Governor (4/16)	2409
Apr. 24 AJ	Approved by Governor (4/17)	2473

LEGISLATIVE BILL 1005. By Banking, Commerce and Insurance Committee

Jan. 14 5	Read first time	301
Jan. 16 7	Referred to Committee on Banking, Commerce and Insurance	337
Jan. 21 9	Notice of hearing (1/28)	430
Feb. 26 32	Placed on General File	1023
Mar. 6 38	Advanced for Review	1230
Mar. 18 44	Placed on Select File - AM5359	1502
Mar. 26 49	DeCamp amendment #2644 printed	1735
Apr. 4 54	AM5359 (E & R) adopted. DeCamp pending amendment #2644 p. 1735 adopted. Advanced for Engrossment	2002
Apr. 7 55	Correctly Engrossed	2075
Apr. 7 55	ER0210 change	2078
Apr. 14 58	Final Reading 44-0-5	2277
Apr. 14 58	President signed	2279
Apr. 14 58	Presented to Governor (4/14)	2283

CHRONOLOGY OF BILLS

2699

Apr. 16 60 Approved by Governor (4/16) 2447

LEGISLATIVE BILL 1006. By Withem

Jan. 14 5 Read first time 301
 Jan. 16 7 Referred to Committee on Government,
 Military and Veterans Affairs 337
 Jan. 24 12 Notice of hearing (2/13) 504
 Feb. 28 34 Indefinitely postponed 1074

LEGISLATIVE BILL 1007. By Agriculture and Environment Committee

Jan. 14 5 Read first time 301
 Jan. 16 7 Referred to Committee on Agriculture
 and Environment 337
 Jan. 27 13 Notice of hearing (2/6) 529
 Feb. 20 28 Nichol priority bill 887
 Feb. 27 33 Placed on General File - Com am #2262 1053
 Feb. 28 34 Corrected committee report - Com am #2314 1085
 Feb. 28 34 DeCamp name added 1095
 Apr. 3 53 DeCamp amendment #2874 to committee
 amendment lost. Committee amendment
 #2314 lost. Schmit amendment #2879
 adopted. Advanced for Review 1927
 Apr. 7 55 Placed on Select File - AM5426 2039
 Apr. 9 57 AM5426 (E & R) adopted. Conway amendment
 #3007 lost. Schmit amendments #3009 and
 #3018 adopted. Advanced for Engrossment 2189
 Apr. 14 58 Correctly Engrossed 2223
 Apr. 14 58 ER0255 change 2227
 Apr. 16 60 Nichol motion to suspend rules prevailed 2410
 Apr. 16 60 Final Reading 46-2-1 2438
 Apr. 16 60 President signed 2440
 Apr. 16 60 Presented to Governor (4/16) 2448
 Apr. 24 AJ Approved by Governor (4/17) 2473

LEGISLATIVE BILL 1008. By Agriculture and Environment Committee

Jan. 14 5 Read first time 301
 Jan. 16 7 Referred to Committee on Agriculture
 and Environment 337
 Jan. 27 13 Notice of hearing (2/7) 529

Feb. 12	24	Placed on General File - Com am #2096	773
Mar. 6	38	Committee amendment #2096 adopted as amended by R. Johnson amendment. Advanced for Review	1242
Mar. 19	45	Placed on Select File - AM5380	1548
Apr. 4	54	AM5380 (E & R) adopted. Advanced for Engrossment	1992
Apr. 7	55	Correctly Engrossed	2032
Apr. 14	58	Final Reading 41-0-8	2278
Apr. 14	58	President signed	2279
Apr. 14	58	Presented to Governor (4/14)	2283
Apr. 16	60	Approved by Governor (4/16)	2447

LEGISLATIVE BILL 1009. By V. Johnson

Jan. 14	5	Read first time	302
Jan. 16	7	Referred to Committee on Health and Human Services	337
Jan. 27	13	Notice of hearing (2/10)	527
Mar. 4	36	Placed on General File	1145
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1010. By V. Johnson

Jan. 14	5	Read first time	302
Jan. 16	7	Referred to Committee on Education	337
Jan. 27	13	Notice of hearing (2/18)	528
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1011. By Judiciary Committee

Jan. 14	5	Read first time	307
Jan. 16	7	Referred to Committee on Judiciary	337
Feb. 11	23	Notice of hearing (2/18)	747
Mar. 4	36	Placed on General File - Com am #2216	1156
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1012. By V. Johnson, Lynch, Hartnett, Labeledz, Hall

Jan. 15	6	Read first time	316
Jan. 16	7	Referred to Committee on Revenue	337
Jan. 17	8	Notice of hearing (1/27)	403
Feb. 3	17	Placed on General File - Com am #1931	607
Feb. 6	20	Hall priority bill	683

CHRONOLOGY OF BILLS

2701

Feb. 10	22	Committee amendment #1931 adopted. Advanced for Review	719
Feb. 11	23	Placed on Select File - AM5244	744
Feb. 13	25	AM5244 (E & R) adopted. Advanced for Engrossment	795
Feb. 19	27	Correctly Engrossed	880
Feb. 25	31	Final Reading 40-4-5	980
Feb. 25	31	Speaker signed	984
Feb. 25	31	Presented to Governor (2/25)	1000
Mar. 3	35	Approved by Governor (2/28)	1102

LEGISLATIVE BILL 1013. By Pappas

Jan. 15	6	Read first time	316
Jan. 16	7	Referred to Committee on Education	337
Jan. 27	13	Notice of hearing (2/11)	528
Feb. 18	26	Indefinitely postponed	817

LEGISLATIVE BILL 1014. By Speaker Nichol at request of Governor

Jan. 15	6	Read first time	316
Jan. 16	7	Referred to Committee on Education	337
Jan. 24	12	Rereferred to Committee on Government, Military and Veterans Affairs	485
Jan. 30	16	Notice of hearing (2/13)	589
Feb. 18	26	Indefinitely postponed	830

LEGISLATIVE BILL 1015. By Vickers

Jan. 15	6	Read first time	317
Jan. 16	7	Referred to Committee on Banking, Commerce and Insurance	337
Jan. 24	12	Notice of hearing (2/4)	503
Feb. 13	25	Indefinitely postponed	796

LEGISLATIVE BILL 1016. By R. Johnson, Sieck, Eret, Barrett, Vickers, Remmers, Pirsch, Conway, Beutler, Nelson, Hartnett, Morehead, Rogers, Hefner, Smith, Scofield, Higgins, Chizek, Wesely

Jan. 15	6	Read first time	317
Jan. 16	7	Referred to Committee on Agriculture and Environment	337
Jan. 16	7	Notice of hearing (1/23)	342
Feb. 3	17	Placed on General File - Com am #1941	626

Feb. 19	27	Agriculture and Environment Committee priority bill	856
Mar. 6	38	Committee amendment #1941 adopted. Advanced for Review	1238
Mar. 19	45	Placed on Select File - AM5370	1536
Apr. 1	51	Miller amendment #2813 printed	1842
Apr. 3	53	Sieck amendment #2840 printed	1957
Apr. 8	56	AM5370 (E & R) adopted. Miller pending amendment #2813 p. 1842, R. Johnson amendments #2708 and #2951 (on file), Miller amendment #2986, Sieck amendment, and Schmit amendment #2990 adopted. Sieck pending amendment #2840 p. 1957 lost. Advanced for Engrossment	2110
Apr. 14	58	Correctly Engrossed	2223
Apr. 14	58	ER0248 change	2227
Apr. 16	60	Nichol motion to suspend rules prevailed	2410
Apr. 16	60	Final Reading 47-0-2	2439
Apr. 16	60	President signed	2449
Apr. 16	60	Presented to Governor (4/16)	2459
Apr. 24	AJ	Approved by Governor (4/17)	2473

LEGISLATIVE BILL 1017. By Morehead, Miller

Jan. 15	6	Read first time	317
Jan. 16	7	Referred to Committee on Revenue	337
Feb. 3	17	Notice of hearing (2/18)	614
Feb. 6	20	Notice of hearing (2/19) (Reset)	677
Feb. 20	28	Placed on General File	896
Mar. 6	38	Advanced for Review	1228
Mar. 17	43	Placed on Select File	1466
Apr. 4	54	Morehead amendment adopted. Advanced for Engrossment	2000
Apr. 7	55	Correctly Engrossed	2032
Apr. 7	55	ER0208 change	2037
Apr. 15	59	R. Johnson motion to return to Select File withdrawn. Final Reading 31-15-3	2334
Apr. 15	59	President signed	2351
Apr. 15	59	Presented to Governor (4/15)	2364
Apr. 24	AJ	Approved by Governor (4/17)	2473

LEGISLATIVE BILL 1018. By Hefner, Lundy

Jan. 15	6	Read first time	318
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CHRONOLOGY OF BILLS

2703

Jan. 16	7	Referred to Committee on Miscellaneous Subjects	337
Jan. 16	7	Notice of hearing (1/23)	355
Jan. 16	7	Morehead name added	360
Jan. 27	13	Indefinitely postponed	526

LEGISLATIVE BILL 1019. By Withem

Jan. 15	6	Read first time	318
Jan. 16	7	Referred to Committee on Business and Labor	337
Jan. 22	10	Notice of hearing (1/29)	447
Feb. 13	25	Indefinitely postponed	796

LEGISLATIVE BILL 1020. By Beyer, DeCamp

Jan. 15	6	Read first time	318
Jan. 16	7	Referred to Committee on Appropriations	337
Jan. 24	12	Notice of hearing (2/5)	504
Feb. 6	20	Placed on General File	676
Feb. 13	25	Hall-Schmit motion to indefinitely postpone printed	802
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1021. By Labeledz, Hall, Haberman, Pappas, Higgins, DeCamp, Lynch

Jan. 15	6	Read first time	323
Jan. 16	7	Referred to Committee on Miscellaneous Subjects	337
Jan. 16	7	Conway name added	338
Jan. 23	11	Notice of hearing (1/30)	481
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1022. By Wesely, Vickers, Lynch, Rupp

Jan. 15	6	Read first time	323
Jan. 16	7	Referred to Committee on Government, Military and Veterans Affairs	337
Jan. 17	8	Rereferred to Committee on Appropriations	361
Jan. 24	12	Notice of hearing (2/26)	504
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1023. By Business and Labor Committee

Jan. 15	6	Read first time	323
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Jan.	16	7	Referred to Committee on Business and Labor	337
Jan.	22	10	Notice of hearing (1/29)	446
Feb.	3	17	Indefinitely postponed	618

LEGISLATIVE BILL 1024. By Marsh

Jan.	15	6	Read first time	324
Jan.	16	7	Referred to Committee on Judiciary	337
Jan.	17	8	Notice of hearing (1/28)	404
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1025. By DeCamp

Jan.	15	6	Read first time	324
Jan.	16	7	Referred to Committee on Banking, Commerce and Insurance	337
Jan.	17	8	Notice of hearing (1/27)	379
Jan.	28	14	Placed on General File	544
Feb.	21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb.	21	29	Advanced for Review pursuant to Chambers motion	936
Mar.	3	35	Placed on Select File - AM5291	1101
Apr.	4	54	AM5291 (E & R) adopted. Advanced for Engrossment	1989
Apr.	7	55	Correctly Engrossed	2032
Apr.	15	59	Final Reading 47-0-2	2335
Apr.	15	59	President signed	2351
Apr.	15	59	Presented to Governor (4/15)	2364
Apr.	16	60	Approved by Governor (4/16)	2447

LEGISLATIVE BILL 1026. By Lundy

Jan.	15	6	Read first time	324
Jan.	16	7	Referred to Committee on Judiciary	337
Feb.	11	23	Notice of hearing (2/25)	747
Feb.	28	34	Indefinitely postponed	1094

LEGISLATIVE BILL 1027. By Revenue Committee

Jan.	15	6	Read first time	324
Jan.	16	7	Referred to Committee on Revenue	337
Jan.	17	8	Notice of hearing (1/27)	403
Feb.	3	17	Placed on General File - Com am #1929	608
Feb.	13	25	Revenue Committee priority bill	802

CHRONOLOGY OF BILLS

2705

Mar.	6	38	R. Johnson amendment printed	1235
Mar.	6	38	Committee amendment #1929 adopted. Advanced for Review	1237
Mar.	18	44	R. Johnson amendment #2594 printed	1498
Mar.	18	44	Peterson amendment #2597 printed	1507
Mar.	19	45	Placed on Select File - AM5368	1532
Apr.	2	52	Pirsch-Marsh-DeCamp-Chizek-Goodrich amendment #2819 printed	1897
Apr.	3	53	AM5368 (E & R) adopted. R. Johnson pending amendments p. 1235 and #2594 p. 1498 withdrawn. Peterson pending amendment #2597 p. 1507 and R. Johnson amendment lost. Pirsch et al pending amendment #2819 p. 1897 and V. Johnson amendment #2773 (printed separate) adopted. V. Johnson amendment #2656 (on file) adopted as amended by V. Johnson amendment. Hartnett amendment lost. Scofield-Withem amendment #2873 adopted. Warner motion to reconsider Hartnett amendment prevailed. Hartnett amendment p. 1949 adopted. Advanced for Engrossment	1946
Apr.	8	56	Correctly Engrossed	2139
Apr.	8	56	ER0231 change	2143
Apr.	15	59	Final Reading w/E pending	2366
Apr.	15	59	Hannibal, V. Johnson, Higgins, and Schmit motions to return to Select File withdrawn	2367
Apr.	15	59	Failed on Final Reading w/E 23-20-6. Final Reading 26-23-0	2368
Apr.	15	59	Correctly Enrolled	2380
Apr.	15	59	President signed	2388
Apr.	16	60	Presented to Governor (4/16)	2409
Apr.	24	AJ	Approved by Governor (4/18)	2474

LEGISLATIVE BILL 1027A. By V. Johnson

Feb.	27	33	Read first time. Placed on General File	1067
Mar.	6	38	Advanced for Review	1237
Mar.	19	45	Placed on Select File	1534
Apr.	3	53	V. Johnson amendment #2789 adopted. Advanced for Engrossment	1953
Apr.	8	56	Correctly Engrossed	2139
Apr.	8	56	ER0232 change	2143

Apr. 15	59	Final Reading 27-19-3	2369
Apr. 15	59	President signed	2388
Apr. 16	60	Presented to Governor (4/16)	2409
Apr. 24	AJ	Approved by Governor (4/18)	2474

LEGISLATIVE BILL 1028. By Revenue Committee

Jan. 15	6	Read first time	324
Jan. 16	7	Referred to Committee on Revenue	337
Jan. 17	8	Notice of hearing (1/27)	403
Jan. 30	16	Placed on General File	589
Feb. 13	25	Revenue Committee priority bill	802
Feb. 21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb. 21	29	Advanced for Review pursuant to Chambers motion	937
Mar. 4	36	Placed on Select File - AM5298	1132
Mar. 11	39	AM5298 (E & R) adopted. DeCamp motion to indefinitely postpone prevailed	1288

LEGISLATIVE BILL 1028A. By V. Johnson

Feb. 12	24	Read first time. Placed on General File	772
Feb. 21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb. 21	29	Advanced for Review pursuant to Chambers motion	937
Mar. 4	36	Placed on Select File	1132
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1029. By Speaker Nichol at request of Governor

Jan. 15	6	Read first time	326
Jan. 17	8	Referred to Committee on Revenue	361
Jan. 29	15	Notice of hearing (2/5)	572
Feb. 13	25	Indefinitely postponed	786
Feb. 20	28	Wesely-Harris-Warner-Beutler-Landis- Marsh motion to place on General File laid over	899
Feb. 27	33	Wesely et al pending motion p. 899 lost	1056

LEGISLATIVE BILL 1030. By V. Johnson

Jan. 15	6	Read first time	326
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CHRONOLOGY OF BILLS

2707

Jan. 17	8	Referred to Committee on Revenue	361
Jan. 22	10	Notice of hearing (1/29)	437
Feb. 3	17	Indefinitely postponed	608

LEGISLATIVE BILL 1031. By DeCamp

Jan. 15	6	Read first time	331
Jan. 17	8	Referred to Committee on Judiciary	361
Jan. 17	8	Notice of hearing (1/28)	404
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1032. By V. Johnson

Jan. 15	6	Read first time	331
Jan. 17	8	Referred to Committee on Banking, Commerce and Insurance	361
Jan. 27	13	Notice of hearing (2/10)	526
Feb. 5	19	V. Johnson amendment #1850 printed	657
Feb. 13	25	Indefinitely postponed	796

LEGISLATIVE BILL 1033. By Government, Military and Veterans Affairs Committee

Jan. 15	6	Read first time	332
Jan. 17	8	Referred to Committee on Government, Military and Veterans Affairs	362
Jan. 24	12	Notice of hearing (2/13)	504
Feb. 11	23	Landis amendment #2081 printed	741
Feb. 12	24	Landis amendment #2046 printed	763
Feb. 18	26	Placed on General File - Com am #2132	825
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1034. By Eret

Jan. 15	6	Read first time	334
Jan. 17	8	Referred to Committee on Education	362
Jan. 27	13	Notice of hearing (2/18)	528
Feb. 20	28	Placed on General File	896
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1035. By DeCamp

Jan. 15	6	Read first time	334
Jan. 17	8	Referred to Committee on Banking, Commerce and Insurance	362

Jan. 24	12	Notice of hearing (2/3)	503
Feb. 12	24	Placed on General File	766
Feb. 21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb. 21	29	Advanced for Review pursuant to Chambers motion	939
Mar. 4	36	Placed on Select File - AM5308	1134
Mar. 5	37	AM5308 (E & R) adopted. Advanced for Engrossment	1194
Mar. 14	42	Correctly Engrossed	1444
Mar. 20	46	Miller motion to return to Select File pending	1561
Mar. 20	46	Miller pending motion p. 1561 withdrawn. Final Reading 45-0-4	1570
Mar. 20	46	Speaker signed	1571
Mar. 20	46	Presented to Governor (3/20)	1576
Mar. 25	48	Approved by Governor (3/25)	1690

**LEGISLATIVE BILL 1036. By Lundy, Hannibal, Chizek, Barrett,
L. Johnson**

Jan. 15	6	Read first time	334
Jan. 17	8	Referred to Committee on Business and Labor	362
Jan. 27	13	Notice of hearing (2/5)	522
Feb. 11	23	Placed on General File	738
Feb. 19	27	Business and Labor Committee priority bill	856
Feb. 21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb. 21	29	Advanced for Review pursuant to Chambers motion	938
Mar. 4	36	Placed on Select File	1134
Mar. 11	39	Advanced for Engrossment	1289
Mar. 20	46	Correctly Engrossed. ER0171 change	1573
Mar. 26	49	Final Reading 41-0-8	1725
Mar. 26	49	President signed	1731
Mar. 26	49	Presented to Governor (3/26)	1737
Apr. 1	51	Approved by Governor (3/28)	1812

LEGISLATIVE BILL 1036A. By Lundy

Feb. 20	28	Read first time. Placed on General File	900
Feb. 26	32	Advanced for Review	1017
Mar. 4	36	Placed on Select File	1134
Mar. 11	39	Advanced for Engrossment	1289
Mar. 20	46	Correctly Engrossed. ER0173 change	1573

CHRONOLOGY OF BILLS

2709

Mar. 26	49	Final Reading 44-0-5	1726
Mar. 26	49	President signed	1731
Mar. 26	49	Presented to Governor (3/26)	1737
Apr. 1	51	Approved by Governor (3/28)	1812

LEGISLATIVE BILL 1037. By Lundy, Hannibal, Chizek, Barrett, L. Johnson

Jan. 15	6	Read first time	334
Jan. 17	8	Referred to Committee on Business and Labor	362
Jan. 27	13	Notice of hearing (2/5)	523
Feb. 11	23	Placed on General File	738
Feb. 21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb. 21	29	Advanced for Review pursuant to Chambers motion	939
Mar. 4	36	Placed on Select File - AM5306	1134
Mar. 5	37	AM5306 (E & R) adopted. Advanced for Engrossment	1193
Mar. 14	42	Correctly Engrossed	1444
Mar. 14	42	ER0156 change	1445
Mar. 20	46	Final Reading 41-0-8	1562
Mar. 20	46	Speaker signed	1571
Mar. 20	46	Presented to Governor (3/20)	1576
Mar. 25	48	Approved by Governor (3/25)	1690

LEGISLATIVE BILL 1037A. By Lundy

Feb. 20	28	Read first time. Placed on General File	901
Feb. 26	32	Advanced for Review	1017
Mar. 4	36	Placed on Select File - AM5307	1134
Mar. 5	37	AM5307 (E & R) adopted. Advanced for Engrossment	1194
Mar. 14	42	Correctly Engrossed	1444
Mar. 20	46	Final Reading 40-0-9	1562
Mar. 20	46	Speaker signed	1571
Mar. 20	46	Presented to Governor (3/20)	1576
Mar. 25	48	Approved by Governor (3/25)	1690

LEGISLATIVE BILL 1038. By L. Johnson, Warner, Goll, Barrett, Lundy, Scofield, Carsten, Hannibal, Hefner, Lamb, Nichol, Miller, Morehead, Nelson, Baack, Eret, DeCamp, Abboud, Rogers, Chronister, Sieck, Remmers, Peterson, R. Johnson

Jan. 16	7	Read first time	349
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Jan. 17	8	Referred to Committee on Appropriations	362
Jan. 24	12	Notice of hearing (2/19)	504
Feb. 4	18	Notice of hearing (2/12) (Reset)	634
Feb. 20	28	Placed on General File - Com am #2137	903
Mar. 5	37	Committee amendment #2137 adopted. Advanced for Review	1210
Mar. 13	41	Placed on Select File - AM5348	1386
Mar. 19	45	AM5348 (E & R) adopted. Advanced for Engrossment	1541
Mar. 20	46	Correctly Engrossed	1603
Mar. 26	49	L. Johnson motion to suspend rules prevailed. Final Reading w/E 37-0-12	1729
Mar. 26	49	President signed	1731
Mar. 26	49	Presented to Governor (3/26)	1737
Apr. 1	51	Approved by Governor (3/28)	1812

LEGISLATIVE BILL 1039. By DeCamp, Hartnett, Chronister, Peterson, Nelson, Lynch

Jan. 16	7	Read first time	349
Jan. 17	8	Referred to Committee on Education	362
Jan. 21	9	Notice of hearing (1/28)	430
Feb. 10	22	Indefinitely postponed	719

LEGISLATIVE BILL 1040. By Abboud

Jan. 16	7	Read first time	349
Jan. 17	8	Referred to Committee on Banking, Commerce and Insurance	362
Jan. 24	12	Notice of hearing (2/4)	503
Feb. 13	25	Indefinitely postponed	796

LEGISLATIVE BILL 1041. By Conway, Hefner, Peterson, Chronister, Smith, Rupp, Schmit

Jan. 16	7	Read first time	349
Jan. 17	8	Referred to Committee on Revenue	362
Feb. 3	17	Notice of hearing (2/11)	614
Feb. 13	25	Conway priority bill	802
Feb. 20	28	Placed on General File - Com am #2159	896
Mar. 5	37	Committee amendment #2159 adopted. Schmit amendment #2352 withdrawn. Chambers amendment ruled not germane - challenge lost	1200
Mar. 5	37	DeCamp amendment #2406 printed	1204

CHRONOLOGY OF BILLS

2711

Mar. 5	37	Chambers amendment lost. Advanced for Review	1209
Mar. 11	39	Expedited	1306
Mar. 12	40	Schmit amendment #2457 to committee amendment printed	1322
Mar. 12	40	Placed on Select File - AM5346	1338
Mar. 14	42	AM5346 (E & R) adopted. DeCamp pending amendment #2406 p. 1204 and Schmit pending amendment #2457 p. 1322 withdrawn. Hartnett amendment ruled not germane. Advanced for Engrossment	1429
Mar. 17	43	Correctly Engrossed. ER0161 change	1471
Mar. 27	50	Warner motion to suspend rules prevailed. Final Reading w/E 44-1-4	1761
Mar. 27	50	President signed	1765
Mar. 27	50	Presented to Governor (3/27)	1775
Apr. 1	51	Approved by Governor (3/28)	1812

LEGISLATIVE BILL 1041A. By Conway

Feb. 27	33	Read first time. Placed on General File	1043
Mar. 5	37	Advanced for Review	1210
Mar. 12	40	Placed on Select File	1338
Mar. 14	42	Conway amendment #2544 adopted. Advanced for Engrossment	1430
Mar. 17	43	Correctly Engrossed	1471
Mar. 27	50	Final Reading w/E 41-1-7	1761
Mar. 27	50	President signed	1765
Mar. 27	50	Presented to Governor (3/27)	1775
Apr. 1	51	Approved by Governor (3/28)	1812

LEGISLATIVE BILL 1042. By DeCamp

Jan. 16	7	Read first time	350
Jan. 17	8	Referred to Committee on Banking, Commerce and Insurance	362
Jan. 24	12	Notice of hearing (2/3)	503
Feb. 5	19	Placed on General File - Com am #1984	651
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1043. By Hefner, Lamb, Peterson

Jan. 16	7	Read first time	350
Jan. 17	8	Referred to Committee on Business and Labor	362
Jan. 27	13	Notice of hearing (2/12)	523

Feb. 28	34	Indefinitely postponed	1071
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LEGISLATIVE BILL 1044. By Remmers, Marsh

Jan. 16	7	Read first time	350
Jan. 17	8	Referred to Committee on Revenue	362
Jan. 21	9	Notice of hearing (1/28)	423
Jan. 30	16	Indefinitely postponed	589

LEGISLATIVE BILL 1045. By DeCamp

Jan. 16	7	Read first time	350
Jan. 17	8	Referred to Committee on Banking, Commerce and Insurance	362
Jan. 24	12	Notice of hearing (2/3)	503
Feb. 6	20	Placed on General File	670
Feb. 21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb. 21	29	Advanced for Review pursuant to Chambers motion	938
Mar. 4	36	Placed on Select File	1133
Mar. 5	37	Advanced for Engrossment	1193
Mar. 14	42	Correctly Engrossed	1423
Mar. 20	46	Final Reading 43-0-6	1563
Mar. 20	46	Speaker signed	1571
Mar. 20	46	Presented to Governor (3/20)	1576
Mar. 25	48	Approved by Governor (3/25)	1690

LEGISLATIVE BILL 1046. By Wesely

Jan. 16	7	Read first time	350
Jan. 17	8	Referred to Committee on Health and Human Services	362
Jan. 21	9	Notice of hearing (1/28)	430
Feb. 3	17	Indefinitely postponed	611

LEGISLATIVE BILL 1047. By Wesely

Jan. 16	7	Read first time	350
Jan. 17	8	Referred to Committee on Health and Human Services	362
Jan. 21	9	Notice of hearing (1/28)	430
Jan. 29	15	Placed on General File	582
Feb. 19	27	Health and Human Services Committee priority bill	856

CHRONOLOGY OF BILLS

2713

Feb. 21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb. 21	29	Advanced for Review pursuant to Chambers motion	937
Mar. 4	36	Placed on Select File - AM5295	1130
Mar. 11	39	AM5295 (E & R) adopted. Advanced for Engrossment	1288
Mar. 20	46	Correctly Engrossed	1573
Mar. 20	46	ER0174 change	1574
Mar. 26	49	Final Reading 38-0-11	1730
Mar. 26	49	President signed	1731
Mar. 26	49	Presented to Governor (3/26)	1737
Apr. 1	51	Approved by Governor (3/28)	1812

LEGISLATIVE BILL 1048. By Goodrich

Jan. 16	7	Read first time	351
Jan. 17	8	Referred to Committee on Nebraska Retirement Systems	362
Jan. 29	15	Notice of hearing (2/20)	581
Feb. 26	32	Placed on General File	1012
Mar. 6	38	Advanced for Review	1229
Mar. 14	42	Chambers amendment #2515 printed	1432
Mar. 17	43	Placed on Select File - AM5356	1468
Apr. 3	53	Chambers name added	1927
Apr. 3	53	Chambers amendment #2912 printed	1954
Apr. 4	54	AM5356 (E & R) adopted. Chambers pending amendment #2515 p. 1432 withdrawn. Chambers pending amendment #2912 p. 1954 adopted. Advanced for Engrossment	2001
Apr. 7	55	Correctly Engrossed	2032
Apr. 7	55	ER0218 change	2037
Apr. 15	59	Final Reading 49-0-0	2335
Apr. 15	59	President signed	2351
Apr. 15	59	Presented to Governor (4/15)	2364
Apr. 24	AJ	Approved by Governor (4/19)	2476

LEGISLATIVE BILL 1049. By Remmers, Carsten

Jan. 16	7	Read first time	351
Jan. 17	8	Referred to Committee on Education	362
Jan. 17	8	Vickers name added	364
Jan. 27	13	Notice of hearing (2/4)	528
Feb. 3	17	Morehead name added	627
Feb. 13	25	Placed on General File	797

Feb. 13	25	Remmers priority bill	802
Feb. 21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb. 21	29	Advanced for Review pursuant to Chambers motion	940
Mar. 4	36	Placed on Select File - AM5317	1151
Mar. 11	39	AM5317 (E & R) adopted. Haberman amendment adopted. Advanced for Engrossment	1287
Mar. 19	45	Correctly Engrossed	1549
Apr. 15	59	Haberman motion to return to Select File withdrawn. Final Reading w/E 49-0-0	2373
Apr. 15	59	President signed	2388
Apr. 16	60	Presented to Governor (4/16)	2409
Apr. 24	AJ	Approved by Governor (4/18)	2474

LEGISLATIVE BILL 1049A. By Carsten, Remmers

Feb. 24	30	Read first time. Placed on General File	968
Feb. 26	32	Advanced for Review	1017
Mar. 4	36	Placed on Select File	1151
Mar. 11	39	Advanced for Engrossment	1288
Mar. 19	45	Correctly Engrossed	1549
Apr. 15	59	Final Reading w/E 48-0-1	2374
Apr. 15	59	President signed	2388
Apr. 16	60	Presented to Governor (4/16)	2409
Apr. 24	AJ	Approved by Governor (4/18)	2474

LEGISLATIVE BILL 1050. By Conway

Jan. 16	7	Read first time	351
Jan. 17	8	Referred to Committee on Public Works	362
Jan. 22	10	Notice of hearing (1/29)	446
Feb. 19	27	Indefinitely postponed	873

LEGISLATIVE BILL 1051. By Chizek, Wesely, Chronister, Smith, Lynch, Hall

Jan. 16	7	Read first time	351
Jan. 17	8	Referred to Committee on Health and Human Services	362
Jan. 27	13	Notice of hearing (2/11)	527
Feb. 12	24	Placed on General File	766
Feb. 21	29	Chambers motion to suspend rules and	

CHRONOLOGY OF BILLS

2715

		advance bills prevailed	935
Feb.	21 29	Advanced for Review pursuant to Chambers motion	939
Mar.	3 35	Chizek amendment #2196 printed	1125
Mar.	4 36	Placed on Select File - AM5316	1149
Apr.	4 54	AM5316 (E & R) adopted. Chizek pending amendment #2196 p. 1125 adopted. Advanced for Engrossment	2000
Apr.	7 55	Correctly Engrossed	2075
Apr.	7 55	ER0212 change	2078
Apr.	15 59	Final Reading 49-0-0	2336
Apr.	15 59	President signed	2351
Apr.	15 59	Presented to Governor (4/15)	2364
Apr.	24 AJ	Approved by Governor (4/17)	2473

LEGISLATIVE BILL 1051A. By Chizek, Wesely

Feb.	20 28	Read first time. Placed on General File	900
Feb.	26 32	Advanced for Review	1017
Mar.	4 36	Placed on Select File	1150
Apr.	4 54	Advanced for Engrossment	2000
Apr.	7 55	Correctly Engrossed	2075
Apr.	15 59	Final Reading 45-0-4	2337
Apr.	15 59	President signed	2351
Apr.	15 59	Presented to Governor (4/15)	2364
Apr.	24 AJ	Approved by Governor (4/17)	2473

LEGISLATIVE BILL 1052. By L. Johnson, Goodrich

Jan.	16 7	Read first time	356
Jan.	21 9	Referred to Committee on Banking, Commerce and Insurance	410
Jan.	24 12	Notice of hearing (2/3)	503
Feb.	6 20	Placed on General File	670
Feb.	21 29	Chambers motion to suspend rules and advance bills prevailed	935
Feb.	21 29	Advanced for Review pursuant to Chambers motion	938
Mar.	4 36	Placed on Select File	1133
Mar.	5 37	Advanced for Engrossment	1193
Mar.	14 42	Correctly Engrossed	1423
Mar.	20 46	Final Reading 45-0-4	1564
Mar.	20 46	Speaker signed	1571
Mar.	20 46	Presented to Governor (3/20)	1576
Mar.	25 48	Approved by Governor (3/25)	1690

LEGISLATIVE BILL 1053. By Chizek, Hartnett, Remmers, Barrett, Lynch, DeCamp, Conway, Chronister

Jan. 16	7	Read first time	356
Jan. 21	9	Referred to Committee on Judiciary	411
Feb. 11	23	Notice of hearing (2/24)	747
Feb. 27	33	Indefinitely postponed	1067

LEGISLATIVE BILL 1054. By Lamb

Jan. 16	7	Read first time	357
Jan. 21	9	Referred to Committee on Judiciary	411
Feb. 3	17	Notice of hearing (2/10)	615
Feb. 12	24	Placed on General File - Com am #2073	773
Mar. 6	38	Committee amendment #2073 adopted. Advanced for Review	1242
Mar. 19	45	Placed on Select File - AM5377	1548
Apr. 4	54	AM5377 (E & R) adopted. Advanced for Engrossment	1992
Apr. 7	55	Bracketed	2064
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1055. By Miller

Jan. 16	7	Read first time	357
Jan. 21	9	Referred to Committee on Health and Human Services	411
Jan. 27	13	Notice of hearing (2/18)	527
Feb. 20	28	Nichol priority bill	887
Feb. 24	30	Placed on General File - Com am #2208	947
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1056. By Rogers

Jan. 16	7	Read first time	357
Jan. 21	9	Referred to Committee on Government, Military and Veterans Affairs	411
Feb. 6	20	Notice of hearing (2/28)	675
Mar. 3	35	Placed on General File	1110
Mar. 6	38	Advanced for Review	1231
Mar. 18	44	Placed on Select File	1504
Apr. 4	54	Advanced for Engrossment	1991
Apr. 7	55	Correctly Engrossed	2032
Apr. 15	59	Final Reading 47-0-2	2338
Apr. 15	59	President signed	2351

CHRONOLOGY OF BILLS

2717

Apr. 15	59	Presented to Governor (4/15)	2364
Apr. 24	AJ	Approved by Governor (4/17)	2473

LEGISLATIVE BILL 1057. By Marsh

Jan. 16	7	Read first time	359
Jan. 21	9	Referred to Committee on Education	411
Jan. 27	13	Notice of hearing (2/11)	528
Feb. 13	25	Placed on General File - Com am #2038	797
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1058. By Wesely

Jan. 16	7	Read first time	359
Jan. 21	9	Referred to Committee on Health and Human Services	411
Jan. 27	13	Notice of hearing (2/11)	527
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1059. By Morehead

Jan. 16	7	Read first time	359
Jan. 21	9	Referred to Committee on Education	411
Jan. 21	9	Baack name added	424
Jan. 27	13	Notice of hearing (2/3)	528
Feb. 13	25	Placed on General File	797
Feb. 20	28	Nichol priority bill	887
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1060. By Health and Human Services Committee

Jan. 16	7	Read first time	359
Jan. 21	9	Referred to Committee on Health and Human Services	411
Jan. 21	9	Notice of hearing (1/28)	430
Feb. 18	26	Placed on General File - Com am #2115	837
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1060A. By Wesely

Feb. 24	30	Read first time. Placed on General File	955
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1061. By V. Johnson

Jan.	16	7	Read first time	359
Jan.	21	9	Referred to Committee on Revenue	411
Feb.	3	17	Notice of hearing (2/24)	615
Feb.	26	32	Indefinitely postponed	1041

LEGISLATIVE BILL 1062. By Hartnett, Nelson

Jan.	16	7	Read first time	360
Jan.	21	9	Referred to Committee on Education	411
Jan.	21	9	Notice of hearing (1/28)	430
Feb.	6	20	Placed on General File - Com am #2011	685
Feb.	12	24	Education Committee priority bill	773
Mar.	3	35	Lamb amendment #2323 to committee amendment printed	1123
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1063. By Nichol

Jan.	17	8	Read first time	362
Jan.	21	9	Referred to Committee on Government, Military and Veterans Affairs	411
Feb.	6	20	Notice of hearing (2/21)	675
Feb.	24	30	Placed on General File	947
Mar.	6	38	Advanced for Review	1229
Mar.	17	43	Placed on Select File	1468
Apr.	4	54	Advanced for Engrossment	1990
Apr.	7	55	Correctly Engrossed	2032
Apr.	15	59	Final Reading 44-0-5	2338
Apr.	15	59	President signed	2351
Apr.	15	59	Presented to Governor (4/15)	2364
Apr.	24	AJ	Approved by Governor (4/17)	2473

LEGISLATIVE BILL 1064. By Judiciary Committee

Jan.	17	8	Read first time	365
Jan.	21	9	Referred to Committee on Judiciary	411
Feb.	11	23	Notice of hearing (2/18)	747
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1065. By Conway

Jan.	17	8	Read first time	365
Jan.	21	9	Referred to Committee on Revenue	411
Feb.	3	17	Notice of hearing (2/19)	615

CHRONOLOGY OF BILLS

2719

Feb. 20 28 Indefinitely postponed 897

LEGISLATIVE BILL 1066. By Conway

Jan. 17 8 Read first time 365
Jan. 21 9 Referred to Committee on Banking,
Commerce and Insurance 411
Jan. 24 12 Notice of hearing (2/3) 503
Feb. 6 20 Placed on General File 670
Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 1067. By Marsh

Jan. 17 8 Read first time 366
Jan. 21 9 Referred to Committee on Health
and Human Services 411
Jan. 27 13 Notice of hearing (2/24) 527
Feb. 20 28 Nichol priority bill 887
Mar. 11 39 Indefinitely postponed 1290

LEGISLATIVE BILL 1068. By Landis

Jan. 17 8 Read first time 366
Jan. 21 9 Referred to Committee on Revenue 411
Jan. 28 14 Notice of hearing (2/5) 546
Feb. 11 23 Placed on General File - Com am #2029 734
Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 1069. By Wesely, Landis, Withem

Jan. 17 8 Read first time 378
Jan. 21 9 Referred to Committee on Revenue 411
Jan. 21 9 Notice of hearing (1/28) 423
Feb. 11 23 Placed on General File - Com am #2002 734
Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 1070. By Withem

Jan. 17 8 Read first time 379
Jan. 21 9 Referred to Committee on Education 411
Jan. 27 13 Notice of hearing (2/11) 528
Feb. 13 25 Placed on General File - Com am #2106 797
Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 1071. By Judiciary Committee

Jan.	17	8	Read first time	379
Jan.	21	9	Referred to Committee on Judiciary	411
Feb.	4	18	Notice of hearing (2/11)	634
Feb.	13	25	Placed on General File	804
Feb.	20	28	Nichol priority bill	887
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1072. By Abboud

Jan.	17	8	Read first time	379
Jan.	21	9	Referred to Committee on Revenue	411
Feb.	3	17	Notice of hearing (3/3)	615
Mar.	4	36	Indefinitely postponed	1140

LEGISLATIVE BILL 1073. By Miller

Jan.	17	8	Read first time	383
Jan.	21	9	Referred to Committee on Constitutional Revision and Recreation	411
Jan.	30	16	Notice of hearing (3/6)	599
Feb.	20	28	Nichol motion to suspend rules prevailed	897
Feb.	20	28	Notice of hearing (2/28) (Reset)	898
Feb.	25	31	Notice of hearing (Room change)	995
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1074. By Withem

Jan.	17	8	Read first time	384
Jan.	21	9	Referred to Committee on Government, Military and Veterans Affairs	411
Feb.	6	20	Notice of hearing (2/21)	675
Feb.	25	31	Placed on General File - Com am #2223	1005
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1075. By R. Johnson, Rupp

Jan.	17	8	Read first time	384
Jan.	21	9	Referred to Committee on Education	411
Jan.	27	13	Notice of hearing (2/18)	528
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1076. By Goodrich, DeCamp, Conway, Barrett, Hefner, Beutler, Schmit, Haberman, Harris, Pappas

CHRONOLOGY OF BILLS

2721

Jan. 17	8	Read first time	384
Jan. 21	9	Referred to Committee on Revenue	411
Feb. 3	17	Notice of hearing (3/3)	615
Mar. 4	36	Indefinitely postponed	1140

LEGISLATIVE BILL 1077. By Schmit

Jan. 17	8	Read first time	384
Jan. 21	9	Referred to Committee on Agriculture and Environment	411
Jan. 24	12	Schmit motion to withdraw laid over	502
Jan. 27	13	Schmit pending motion p. 502 prevailed. Withdrawn	523

LEGISLATIVE BILL 1078. By Wesely

Jan. 17	8	Read first time	384
Jan. 21	9	Referred to Committee on Health and Human Services	411
Jan. 27	13	Notice of hearing (2/11)	527
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1079. By Wesely

Jan. 17	8	Read first time	385
Jan. 21	9	Referred to Committee on Public Works	411
Jan. 28	14	Notice of hearing (2/7)	547
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1080. By Appropriations Committee

Jan. 17	8	Read first time	385
Jan. 21	9	Referred to Committee on Appropriations	411
Jan. 24	12	Notice of hearing (2/27)	504
Mar. 12	40	Placed on General File	1317
Mar. 26	49	Advanced for Review	1715
Apr. 1	51	Placed on Select File	1818
Apr. 4	54	Advanced for Engrossment	1971
Apr. 7	55	Correctly Engrossed	2032
Apr. 15	59	Final Reading 48-0-1	2339
Apr. 15	59	President signed	2351
Apr. 15	59	Presented to Governor (4/15)	2364
Apr. 16	60	Approved by Governor (4/16)	2447

LEGISLATIVE BILL 1081. By Appropriations Committee

Jan.	17	8	Read first time	385
Jan.	21	9	Referred to Committee on Public Works	411
Jan.	28	14	Notice of hearing (2/7)	547
Feb.	19	27	Indefinitely postponed	873

LEGISLATIVE BILL 1082. By Appropriations Committee

Jan.	17	8	Read first time	386
Jan.	21	9	Referred to Committee on Appropriations	411
Jan.	24	12	Notice of hearing (2/24)	504
Jan.	29	15	Notice of hearing (Time reset)	576
Mar.	18	44	Indefinitely postponed	1514

LEGISLATIVE BILL 1083. By Appropriations Committee

Jan.	17	8	Read first time	386
Jan.	21	9	Referred to Committee on Health and Human Services	411
Jan.	27	13	Notice of hearing (2/24)	527
Mar.	11	39	Indefinitely postponed	1290

LEGISLATIVE BILL 1084. By Appropriations Committee

Jan.	17	8	Read first time	386
Jan.	21	9	Referred to Committee on Health and Human Services	411
Jan.	27	13	Notice of hearing (2/24)	527
Mar.	11	39	Indefinitely postponed	1290

LEGISLATIVE BILL 1085. By Appropriations Committee

Jan.	17	8	Read first time	386
Jan.	21	9	Referred to Committee on Health and Human Services	411
Jan.	27	13	Notice of hearing (2/10)	527
Feb.	13	25	Indefinitely postponed	804

LEGISLATIVE BILL 1086. By Appropriations Committee

Jan.	17	8	Read first time	386
Jan.	21	9	Referred to Committee on Judiciary	411
Feb.	11	23	Notice of hearing (2/18)	747
Feb.	20	28	Indefinitely postponed	902

LEGISLATIVE BILL 1087. By Appropriations Committee

Jan.	17	8	Read first time	387
Jan.	21	9	Referred to Committee on Appropriations	411
Jan.	24	12	Notice of hearing (2/7)	504
Mar.	18	44	Indefinitely postponed	1514

LEGISLATIVE BILL 1088. By Appropriations Committee

Jan.	17	8	Read first time	387
Jan.	21	9	Referred to Committee on Health and Human Services	411
Jan.	27	13	Notice of hearing (2/11)	527
Feb.	13	25	Indefinitely postponed	804

LEGISLATIVE BILL 1089. By Appropriations Committee

Jan.	17	8	Read first time	387
Jan.	21	9	Referred to Committee on Government, Military and Veterans Affairs	411
Jan.	24	12	Notice of hearing (2/7)	504
Feb.	21	29	Placed on General File - Com am #2131	917
Mar.	25	48	Committee amendment #2131 lost. Hall motion to indefinitely postpone prevailed	1665

LEGISLATIVE BILL 1090. By Appropriations Committee

Jan.	17	8	Read first time	388
Jan.	21	9	Referred to Committee on Education	411
Jan.	27	13	Notice of hearing (2/24)	528
Feb.	25	31	Indefinitely postponed	990

LEGISLATIVE BILL 1091. By Appropriations Committee

Jan.	17	8	Read first time	388
Jan.	21	9	Referred to Committee on Education	411
Jan.	27	13	Notice of hearing (2/4)	528
Feb.	18	26	Indefinitely postponed	817

LEGISLATIVE BILL 1092. By Appropriations Committee

Jan.	17	8	Read first time	389
Jan.	21	9	Referred to Committee on Education	411
Jan.	21	9	Notice of hearing (1/28)	430
Jan.	30	16	Indefinitely postponed	592

LEGISLATIVE BILL 1093. By Appropriations Committee

Jan. 17	8	Read first time	389
Jan. 21	9	Referred to Committee on Education	411
Jan. 21	9	Notice of hearing (1/28)	430
Jan. 30	16	Placed on General File - Com am #1907	592
Feb. 10	22	Carsten amendment #2024 printed	719
Mar. 18	44	Appropriations Committee amendment #2524 printed	1511
Mar. 26	49	Committee amendment #1907 adopted. Carsten pending amendment #2024 p. 719 withdrawn. Appropriations Committee pending amendment #2524 p. 1511 adopted. Advanced for Review	1713
Mar. 27	50	Placed on Select File - AM5409	1798
Apr. 4	54	AM5409 (E & R) adopted. Warner amendment #2906 adopted. Advanced for Engrossment	1970
Apr. 7	55	Correctly Engrossed	2032
Apr. 7	55	ER0202 change	2036
Apr. 15	59	Final Reading 39-8-2	2340
Apr. 15	59	President signed	2351
Apr. 15	59	Presented to Governor (4/15)	2364
Apr. 24	AJ	Approved by Governor (4/17)	2473

LEGISLATIVE BILL 1094. By Appropriations Committee

Jan. 17	8	Read first time	389
Jan. 21	9	Referred to Committee on Business and Labor	411
Jan. 27	13	Notice of hearing (2/12)	523
Feb. 28	34	Indefinitely postponed	1071

LEGISLATIVE BILL 1095. By Appropriations Committee

Jan. 17	8	Read first time	389
Jan. 21	9	Referred to Committee on Miscellaneous Subjects	411
Jan. 29	15	Notice of hearing (2/21)	576
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1096. By Appropriations Committee

Jan. 17	8	Read first time	390
Jan. 21	9	Referred to Committee on Education	411
Jan. 27	13	Notice of hearing (2/24)	528

Feb. 25	31	Indefinitely postponed	990
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LEGISLATIVE BILL 1097. By Appropriations Committee

Jan. 17	8	Read first time	390
Jan. 21	9	Referred to Committee on Judiciary	411
Feb. 11	23	Notice of hearing (2/19)	747
Feb. 20	28	Indefinitely postponed	902

LEGISLATIVE BILL 1098. By Appropriations Committee

Jan. 17	8	Read first time	390
Jan. 21	9	Referred to Committee on Judiciary	412
Feb. 11	23	Notice of hearing (2/19)	747
Feb. 28	34	Indefinitely postponed	1094

LEGISLATIVE BILL 1099. By Appropriations Committee

Jan. 17	8	Read first time	390
Jan. 21	9	Referred to Committee on Judiciary	412
Feb. 11	23	Notice of hearing (2/19)	747
Feb. 28	34	Indefinitely postponed	1094

LEGISLATIVE BILL 1100. By Appropriations Committee

Jan. 17	8	Read first time	391
Jan. 21	9	Referred to Committee on Government, Military and Veterans Affairs	412
Jan. 24	12	Notice of hearing (2/7)	504
Feb. 28	34	Placed on General File	1073
Mar. 6	38	Advanced for Review	1230
Mar. 18	44	Placed on Select File	1502
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1101. By Appropriations Committee

Jan. 17	8	Read first time	391
Jan. 21	9	Referred to Committee on Revenue	412
Jan. 27	13	Notice of hearing (2/4)	529
Feb. 6	20	Indefinitely postponed	680

LEGISLATIVE BILL 1102. By Appropriations Committee

Jan. 17	8	Read first time	391
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Jan. 21	9	Referred to Committee on Agriculture and Environment	412
Jan. 27	13	Notice of hearing (2/6)	529
Feb. 11	23	Indefinitely postponed	748

LEGISLATIVE BILL 1103. By Appropriations Committee

Jan. 17	8	Read first time	392
Jan. 21	9	Referred to Committee on Public Works	412
Jan. 28	14	Notice of hearing (2/5)	547
Feb. 19	27	Indefinitely postponed	873

LEGISLATIVE BILL 1104. By Appropriations Committee

Jan. 17	8	Read first time	392
Jan. 21	9	Referred to Committee on Revenue	412
Jan. 27	13	Notice of hearing (2/4)	529
Feb. 6	20	Indefinitely postponed	680

LEGISLATIVE BILL 1105. By Appropriations Committee

Jan. 17	8	Read first time	392
Jan. 21	9	Referred to Committee on Revenue	412
Jan. 21	9	Notice of hearing (1/28)	423
Feb. 3	17	Placed on General File - Com am #1928	608
Mar. 6	38	Haberman amendment #1912 printed	1221
Mar. 6	38	Haberman amendment #1913 printed	1222
Mar. 24	47	Sieck amendment #2156 printed	1622
Mar. 26	49	Committee amendment #1928 adopted. Haberman pending amendment #1912 p. 1221 and Sieck pending amendment #2156 p. 1622 lost. Haberman pending amendment #1913 p. 1222 withdrawn. Advanced for Review	1714
Apr. 1	51	Placed on Select File - AM5413	1818
Apr. 4	54	AM5413 (E & R) adopted. Advanced for Engrossment	1971
Apr. 7	55	Correctly Engrossed	2032
Apr. 15	59	Final Reading 46-1-2	2341
Apr. 15	59	President signed	2351
Apr. 15	59	Presented to Governor (4/15)	2364
Apr. 16	60	Approved by Governor (4/16)	2447

LEGISLATIVE BILL 1105A. By Goll

CHRONOLOGY OF BILLS

2727

Feb. 27	33	Read first time. Placed on General File	1067
Mar. 26	49	Advanced for Review	1715
Apr. 1	51	Placed on Select File - AM5414	1818
Apr. 4	54	AM5414 (E & R) adopted. Goll amendment #2779 adopted. Advanced for Engrossment	1971
Apr. 7	55	Correctly Engrossed	2032
Apr. 15	59	Final Reading 45-1-3	2341
Apr. 15	59	President signed	2351
Apr. 15	59	Presented to Governor (4/15)	2364
Apr. 16	60	Approved by Governor (4/16)	2447

LEGISLATIVE BILL 1106. By Appropriations Committee

Jan. 17	8	Read first time	392
Jan. 21	9	Referred to Committee on Revenue	412
Jan. 27	13	Notice of hearing (2/4)	529
Feb. 6	20	Indefinitely postponed	680

LEGISLATIVE BILL 1107. By Judiciary Committee

Jan. 17	8	Read first time	404
Jan. 22	10	Referred to Committee on Judiciary	435
Jan. 27	13	Notice of hearing (2/4)	526
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1108. By Wesely

Jan. 17	8	Read first time	404
Jan. 22	10	Referred to Committee on Business and Labor	435
Jan. 27	13	Notice of hearing (2/12)	523
Feb. 13	25	Placed on General File	796
Feb. 21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb. 21	29	Advanced for Review pursuant to Chambers motion	939
Mar. 4	36	Placed on Select File - AM5313	1151
Mar. 5	37	AM5313 (E & R) adopted. Advanced for Engrossment	1194
Mar. 13	41	DeCamp amendment #2100 printed	1376
Mar. 14	42	Correctly Engrossed	1444
Mar. 20	46	DeCamp pending amendment #2100 p. 1376 withdrawn. Final Reading 45-0-4	1565
Mar. 20	46	Speaker signed	1571
Mar. 20	46	Presented to Governor (3/20)	1576
Mar. 25	48	Approved by Governor (3/25)	1690

LEGISLATIVE BILL 1109. By Judiciary Committee

Jan. 17	8	Read first time	404
Jan. 22	10	Referred to Committee on Judiciary	435
Feb. 4	18	Notice of hearing (2/11)	634
Feb. 28	34	Placed on General File - Com am #2278	1092
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1110. By Landis

Jan. 17	8	Read first time	405
Jan. 22	10	Referred to Committee on Nebraska Retirement Systems	435
Jan. 29	15	Notice of hearing (2/20)	581
Mar. 4	36	Placed on General File	1145
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1111. By V. Johnson

Jan. 17	8	Read first time	405
Jan. 24	12	Referred to Committee on Revenue	486
Jan. 27	13	Notice of hearing (2/3)	529
Feb. 6	20	Indefinitely postponed	680

LEGISLATIVE BILL 1112. By Schmit, Morehead, Vickers, Sieck, Smith, Nelson, Remmers, Carsten, Conway

Jan. 17	8	Read first time	405
Jan. 22	10	Referred to Committee on Banking, Commerce and Insurance	435
Jan. 24	12	Notice of hearing (2/4)	503
Feb. 13	25	Indefinitely postponed	796

LEGISLATIVE BILL 1113. By Wesely

Jan. 17	8	Read first time	405
Jan. 22	10	Referred to Committee on Agriculture and Environment	435
Jan. 30	16	Notice of hearing (2/21)	603
Feb. 27	33	Indefinitely postponed	1063

LEGISLATIVE BILL 1114. By V. Johnson

Jan. 17	8	Read first time	405
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CHRONOLOGY OF BILLS

2729

Jan. 22 10	Referred to Committee on Revenue	435
Jan. 22 10	Notice of hearing (1/29)	437
Feb. 13 25	Placed on General File - Com am #1989	783
Feb. 27 33	Attorney General's Opinion #86023 to V. Johnson	1044
Feb. 28 34	Committee amendment #1989 adopted. V. Johnson amendment #2313 to committee amendment adopted. Advanced for Review	1083
Feb. 28 34	Expedited	1084
Mar. 3 35	Placed on Select File - AM5292	1125
Mar. 6 38	AM5292 (E & R) adopted. V. Johnson amendment #2412 adopted as amended by V. Johnson amendment. Advanced for Engrossment	1215
Mar. 11 39	Correctly Engrossed	1271
Mar. 11 39	ER0144 change	1275
Mar. 14 42	Final Reading w/E 49-0-0	1413
Mar. 14 42	President signed	1420
Mar. 14 42	Presented to Governor (3/14)	1423
Mar. 14 42	Approved by Governor (3/14)	1424

LEGISLATIVE BILL 1114A. By V. Johnson

Mar. 5 37	Read first time. Placed on General File	1211
Mar. 6 38	Advanced for Review	1215
Mar. 6 38	Placed on Select File. Advanced for Engrossment	1231
Mar. 11 39	Correctly Engrossed	1271
Mar. 14 42	Final Reading w/E 46-0-3	1414
Mar. 14 42	President signed	1420
Mar. 14 42	Presented to Governor (3/14)	1423
Mar. 14 42	Approved by Governor (3/14)	1424

LEGISLATIVE BILL 1115. By Scofield

Jan. 17 8	Read first time	406
Jan. 22 10	Referred to Committee on Constitutional Revision and Recreation	435
Jan. 30 16	Notice of hearing (2/28)	599
Feb. 25 31	Notice of hearing (Room change)	995
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 1116. By Scofield

Jan. 17 8	Read first time	407
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Jan. 22 10	Referred to Committee on Constitutional Revision and Recreation	435
Jan. 30 16	Notice of hearing (2/28)	599
Feb. 25 31	Notice of hearing (Room change)	995
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 1117. By Scofield

Jan. 17 8	Read first time	408
Jan. 22 10	Referred to Committee on Revenue	435
Jan. 27 13	Notice of hearing (2/4)	529
Feb. 6 20	Indefinitely postponed	680

LEGISLATIVE BILL 1118. By Schmit, Lamb, Harris, Lynch

Jan. 17 8	Read first time	408
Jan. 22 10	Referred to Committee on Public Works	435
Jan. 22 10	Notice of hearing (1/30)	446
Feb. 19 27	Indefinitely postponed	873

LEGISLATIVE BILL 1119. By Schmit

Jan. 17 8	Read first time	408
Jan. 22 10	Referred to Committee on Public Works	435
Jan. 22 10	Notice of hearing (1/29)	446
Feb. 19 27	Public Works Committee priority bill	857
Feb. 28 34	Placed on General File - Com am #2164	1094
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 1120. By Schmit, Warner

Jan. 17 8	Read first time	408
Jan. 22 10	Referred to Committee on Banking, Commerce and Insurance	435
Jan. 24 12	Notice of hearing (2/4)	503
Jan. 30 16	Harris name added	594
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 1121. By Schmit

Jan. 17 8	Read first time	409
Jan. 22 10	Referred to Committee on Public Works	435
Jan. 28 14	Notice of hearing (2/5)	546
Feb. 19 27	Indefinitely postponed	873

CHRONOLOGY OF BILLS

2731

LEGISLATIVE BILL 1122. By Hefner

Jan. 21	9	Read first time	418
Jan. 22	10	Referred to Committee on Public Works	435
Jan. 28	14	Notice of hearing (2/7)	547
Feb. 19	27	Indefinitely postponed	873

LEGISLATIVE BILL 1123. By DeCamp, Labedz

Jan. 21	9	Read first time	420
Jan. 22	10	Referred to Committee on Banking, Commerce and Insurance	435
Jan. 24	12	Notice of hearing (2/4)	503
Feb. 12	24	Placed on General File	766
Feb. 19	27	Banking, Commerce and Insurance Committee priority bill	856
Feb. 21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb. 21	29	Advanced for Review pursuant to Chambers motion	939
Mar. 4	36	Placed on Select File - AM5309	1134
Mar. 11	39	AM5309 (E & R) adopted. Advanced for Engrossment	1289
Mar. 20	46	Correctly Engrossed	1573
Mar. 26	49	Landis motion to return to Select File withdrawn. Nichol motion to return to Select File pending. Passed over	1730
Apr. 9	57	Nichol pending motion p. 1730 withdrawn. Final Reading 42-0-7	2207
Apr. 9	57	President signed	2220
Apr. 14	58	Presented to Governor (4/10)	2222
Apr. 15	59	Approved by Governor (4/14)	2333

LEGISLATIVE BILL 1124. By Wesely

Jan. 21	9	Read first time	420
Jan. 22	10	Referred to Committee on Revenue	435
Feb. 3	17	Notice of hearing (2/10)	614
Feb. 18	26	Hefner name added	832
Feb. 19	27	Hefner priority bill	855
Mar. 5	37	Placed on General File - Com am #2372	1184
Mar. 18	44	Committee amendment #2372 adopted. Vickers amendment adopted. Advanced for Review	1509
Mar. 18	44	Abboud name added	1514

Mar. 27	50	Placed on Select File - AM5407	1797
Apr. 2	52	Wesely-Hefner amendment #2792 to committee amendment printed	1882
Apr. 8	56	Conway name added	2110
Apr. 8	56	AM5407 (E & R) adopted. Wesely-Hefner pending amendment #2792 p. 1882 adopted. Advanced for Engrossment	2130
Apr. 9	57	Correction	2158
Apr. 9	57	Correctly Engrossed. ER0244 change	2194
Apr. 15	59	Nichol motion to suspend rules prevailed	2385
Apr. 15	59	Final Reading 38-5-6	2398
Apr. 15	59	President signed	2408
Apr. 16	60	Presented to Governor (4/16)	2409
Apr. 24	AJ	Approved by Governor (4/19)	2475

LEGISLATIVE BILL 1124A. By Wesely, Hefner

Mar. 13	41	Read first time. Placed on General File	1376
Mar. 18	44	Haberman amendment lost. Advanced for Review	1510
Mar. 27	50	Placed on Select File - AM5408	1797
Apr. 8	56	AM5408 (E & R) adopted. Wesely amendment #2975 adopted. Advanced for Engrossment	2131
Apr. 9	57	Correctly Engrossed	2194
Apr. 15	59	Nichol motion to suspend rules prevailed	2385
Apr. 15	59	Final Reading 37-3-9	2399
Apr. 15	59	President signed	2408
Apr. 16	60	Presented to Governor (4/16)	2409
Apr. 24	AJ	Approved by Governor (4/19)	2475

LEGISLATIVE BILL 1125. By DeCamp

Jan. 21	9	Read first time	420
Jan. 22	10	Referred to Committee on Banking, Commerce and Insurance	435
Jan. 24	12	Notice of hearing (2/4)	503
Feb. 13	25	Indefinitely postponed	796

LEGISLATIVE BILL 1126. By Lamb, Eret, Carsten, Hefner, Sieck, Remmers, Peterson, Barrett

Jan. 21	9	Read first time	422
Jan. 22	10	Referred to Committee on Education	435
Jan. 27	13	Notice of hearing (2/18)	528

CHRONOLOGY OF BILLS

2733

Feb.	19	27	Lamb priority bill	855
Feb.	20	28	Placed on General File - Com am #2183	901
Mar.	13	41	Bracketed until 3/20/86 at 1:30 p.m	1389
Mar.	17	43	DeCamp amendment #2581 printed	1475
Mar.	20	46	Withem-Morehead amendment #2632 (printed separate) to committee amendment ruled not germane. Committee amendment #2183 adopted. DeCamp pending amendment #2581 p. 1475 lost. Withem-Morehead amendment #2632 adopted as amended by Lamb amendment. DeCamp request if Withem-Morehead amendment #2632 germane withdrawn. Advanced for Review	1587
Apr.	1	51	Placed on Select File - AM5410	1835
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1127. By Abboud

Jan.	21	9	Read first time	423
Jan.	22	10	Referred to Committee on Agriculture and Environment	435
Jan.	30	16	Notice of hearing (2/20)	603
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1128. By DeCamp, Labedz

Jan.	21	9	Read first time	423
Jan.	22	10	Referred to Committee on Judiciary	435
Jan.	30	16	Labedz motion to withdraw laid over	605
Feb.	3	17	Labedz pending motion p. 605 prevailed. Withdrawn	610

LEGISLATIVE BILL 1129. By Hartnett, Harris

Jan.	21	9	Read first time	428
Jan.	22	10	Referred to Committee on Nebraska Retirement Systems	435
Jan.	22	10	Notice of hearing (1/30)	446
Feb.	13	25	Placed on General File	800
Feb.	21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb.	21	29	Advanced for Review pursuant to Chambers motion	940
Mar.	4	36	Placed on Select File	1151

Mar. 5	37	Advanced for Engrossment	1195
Mar. 12	40	Vickers amendment #2494 printed separate	1351
Mar. 18	44	Correctly Engrossed	1482
Mar. 18	44	ER0158 change	1483
Mar. 24	47	Chambers amendment #2652 printed separate	1645
Mar. 26	49	Chambers name added	1732
Mar. 26	49	Chambers motion to suspend rules prevailed. Returned to Select File for Chambers amendment. Chambers pending amendment #2652 p. 1645 adopted. Advanced for Re-Engrossment	1733
Mar. 26	49	Vickers pending amendment #2494 p. 1351 withdrawn	1735
Mar. 26	49	Hartnett name withdrawn	1737
Mar. 27	50	Pappas motion to return to Select File for specific amendment printed	1810
Apr. 2	52	Correctly Re-Engrossed. ER0185 change	1870
Apr. 7	55	Pappas pending motion p. 1810 withdrawn. Hefner motion to return to Select File withdrawn. Final Reading 25-22-2	2062
Apr. 7	55	Speaker signed	2069
Apr. 7	55	Presented to Governor (4/7)	2080
Apr. 14	58	Returned by Governor without approval (4/12) .	2236
Apr. 14	58	Chambers motion to override veto laid over	2283
Apr. 16	60	Chambers pending motion to override veto prevailed 31-16-2	2455
Apr. 16	60	Communication. Certificate	2469
Apr. 24	AJ	Message and Certificate from Secretary of State	2496

LEGISLATIVE BILL 1130. By Hartnett, Lynch

Jan. 21	9	Read first time	428
Jan. 22	10	Referred to Committee on Public Works	435
Jan. 28	14	Notice of hearing (2/6)	547
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1131. By Hartnett, Labeledz

Jan. 21	9	Read first time	428
Jan. 22	10	Referred to Committee on Public Works	435
Jan. 28	14	Notice of hearing (2/6)	547
Feb. 19	27	Placed on General File	869
Mar. 6	38	Advanced for Review	1228

CHRONOLOGY OF BILLS

2735

Mar. 17	43	Placed on Select File	1466
Apr. 4	54	Advanced for Engrossment	1989
Apr. 7	55	Correctly Engrossed	2032
Apr. 7	55	ER0228 change	2036
Apr. 15	59	Final Reading 48-0-1	2342
Apr. 15	59	President signed	2351
Apr. 15	59	Presented to Governor (4/15)	2364
Apr. 16	60	Approved by Governor (4/16)	2447

LEGISLATIVE BILL 1132. By Sieck

Jan. 21	9	Read first time	428
Jan. 22	10	Referred to Committee on Public Works	435
Jan. 24	12	R. Johnson motion to rerefer to Agriculture and Environment Committee laid over	503
Jan. 28	14	R. Johnson pending motion p. 503 prevailed. Rereferred to Committee on Agriculture and Environment	540
Jan. 30	16	Notice of hearing (2/21)	603
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1133. By Morehead, Lamb, Warner, Scofield

Jan. 21	9	Read first time	428
Jan. 22	10	Referred to Committee on Education	435
Jan. 27	13	Notice of hearing (2/3)	528
Feb. 25	31	Indefinitely postponed	990

LEGISLATIVE BILL 1134. By Wesely

Jan. 21	9	Read first time	429
Jan. 22	10	Referred to Committee on Nebraska Retirement Systems	435
Jan. 29	15	Notice of hearing (2/20)	581
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1135. By V. Johnson

Jan. 21	9	Read first time	429
Jan. 24	12	Referred to Committee on Health and Human Services	486
Jan. 27	13	Notice of hearing (2/10)	527
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1136. By DeCamp

Jan. 21	9	Read first time	429
Jan. 22	10	Referred to Committee on Banking, Commerce and Insurance	435
Jan. 24	12	Notice of hearing (2/3)	503
Feb. 5	19	Placed on General File - Com am #1985	651
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1137. By Hartnett

Jan. 21	9	Read first time	429
Jan. 22	10	Referred to Committee on Urban Affairs	435
Jan. 24	12	Notice of hearing (2/26)	519
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1138. By Hartnett

Jan. 21	9	Read first time	429
Jan. 22	10	Referred to Committee on Urban Affairs	435
Jan. 24	12	Notice of hearing (2/26)	519
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1139. By Nebraska Retirement Systems Committee

Jan. 21	9	Read first time	429
Jan. 22	10	Referred to Committee on Nebraska Retirement Systems	435
Jan. 29	15	Notice of hearing (2/26)	581
Feb. 19	27	Nebraska Retirement Systems Committee priority bill	857
Mar. 6	38	Placed on General File - Com am #2356	1232
Mar. 25	48	Harris amendment #2511 to committee amendment printed	1666
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1140. By Goodrich

Jan. 21	9	Read first time	430
Jan. 22	10	Referred to Committee on Nebraska Retirement Systems	435
Jan. 28	14	Notice of hearing (2/11)	540
Feb. 19	27	Nebraska Retirement Systems Committee priority bill	857
Feb. 24	30	Attorney General's Opinion #86020 to DeCamp ..	955

CHRONOLOGY OF BILLS

2737

Feb.	26	32	Placed on General File	1012
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1141. By Chambers

Jan.	21	9	Read first time	433
Jan.	22	10	Referred to Committee on Judiciary	435
Feb.	11	23	Notice of hearing (2/25)	747
Feb.	27	33	Indefinitely postponed	1067

LEGISLATIVE BILL 1142. By Revenue Committee

Jan.	22	10	Read first time	438
Jan.	23	11	Referred to Committee on Revenue	470
Feb.	3	17	Notice of hearing (2/24)	615
Feb.	28	34	Placed on General File - Com am #2281	1080
Apr.	2	52	R. Johnson amendment to committee amendment ruled not germane. Committee amendment #2281 adopted. R. Johnson and Haberman amendments lost. Advanced for Review	1878
Apr.	2	52	Warner amendment printed	1882
Apr.	3	53	V. Johnson-Warner amendment printed	1943
Apr.	4	54	Placed on Select File - AM5423	1979
Apr.	8	56	AM5423 (E & R) adopted. V. Johnson-Warner amendment #2957 adopted. DeCamp amendment lost. Hefner-DeCamp motion to indefinitely postpone lost. Goodrich amendment adopted. Advanced for Engrossment	2100
Apr.	9	57	Correctly Engrossed	2170
Apr.	9	57	ER0241 change	2171
Apr.	15	59	Nichol motion to suspend rules prevailed	2385
Apr.	15	59	Hefner and V. Johnson motions to return to Select File withdrawn. Failed on Final Reading 22-23-4	2400

LEGISLATIVE BILL 1143. By Revenue Committee

Jan.	22	10	Read first time	439
Jan.	23	11	Referred to Committee on Revenue	470
Jan.	27	13	Notice of hearing (2/3)	529
Feb.	11	23	Placed on General File - Com am #2028	735
Mar.	6	38	Committee amendment #2028 adopted. Advanced for Review	1241
Mar.	19	45	Placed on Select File	1547

Apr. 4	54	Advanced for Engrossment	2006
Apr. 7	55	Correctly Engrossed	2032
Apr. 7	55	ER0227 change	2038
Apr. 15	59	Final Reading 48-0-1	2343
Apr. 15	59	President signed	2351
Apr. 15	59	Presented to Governor (4/15)	2364
Apr. 24	AJ	Approved by Governor (4/17)	2473

LEGISLATIVE BILL 1143A. By V. Johnson

Mar. 11	39	Read first time. Placed on General File	1282
Mar. 17	43	Advanced for Review	1465
Mar. 19	45	Placed on Select File	1547
Apr. 4	54	V. Johnson amendment adopted. Advanced for Engrossment	2006
Apr. 7	55	Correctly Engrossed	2032
Apr. 7	55	ER0209 change	2039
Apr. 15	59	Final Reading 48-0-1	2344
Apr. 15	59	President signed	2351
Apr. 15	59	Presented to Governor (4/15)	2364
Apr. 24	AJ	Approved by Governor (4/17)	2473

LEGISLATIVE BILL 1144. By Pappas

Jan. 22	10	Read first time	439
Jan. 23	11	Referred to Committee on Agriculture and Environment	470
Jan. 30	16	Notice of hearing (2/20)	603
Feb. 27	33	Indefinitely postponed	1063

LEGISLATIVE BILL 1145. By Pappas

Jan. 22	10	Read first time	439
Jan. 23	11	Referred to Committee on Public Works	470
Jan. 28	14	Notice of hearing (2/7)	547
Feb. 19	27	Indefinitely postponed	873

LEGISLATIVE BILL 1146. By Pappas

Jan. 22	10	Read first time	439
Jan. 23	11	Referred to Committee on Agriculture and Environment	470
Jan. 30	16	Notice of hearing (2/20)	603
Feb. 27	33	Indefinitely postponed	1063

LEGISLATIVE BILL 1147. By Pappas

Jan.	22	10	Read first time	439
Jan.	23	11	Referred to Committee on Judiciary	470
Jan.	29	15	Pappas motion to withdraw laid over	584
Feb.	3	17	Pappas pending motion p. 584 prevailed. Withdrawn	610

LEGISLATIVE BILL 1148. By Nichol

Jan.	22	10	Read first time	440
Jan.	23	11	Referred to Committee on Judiciary	470
Feb.	11	23	Notice of hearing (2/25)	747
Feb.	28	34	Indefinitely postponed	1094

LEGISLATIVE BILL 1149. By DeCamp

Jan.	22	10	Read first time	440
Jan.	23	11	Referred to Committee on Nebraska Retirement Systems	470
Jan.	28	14	Notice of hearing (2/11)	540
Feb.	24	30	Attorney General's Opinion #86020 to DeCamp ..	955
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1150. By Conway

Jan.	22	10	Read first time	440
Jan.	23	11	Referred to Committee on Banking, Commerce and Insurance	470
Jan.	24	12	Notice of hearing (2/4)	503
Feb.	13	25	Indefinitely postponed	796

LEGISLATIVE BILL 1151. By Hannibal

Jan.	22	10	Read first time	440
Jan.	23	11	Referred to Committee on Public Works	470
Jan.	28	14	Notice of hearing (2/7)	547
Feb.	19	27	Indefinitely postponed	873

LEGISLATIVE BILL 1152. By Rupp

Jan.	22	10	Read first time	440
Jan.	23	11	Referred to Committee on Constitutional Revision and Recreation	470

Jan.	27	13	Notice of hearing (2/6)	523
Feb.	13	25	Placed on General File - Com am #2039	799
Feb.	19	27	Constitutional Revision and Recreation Committee priority bill	856
Mar.	4	36	Sieck amendment #2023 printed	1160
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1153. By Pappas

Jan.	22	10	Read first time	440
Jan.	23	11	Referred to Committee on Revenue	470
Feb.	3	17	Notice of hearing (3/3)	615
Mar.	4	36	Indefinitely postponed	1140

LEGISLATIVE BILL 1154. By Haberman

Jan.	22	10	Read first time	441
Jan.	23	11	Referred to Committee on Revenue	470
Jan.	27	13	Notice of hearing (2/5)	529
Jan.	28	14	Notice of hearing (2/5) (Cancelled)	546
Feb.	3	17	Notice of hearing (2/10) (Reset)	614
Feb.	13	25	Indefinitely postponed	786

LEGISLATIVE BILL 1155. By Haberman

Jan.	22	10	Read first time	441
Jan.	23	11	Referred to Committee on Revenue	470
Feb.	3	17	Notice of hearing (2/18)	614
Feb.	19	27	Indefinitely postponed	880

LEGISLATIVE BILL 1156. By Haberman

Jan.	22	10	Read first time	441
Jan.	23	11	Referred to Committee on Public Works	470
Jan.	28	14	Notice of hearing (2/5)	547
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1157. By Haberman

Jan.	22	10	Read first time	441
Jan.	23	11	Referred to Committee on Revenue	470
Feb.	3	17	Notice of hearing (2/11)	614
Feb.	13	25	Indefinitely postponed	786

LEGISLATIVE BILL 1158. By DeCamp

CHRONOLOGY OF BILLS

2741

Jan.	22	10	Read first time	441
Jan.	23	11	Referred to Committee on Government, Military and Veterans Affairs	470
Feb.	6	20	Notice of hearing (2/27)	675
Feb.	28	34	Placed on General File	1073
Mar.	6	38	Advanced for Review	1231
Mar.	18	44	Placed on Select File - AM5362	1502
Apr.	3	53	Landis amendment #2709 printed	1920
Apr.	4	54	AM5362 (E & R) adopted. Landis pending amendment #2709 p. 1920 withdrawn. Landis amendment #2918 adopted. Advanced for Engrossment	2002
Apr.	7	55	Correctly Engrossed	2032
Apr.	7	55	ER0213 change	2038
Apr.	15	59	Final Reading 45-3-1	2344
Apr.	15	59	President signed	2351
Apr.	15	59	Presented to Governor (4/15)	2364
Apr.	16	60	Approved by Governor (4/16)	2447

LEGISLATIVE BILL 1159. By Labedz

Jan.	22	10	Read first time	442
Jan.	23	11	Referred to Committee on Judiciary	470
Feb.	4	18	Notice of hearing (2/11)	635
Feb.	13	25	Placed on General File	804
Feb.	21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb.	21	29	Advanced for Review pursuant to Chambers motion	940
Mar.	4	36	Placed on Select File - AM5319	1152
Mar.	5	37	AM5319 (E & R) adopted. Advanced for Engrossment	1195
Mar.	18	44	Correctly Engrossed	1482
Mar.	25	48	Final Reading 46-1-2	1679
Mar.	25	48	President signed	1685
Mar.	25	48	Presented to Governor (3/25)	1691
Apr.	1	51	Approved by Governor (3/28)	1811

LEGISLATIVE BILL 1160. By Lynch

Jan.	22	10	Read first time	442
Jan.	23	11	Referred to Committee on Judiciary	470
Feb.	11	23	Notice of hearing (2/18)	747
Feb.	28	34	Placed on General File	1092

Mar. 6	38	Advanced for Review	1231
Mar. 18	44	Placed on Select File - AM5363	1503
Apr. 4	54	AM5363 (E & R) adopted.	
		Advanced for Engrossment	1991
Apr. 7	55	Correctly Engrossed	2032
Apr. 15	59	Final Reading 45-0-4	2345
Apr. 15	59	President signed	2351
Apr. 15	59	Presented to Governor (4/15)	2364
Apr. 16	60	Approved by Governor (4/16)	2447

LEGISLATIVE BILL 1161. By Lynch

Jan. 22	10	Read first time	442
Jan. 23	11	Referred to Committee on Revenue	470
Jan. 27	13	Notice of hearing (2/4)	529
Feb. 6	20	Indefinitely postponed	680

LEGISLATIVE BILL 1162. By Lynch

Jan. 22	10	Read first time	442
Jan. 23	11	Referred to Committee on Urban Affairs	470
Jan. 24	12	Notice of hearing (3/5)	519
Feb. 20	28	Nichol motion to suspend rules prevailed.	
		Notice of hearing (2/26) (Reset)	897
Mar. 3	35	Indefinitely postponed	1110

LEGISLATIVE BILL 1163. By Lynch

Jan. 22	10	Read first time	442
Jan. 23	11	Referred to Committee on Urban Affairs	470
Jan. 24	12	Notice of hearing (2/5)	519
Feb. 13	25	Indefinitely postponed	800

LEGISLATIVE BILL 1164. By Lynch

Jan. 22	10	Read first time	442
Jan. 23	11	Referred to Committee on Urban Affairs	470
Jan. 24	12	Notice of hearing (2/5)	519
Mar. 5	37	Placed on General File - Com am #2316	1197
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1165. By Lynch

Jan. 22	10	Read first time	443
Jan. 23	11	Referred to Committee on Urban Affairs	470

CHRONOLOGY OF BILLS

2743

Jan.	24	12	Notice of hearing (2/19)	519
Mar.	3	35	Indefinitely postponed	1110

LEGISLATIVE BILL 1166. By Vickers

Jan.	22	10	Read first time	443
Jan.	23	11	Referred to Committee on Government, Military and Veterans Affairs	470
Feb.	6	20	Notice of hearing (2/27)	675
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1167. By Vickers

Jan.	22	10	Read first time	443
Jan.	23	11	Referred to Committee on Health and Human Services	470
Jan.	27	13	Notice of hearing (2/11)	527
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1168. By Vickers

Jan.	22	10	Read first time	443
Jan.	23	11	Referred to Committee on Revenue	470
Jan.	27	13	Notice of hearing (2/4)	529
Feb.	6	20	Indefinitely postponed	680

LEGISLATIVE BILL 1169. By Vickers

Jan.	22	10	Read first time	443
Jan.	23	11	Referred to Committee on Public Works	470
Jan.	28	14	Notice of hearing (2/5)	546
Feb.	19	27	Placed on General File	869
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1170. By Vickers

Jan.	22	10	Read first time	444
Jan.	23	11	Referred to Committee on Government, Military and Veterans Affairs	470
Feb.	6	20	Notice of hearing (2/27)	675
Mar.	3	35	Placed on General File - Com am #2302	1110
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1171. By Vickers

Jan.	22	10	Read first time	444
Jan.	23	11	Referred to Committee on Banking, Commerce and Insurance	470
Jan.	24	12	Notice of hearing (2/4)	503
Feb.	12	24	Placed on General File	766
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1172. By Vickers, R. Johnson

Jan.	22	10	Read first time	444
Jan.	23	11	Referred to Committee on Education	470
Jan.	27	13	Notice of hearing (2/3)	528
Jan.	29	15	Vickers priority bill	580
Feb.	13	25	Placed on General File - Com am #2108	797
Mar.	6	38	Vickers amendments #2365 to committee amendment and #2366 printed	1234
Mar.	12	40	Committee amendment #2108 adopted as amended by Vickers pending amendment #2365 p. 1234. Vickers pending amendment #2366 p. 1234 adopted. Advanced for Review	1347
Mar.	24	47	Placed on Select File - AM5388	1627
Mar.	27	50	AM5388 (E & R) adopted. Advanced for Engrossment	1797
Apr.	3	53	Correctly Engrossed	1934
Apr.	3	53	ER0195 change	1935
Apr.	15	59	Pappas and Vickers motions to return to Select File withdrawn. Failed on Final Reading 23-26-0	2375

LEGISLATIVE BILL 1172A. By Vickers

Mar.	12	40	Read first time. Placed on General File	1352
Mar.	17	43	Advanced for Review	1465
Mar.	24	47	Placed on Select File	1630
Mar.	27	50	Advanced for Engrossment	1797
Apr.	3	53	Correctly Engrossed	1934
Apr.	3	53	ER0194 change	1935
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1173. By Scofield

Jan.	22	10	Read first time	444
Jan.	23	11	Referred to Committee on Agriculture and Environment	470

CHRONOLOGY OF BILLS

2745

Jan. 27 13	Notice of hearing (2/7)	529
Jan. 28 14	Notice of hearing (2/13) (Reset)	547
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 1174. By Scofield

Jan. 22 10	Read first time	445
Jan. 23 11	Referred to Committee on Agriculture and Environment	470
Jan. 27 13	Notice of hearing (2/7)	529
Jan. 28 14	Notice of hearing (2/13) (Reset)	547
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 1175. By Scofield, Harris

Jan. 22 10	Read first time	445
Jan. 23 11	Referred to Committee on Miscellaneous Subjects	470
Jan. 29 15	Notice of hearing (2/20)	576
Feb. 28 34	Placed on General File	1070
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 1176. By R. Johnson, Vickers

Jan. 22 10	Read first time	445
Jan. 23 11	Referred to Committee on Agriculture and Environment	470
Jan. 27 13	Notice of hearing (2/6)	529
Feb. 11 23	Placed on General File	748
Feb. 20 28	Nichol priority bill	887
Mar. 24 47	Attorney General's Opinion #86037 to R. Johnson	1609
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 1177. By Sieck

Jan. 22 10	Read first time	445
Jan. 23 11	Referred to Committee on Health and Human Services	470
Jan. 27 13	Notice of hearing (2/18)	527
Feb. 20 28	Nichol priority bill	887
Feb. 21 29	Placed on General File	926
Mar. 5 37	Sieck amendment #2382 printed	1211
Mar. 6 38	Sieck pending amendment #2382 p. 1211 adopted. Advanced for Review	1229

Mar. 17	43	Placed on Select File - AM5358	1467
Apr. 8	56	AM5358 (E & R) adopted. Sieck amendment #2662 adopted. Advanced for Engrossment	2115
Apr. 9	57	Correctly Engrossed	2219
Apr. 9	57	ER0242 change	2220
Apr. 15	59	Nichol motion to suspend rules prevailed	2385
Apr. 15	59	Final Reading 41-0-8	2403
Apr. 15	59	President signed	2408
Apr. 16	60	Presented to Governor (4/16)	2409
Apr. 24	AJ	Approved by Governor (4/17)	2473

LEGISLATIVE BILL 1178. By Sieck

Jan. 22	10	Read first time	450
Jan. 23	11	Referred to Committee on Revenue	470
Jan. 27	13	Notice of hearing (2/5)	529
Jan. 28	14	Notice of hearing (2/5) (Cancelled)	546
Feb. 3	17	Notice of hearing (2/10) (Reset)	614
Feb. 20	28	Indefinitely postponed	897

LEGISLATIVE BILL 1179. By V. Johnson

Jan. 22	10	Read first time	451
Jan. 23	11	Referred to Committee on Business and Labor	470
Jan. 27	13	Notice of hearing (2/12)	523
Feb. 28	34	Placed on General File - Com am #2141	1071
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1180. By Revenue Committee

Jan. 22	10	Read first time	451
Jan. 23	11	Referred to Committee on Revenue	470
Feb. 3	17	Notice of hearing (2/25)	615
Feb. 20	28	V. Johnson motion to withdraw laid over	894
Feb. 20	28	Nichol motion to suspend rules prevailed. Notice of hearing (2/25) (Cancelled)	897
Feb. 21	29	V. Johnson pending motion p. 894 prevailed. Withdrawn	907

LEGISLATIVE BILL 1181. By DeCamp

Jan. 22	10	Read first time	451
Jan. 23	11	Referred to Committee on Banking, Commerce and Insurance	470

CHRONOLOGY OF BILLS

2747

Jan.	24	12	Notice of hearing (2/3)	503
Feb.	6	20	Indefinitely postponed	670

LEGISLATIVE BILL 1182. By DeCamp, Pappas, Schmit

Jan.	22	10	Read first time	451
Jan.	23	11	Referred to Committee on Banking, Commerce and Insurance	471
Jan.	24	12	Notice of hearing (2/3)	503
Feb.	13	25	Indefinitely postponed	796

LEGISLATIVE BILL 1183. By Eret, R. Johnson

Jan.	22	10	Read first time	452
Jan.	23	11	Referred to Committee on Agriculture and Environment	471
Jan.	30	16	Notice of hearing (2/20)	603
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1184. By Haberman

Jan.	22	10	Read first time	452
Jan.	23	11	Referred to Committee on Banking, Commerce and Insurance	471
Jan.	24	12	Notice of hearing (2/3)	503
Feb.	6	20	Placed on General File - Com am #2001	677
Mar.	6	38	Committee amendment #2001 adopted. Advanced for Review	1240
Mar.	19	45	Haberman amendment #2577 printed	1543
Mar.	19	45	Placed on Select File - AM5374	1546
Apr.	4	54	AM5374 (E & R) adopted. Haberman pending amendment #2577 p. 1543 withdrawn. Advanced for Engrossment	1992
Apr.	7	55	Correctly Engrossed	2032
Apr.	15	59	Final Reading 48-0-1	2347
Apr.	15	59	President signed	2351
Apr.	15	59	Presented to Governor (4/15)	2364
Apr.	16	60	Approved by Governor (4/16)	2447

LEGISLATIVE BILL 1185. By Hartnett, Vickers, Conway

Jan.	22	10	Read first time	452
Jan.	23	11	Referred to Committee on Miscellaneous Subjects	471
Jan.	23	11	Notice of hearing (1/30)	481

Feb. 10 22 Indefinitely postponed 722

LEGISLATIVE BILL 1186. By Hartnett

Jan. 22 10 Read first time 452
 Jan. 23 11 Referred to Committee on Public Works 471
 Jan. 28 14 Notice of hearing (2/6) 547
 Feb. 19 27 Indefinitely postponed 873

LEGISLATIVE BILL 1187. By Abboud

Jan. 22 10 Read first time 452
 Jan. 23 11 Referred to Committee on Public Works 471
 Jan. 28 14 Notice of hearing (2/6) 547
 Feb. 19 27 Indefinitely postponed 873

LEGISLATIVE BILL 1188. By Abboud

Jan. 22 10 Read first time 453
 Jan. 23 11 Referred to Committee on Government,
 Military and Veterans Affairs 471
 Feb. 6 20 Notice of hearing (2/28) 675
 Mar. 4 36 Placed on General File - Com am #2338 1142
 Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 1189. By Miller

Jan. 22 10 Read first time 453
 Jan. 23 11 Referred to Committee on Constitutional
 Revision and Recreation 471
 Jan. 30 16 Notice of hearing (3/6) 599
 Feb. 20 28 Nichol motion to suspend rules prevailed 897
 Feb. 20 28 Notice of hearing (2/28) (Reset) 898
 Feb. 25 31 Notice of hearing (Room change) 995
 Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 1190. By Appropriations Committee

Jan. 22 10 Read first time 453
 Jan. 23 11 Referred to Committee on Appropriations 471
 Jan. 29 15 Notice of hearing (2/12) 576
 Mar. 12 40 Placed on General File - Com am #2492 1346
 Mar. 26 49 Committee amendment #2492 adopted.
 Advanced for Review 1715
 Apr. 1 51 Placed on Select File 1818

Apr. 4	54	Advanced for Engrossment	1971
Apr. 7	55	Correctly Engrossed	2032
Apr. 15	59	Final Reading 48-0-1	2346
Apr. 15	59	President signed	2351
Apr. 15	59	Presented to Governor (4/15)	2364
Apr. 24	AJ	Approved by Governor (4/17)	2473

LEGISLATIVE BILL 1191. By Appropriations Committee

Jan. 22	10	Read first time	453
Jan. 23	11	Referred to Committee on Health and Human Services	471
Jan. 27	13	Notice of hearing (2/10)	527
Feb. 13	25	Indefinitely postponed	804

LEGISLATIVE BILL 1192. By Hartnett

Jan. 22	10	Read first time	454
Jan. 23	11	Referred to Committee on Banking, Commerce and Insurance	471
Jan. 27	13	Notice of hearing (2/10)	526
Feb. 13	25	Indefinitely postponed	796

LEGISLATIVE BILL 1193. By Hartnett

Jan. 22	10	Read first time	454
Jan. 23	11	Referred to Committee on Revenue	471
Feb. 3	17	Notice of hearing (3/4)	615
Feb. 20	28	Nichol motion to suspend rules prevailed. Notice of hearing (2/25) (Reset)	897
Feb. 26	32	Indefinitely postponed	1041

LEGISLATIVE BILL 1194. By Hartnett

Jan. 22	10	Read first time	454
Jan. 23	11	Referred to Committee on Revenue	471
Feb. 3	17	Notice of hearing (3/4)	615
Feb. 20	28	Nichol motion to suspend rules prevailed. Notice of hearing (2/25) (Reset)	897
Feb. 26	32	Indefinitely postponed	1041

LEGISLATIVE BILL 1195. By Hartnett

Jan. 22	10	Read first time	454
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Jan. 23 11	Referred to Committee on Revenue	471
Feb. 3 17	Notice of hearing (3/4)	615
Feb. 6 20	Notice of hearing (2/18) (Reset)	677
Feb. 20 28	Placed on General File - Com am #2174	896
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 1195A. By Hartnett

Feb. 27 33	Read first time. Placed on General File	1043
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 1196. By Hartnett

Jan. 22 10	Read first time	454
Jan. 23 11	Referred to Committee on Government, Military and Veterans Affairs	471
Feb. 6 20	Notice of hearing (2/21)	675
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 1197. By Hartnett

Jan. 22 10	Read first time	454
Jan. 23 11	Referred to Committee on Public Works	471
Jan. 28 14	Notice of hearing (2/6)	547
Feb. 19 27	Indefinitely postponed	873

LEGISLATIVE BILL 1198. By Hartnett

Jan. 22 10	Read first time	455
Jan. 23 11	Referred to Committee on Appropriations	471
Jan. 29 15	Notice of hearing (2/24)	576
Feb. 19 27	Hartnett priority bill	855
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 1199. By R. Johnson, Chizek, Vickers, Warner, Sieck, Schmit, Beutler

Jan. 22 10	Read first time	455
Jan. 23 11	Referred to Committee on Agriculture and Environment	471
Jan. 30 16	Notice of hearing (2/21)	603
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 1200. By Nebraska Retirement Systems Committee

CHRONOLOGY OF BILLS

2751

Jan. 22 10	Read first time	455
Jan. 23 11	Referred to Committee on Nebraska Retirement Systems	471
Jan. 29 15	Notice of hearing (2/26)	581
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 1201. By Lundy

Jan. 22 10	Read first time	455
Jan. 23 11	Referred to Committee on Public Works	471
Jan. 28 14	Notice of hearing (2/7)	547
Feb. 19 27	Indefinitely postponed	873

LEGISLATIVE BILL 1202. By Goodrich

Jan. 22 10	Read first time	455
Jan. 23 11	Referred to Committee on Banking, Commerce and Insurance	471
Jan. 27 13	Notice of hearing (2/10)	526
Feb. 13 25	Indefinitely postponed	796

LEGISLATIVE BILL 1203. By Business and Labor Committee

Jan. 22 10	Read first time	456
Jan. 23 11	Referred to Committee on Business and Labor	471
Jan. 27 13	Notice of hearing (2/5)	523
Feb. 11 23	Placed on General File - Com am #2010	738
Mar. 6 38	Committee amendment #2010 adopted. Advanced for Review	1241
Mar. 19 45	Placed on Select File - AM5371	1548
Apr. 4 54	AM5371 (E & R) adopted. Advanced for Engrossment	1992
Apr. 7 55	Correctly Engrossed	2032
Apr. 7 55	ER0229 change	2036
Apr. 15 59	Final Reading 47-0-2	2347
Apr. 15 59	President signed	2351
Apr. 15 59	Presented to Governor (4/15)	2364
Apr. 24 AJ	Returned by Governor without approval (4/18) .	2482
Apr. 24 AJ	Message from Secretary of State	2503
Apr. 24 AJ	Certificate from Secretary of State	2504

LEGISLATIVE BILL 1204. By Business and Labor Committee

Jan. 22 10	Read first time	456
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Jan.	23	11	Referred to Committee on Business and Labor	471
Jan.	27	13	Notice of hearing (2/5)	523
Feb.	11	23	Placed on General File	738
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1205. By DeCamp

Jan.	22	10	Read first time	456
Jan.	23	11	Referred to Committee on Urban Affairs	471
Jan.	24	12	Notice of hearing (2/19)	519
Mar.	3	35	Indefinitely postponed	1110

LEGISLATIVE BILL 1206. By Landis, Harris

Jan.	22	10	Read first time	456
Jan.	23	11	Referred to Committee on Education	471
Jan.	28	14	Notice of hearing (2/4)	548
Feb.	13	25	Placed on General File	797
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1207. By DeCamp

Jan.	22	10	Read first time	456
Jan.	23	11	Referred to Committee on Government, Military and Veterans Affairs	471
Feb.	6	20	Notice of hearing (2/28)	675
Mar.	3	35	Indefinitely postponed	1125

LEGISLATIVE BILL 1208. By DeCamp

Jan.	22	10	Read first time	457
Jan.	23	11	Referred to Committee on Banking, Commerce and Insurance	471
Jan.	24	12	Notice of hearing (2/3)	503
Feb.	6	20	Placed on General File	670
Feb.	21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb.	21	29	Advanced for Review pursuant to Chambers motion	938
Mar.	4	36	Placed on Select File - AM5302	1133
Apr.	4	54	AM5302 (E & R) adopted. Advanced for Engrossment	1989
Apr.	7	55	Correctly Engrossed	2032
Apr.	15	59	Final Reading 49-0-0	2348
Apr.	15	59	President signed	2351

CHRONOLOGY OF BILLS

2753

Apr. 15	59	Presented to Governor (4/15)	2364
Apr. 24	AJ	Approved by Governor (4/17)	2473

LEGISLATIVE BILL 1209. By Conway, Miller, Remmers

Jan. 22	10	Read first time	457
Jan. 23	11	Referred to Committee on Education	471
Jan. 27	13	Notice of hearing (2/3)	528
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1210. By Schmit

Jan. 22	10	Read first time	457
Jan. 23	11	Referred to Committee on Public Works	471
Jan. 28	14	Notice of hearing (2/5)	546
Feb. 19	27	Public Works Committee priority bill	857
Feb. 19	27	Placed on General File - Com am #2161	873
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1211. By Schmit, R. Johnson

Jan. 22	10	Read first time	457
Jan. 23	11	Referred to Committee on Agriculture and Environment	471
Jan. 27	13	Notice of hearing (2/7)	529
Mar. 4	36	Placed on General File - Com am #2309	1140
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1211A. By R. Johnson

Mar. 4	36	Read first time. Placed on General File	1161
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1212. By Hall

Jan. 22	10	Read first time	457
Jan. 23	11	Referred to Committee on Revenue	471
Jan. 27	13	Notice of hearing (2/3)	529
Feb. 6	20	Indefinitely postponed	680

LEGISLATIVE BILL 1213. By Hall

Jan. 22	10	Read first time	458
Jan. 23	11	Referred to Committee on Judiciary	471
Feb. 11	23	Notice of hearing (2/19)	747

Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 1214. By Hall

Jan. 22 10 Read first time 458
 Jan. 23 11 Referred to Committee on Judiciary 471
 Feb. 4 18 Notice of hearing (2/11) 635
 Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 1215. By Hall

Jan. 22 10 Read first time 458
 Jan. 23 11 Referred to Committee on Banking,
 Commerce and Insurance 471
 Jan. 27 13 Notice of hearing (2/10) 526
 Feb. 13 25 Indefinitely postponed 796

LEGISLATIVE BILL 1216. By Schmit, R. Johnson, Sieck

Jan. 22 10 Read first time 458
 Jan. 23 11 Referred to Committee on Agriculture
 and Environment 471
 Jan. 30 16 Notice of hearing (2/20) 603
 Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 1217. By Schmit, R. Johnson

Jan. 22 10 Read first time 458
 Jan. 23 11 Referred to Committee on Banking,
 Commerce and Insurance 471
 Jan. 24 12 Notice of hearing (2/3) 503
 Feb. 6 20 Placed on General File 670
 Apr. 16 60 Indefinitely postponed 2469

LEGISLATIVE BILL 1218. By Schmit

Jan. 22 10 Read first time 458
 Jan. 23 11 Referred to Committee on Judiciary 471
 Jan. 27 13 Notice of hearing (2/4) 526
 Feb. 27 33 Indefinitely postponed 1067

LEGISLATIVE BILL 1219. By Hall

Jan. 22 10 Read first time 458
 Jan. 23 11 Referred to Committee on Appropriations 471

CHRONOLOGY OF BILLS

2755

Jan. 29 15	Notice of hearing (2/24)	576
Mar. 18 44	Indefinitely postponed	1514

LEGISLATIVE BILL 1220. By Hoagland

Jan. 22 10	Read first time	459
Jan. 23 11	Referred to Committee on Revenue	471
Feb. 3 17	Notice of hearing (2/19)	615
Feb. 20 28	Indefinitely postponed	897

LEGISLATIVE BILL 1221. By Hoagland

Jan. 22 10	Read first time	459
Jan. 23 11	Referred to Committee on Judiciary	471
Jan. 27 13	Notice of hearing (2/3)	526
Feb. 6 20	Placed on General File	676
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 1222. By Hoagland, Hefner, Landis, Baack, Barrett, Miller, Wesely, Harris, Warner, Peterson

Jan. 22 10	Read first time	459
Jan. 23 11	Referred to Committee on Miscellaneous Subjects	471
Jan. 29 15	Notice of hearing (2/13)	576
Feb. 18 26	Indefinitely postponed	825

LEGISLATIVE BILL 1223. By Lamb, DeCamp

Jan. 22 10	Read first time	459
Jan. 23 11	Referred to Committee on Government, Military and Veterans Affairs	471
Feb. 6 20	Notice of hearing (2/28)	675
Mar. 4 36	Placed on General File - Com am #2337	1143
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 1224. By Beutler

Jan. 22 10	Read first time	459
Jan. 23 11	Referred to Committee on Judiciary	471
Feb. 3 17	Notice of hearing (2/10)	615
Feb. 12 24	Indefinitely postponed	775

LEGISLATIVE BILL 1225. By Beutler

Jan. 22	10	Read first time	459
Jan. 24	12	Referred to Committee on Executive Board	486
Jan. 29	15	Notice of hearing (2/12)	577
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1226. By Nichol, Beutler

Jan. 22	10	Read first time	460
Jan. 23	11	Referred to Committee on Judiciary	471
Jan. 27	13	Notice of hearing (2/3)	526
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1227. By Beutler

Jan. 22	10	Read first time	460
Jan. 23	11	Referred to Committee on Government, Military and Veterans Affairs	471
Feb. 6	20	Notice of hearing (2/27)	675
Feb. 28	34	Placed on General File	1073
Mar. 6	38	Advanced for Review	1231
Mar. 18	44	Placed on Select File - AM5361	1503
Apr. 4	54	AM5361 (E & R) adopted. Failed to advance for Engrossment	1990
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1228. By Wesely

Jan. 22	10	Read first time	460
Jan. 23	11	Referred to Committee on Health and Human Services	472
Jan. 27	13	Notice of hearing (2/4)	527
Feb. 12	24	Placed on General File	766
Feb. 21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb. 21	29	Advanced for Review pursuant to Chambers motion	939
Mar. 4	36	Placed on Select File	1150
Mar. 5	37	Advanced for Engrossment	1194
Mar. 14	42	Correctly Engrossed	1444
Mar. 20	46	Final Reading 45-0-4	1566
Mar. 20	46	Speaker signed	1571
Mar. 20	46	Presented to Governor (3/20)	1576
Mar. 25	48	Approved by Governor (3/25)	1690

LEGISLATIVE BILL 1229. By Beyer

CHRONOLOGY OF BILLS

2757

Jan.	22	10	Read first time	460
Jan.	23	11	Referred to Committee on Judiciary	472
Feb.	4	18	Notice of hearing (2/11)	635
Feb.	13	25	Placed on General File	804
Feb.	21	29	Chambers motion to suspend rules and advance bills prevailed	935
Feb.	21	29	Advanced for Review pursuant to Chambers motion	940
Mar.	4	36	Placed on Select File - AM5314	1152
Mar.	5	37	AM5314 (E & R) adopted. Advanced for Engrossment	1195
Mar.	18	44	Correctly Engrossed	1482
Mar.	25	48	Returned to Select File for Beyer amendment. Beyer amendment adopted. Advanced for Re-Engrossment	1680
Apr.	1	51	Correctly Re-Engrossed	1841
Apr.	7	55	Final Reading w/E 46-0-3	2048
Apr.	7	55	Speaker signed	2069
Apr.	7	55	Presented to Governor (4/7)	2080
Apr.	14	58	Approved by Governor (4/10)	2229

LEGISLATIVE BILL 1230. By Schmit, Harris

Jan.	22	10	Read first time	460
Jan.	22	10	Vickers name added	468
Jan.	23	11	Referred to Committee on Public Works	472
Jan.	28	14	Notice of hearing (2/6)	547
Jan.	30	16	R. Johnson name added	603
Feb.	12	24	Higgins name added	762
Feb.	12	24	Nelson name added	775
Feb.	18	26	Notice of hearing (2/26) (Rehearing)	832
Feb.	19	27	Schmit priority bill	856
Feb.	27	33	Eret name added	1052
Mar.	24	47	Placed on General File - Com am #2585	1620
Mar.	27	50	Committee amendment #2585 adopted as amended by Haberman amendment #2738, Schmit amendment #2763, and Goodrich amendment. Advanced for Review	1794
Mar.	27	50	Smith name added. Expedited	1810
Apr.	1	51	Placed on Select File - AM5419	1833
Apr.	2	52	Smith amendment #2681 printed	1901
Apr.	4	54	Schmit amendment #2878 printed	1984
Apr.	4	54	Smith amendment #2910 to committee amendment printed	2011

Apr.	8	56	AM5419 (E & R) adopted. Smith pending amendment #2681 p. 1901 withdrawn. Schmit pending amendment #2878 p. 1984 adopted. Smith pending amendment #2910 p. 2011 and Haberman amendment #2885 lost. Advanced for Engrossment	2131
Apr.	14	58	Correctly Engrossed	2223
Apr.	14	58	ER0246 change	2228
Apr.	16	60	Nichol motion to suspend rules prevailed	2410
Apr.	16	60	Schmit, R. Johnson, Haberman and Vickers motions to return to Select File withdrawn. Final Reading w/E 37-8-4	2440
Apr.	16	60	President signed	2449
Apr.	16	60	Presented to Governor (4/16)	2459
Apr.	24	AJ	Approved by Governor (4/22)	2477
Apr.	24	AJ	Message from Secretary of State	2512

LEGISLATIVE BILL 1230A. By Schmit

Apr.	3	53	Read first time. Placed on General File	1963
Apr.	7	55	Advanced for Review	2032
Apr.	7	55	Placed on Select File	2069
Apr.	8	56	Advanced for Engrossment	2133
Apr.	8	56	Schmit amendment printed	2148
Apr.	9	57	Returned to Select File for Schmit amendment. Schmit pending amendment p. 2148 adopted. Advanced for Engrossment ..	2187
Apr.	14	58	Correctly Engrossed	2223
Apr.	16	60	Nichol motion to suspend rules prevailed	2410
Apr.	16	60	Final Reading 40-5-4	2442
Apr.	16	60	President signed	2449
Apr.	16	60	Presented to Governor (4/16)	2459
Apr.	24	AJ	Approved by Governor (4/22)	2477
Apr.	24	AJ	Message from Secretary of State	2512

LEGISLATIVE BILL 1231. By Hoagland

Jan.	22	10	Read first time	461
Jan.	23	11	Referred to Committee on Banking, Commerce and Insurance	472
Jan.	24	12	Notice of hearing (2/3)	503
Feb.	5	19	Placed on General File - Com am #1986	651
Apr.	16	60	Indefinitely postponed	2469

CHRONOLOGY OF BILLS

2759

LEGISLATIVE BILL 1232. By Banking, Commerce and Insurance Committee

Jan.	22	10	Read first time	461
Jan.	23	11	Referred to Committee on Banking, Commerce and Insurance	472
Jan.	27	13	Notice of hearing (2/10)	526
Feb.	12	24	Placed on General File	766
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1233. By Hoagland

Jan.	22	10	Read first time	461
Jan.	23	11	Referred to Committee on Judiciary	472
Jan.	27	13	Notice of hearing (2/4)	526
Feb.	28	34	Indefinitely postponed	1094
Mar.	6	38	Attorney General's Opinion #86029 to Hartnett	1226

LEGISLATIVE BILL 1234. By Constitutional Revision and Recreation Committee

Jan.	22	10	Read first time	461
Jan.	23	11	Referred to Committee on Revenue	472
Jan.	24	12	Rereferred to Committee on Constitutional Revision and Recreation	485
Jan.	27	13	Notice of hearing (2/6)	523
Jan.	30	16	Notice of hearing (2/13) (Continuation)	599
Feb.	3	17	Correction	607
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1235. By DeCamp

Jan.	22	10	Read first time	462
Jan.	23	11	Referred to Committee on Banking, Commerce and Insurance	472
Jan.	27	13	Notice of hearing (2/10)	526
Feb.	13	25	Indefinitely postponed	796

LEGISLATIVE BILL 1236. By Pirsch

Jan.	22	10	Read first time	463
Jan.	23	11	Referred to Committee on Judiciary	472
Feb.	7	21	Pirsch motion to withdraw laid over	711
Feb.	11	23	Pirsch pending motion p. 708 prevailed. Withdrawn	739

LEGISLATIVE BILL 1237. By R. Johnson

Jan.	22	10	Read first time	465
Jan.	23	11	Referred to Committee on Agriculture and Environment	472
Jan.	27	13	Notice of hearing (2/6)	529
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1238. By R. Johnson

Jan.	22	10	Read first time	465
Jan.	23	11	Referred to Committee on Agriculture and Environment	472
Jan.	28	14	Notice of hearing (2/13)	547
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1239. By R. Johnson, Barrett

Jan.	22	10	Read first time	466
Jan.	23	11	Referred to Committee on Agriculture and Environment	472
Jan.	27	13	Notice of hearing (2/7)	529
Mar.	13	41	Attorney General's Opinion #86034 to R. Johnson	1377
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1240. By R. Johnson

Jan.	22	10	Read first time	466
Jan.	23	11	Referred to Committee on Agriculture and Environment	472
Jan.	27	13	Notice of hearing (2/6)	529
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1241. By Hoagland

Jan.	22	10	Read first time	466
Jan.	23	11	Referred to Committee on Judiciary	472
Feb.	3	17	Notice of hearing (2/10)	615
Feb.	13	25	Placed on General File - Com am #2074	780
Mar.	6	38	Committee amendment #2074 adopted. Advanced for Review	1243
Mar.	20	46	Placed on Select File - AM5383	1560
Apr.	4	54	AM5383 (E & R) adopted.	

CHRONOLOGY OF BILLS

2761

	Advanced for Engrossment	1992
Apr. 7 55	Correctly Engrossed	2032
Apr. 15 59	Final Reading 49-0-0	2349
Apr. 15 59	Speaker signed	2366
Apr. 15 59	Presented to Governor (4/15)	2380
Apr. 16 60	Approved by Governor (4/16)	2447

LEGISLATIVE BILL 1242. By Hoagland

Jan. 22 10	Read first time	466
Jan. 23 11	Referred to Committee on Judiciary	472
Feb. 3 17	Notice of hearing (2/10)	615
Feb. 12 24	Placed on General File - Com am #2076	774
Mar. 6 38	Committee amendment #2076 adopted. Advanced for Review	1242
Mar. 12 40	Hoagland amendment #2419 printed	1317
Mar. 19 45	Placed on Select File - AM5379	1548
Apr. 3 53	Hoagland amendment #2791 printed	1938
Apr. 4 54	AM5379 (E & R) adopted. Hoagland pending amendment #2419 p. 1317 withdrawn. Hoagland pending amendment #2791 p. 1938 adopted. Advanced for Engrossment	2007
Apr. 7 55	Correctly Engrossed	2032
Apr. 7 55	ER0230 change	2039
Apr. 15 59	Final Reading 49-0-0	2349
Apr. 15 59	Speaker signed	2366
Apr. 15 59	Presented to Governor (4/15)	2380
Apr. 16 60	Approved by Governor (4/16)	2447

LEGISLATIVE BILL 1243. By DeCamp

Jan. 22 10	Read first time	466
Jan. 23 11	Referred to Committee on Banking, Commerce and Insurance	472
Jan. 24 12	Notice of hearing (2/3)	503
Feb. 13 25	Indefinitely postponed	796

LEGISLATIVE BILL 1244. By Warner

Jan. 22 10	Read first time	467
Jan. 23 11	Referred to Committee on Government, Military and Veterans Affairs	472
Feb. 6 20	Notice of hearing (2/20)	675
Feb. 25 31	Placed on General File - Com am #2180	1006
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 1245. By Hoagland

Jan. 22 10	Read first time	467
Jan. 23 11	Referred to Committee on Judiciary	472
Feb. 11 23	Notice of hearing (2/25)	747
Feb. 27 33	Indefinitely postponed	1067

LEGISLATIVE BILL 1246. By Chambers

Jan. 22 10	Read first time	467
Jan. 23 11	Referred to Committee on Banking, Commerce and Insurance	472
Jan. 27 13	Notice of hearing (2/10)	526
Feb. 12 24	Placed on General File	766
Feb. 21 29	Chambers motion to suspend rules and advance bills prevailed	935
Feb. 21 29	Advanced for Review pursuant to Chambers motion	939
Mar. 4 36	Placed on Select File - AM5320	1146
Mar. 5 37	AM5320 (E & R) adopted. Advanced for Engrossment	1194
Mar. 14 42	Correctly Engrossed	1444
Mar. 20 46	Final Reading 42-0-7	1567
Mar. 20 46	Speaker signed	1571
Mar. 20 46	Presented to Governor (3/20)	1576
Mar. 25 48	Approved by Governor (3/25)	1690

LEGISLATIVE BILL 1247. By Judiciary Committee

Jan. 22 10	Read first time	467
Jan. 23 11	Referred to Committee on Judiciary	472
Feb. 3 17	Notice of hearing (2/10)	615
Feb. 12 24	Placed on General File - Com am #2075	775
Mar. 6 38	Committee amendment #2075 adopted. Advanced for Review	1243
Mar. 20 46	Placed on Select File - AM5382	1560
Apr. 4 54	AM5382 (E & R) adopted. Advanced for Engrossment	1992
Apr. 7 55	Bracketed	2095
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE BILL 1248. By Schmit

Jan. 22 10	Read first time	467
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CHRONOLOGY OF BILLS

2763

Jan.	23	11	Referred to Committee on Revenue	472
Jan.	27	13	Notice of hearing (2/5)	529
Feb.	6	20	Indefinitely postponed	680

LEGISLATIVE BILL 1249. By V. Johnson

Feb.	20	28	V. Johnson motion to suspend rules to introduce bill laid over	900
Feb.	21	29	V. Johnson pending motion p. 900 prevailed. Read first time	909
Feb.	21	29	Referred to Committee on Agriculture and Environment	927
Feb.	21	29	Notice of hearing (2/27)	931
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE BILL 1250. By Appropriations Committee

Mar.	12	40	Warner motion to suspend rules to introduce bill prevailed	1348
Mar.	12	40	Read first time	1349
Mar.	12	40	Warner motion to suspend rules prevailed. Placed on General File	1350
Mar.	18	44	Appropriations Committee amendment #2586 adopted. Lynch-Chizek motion to bracket until 3/25/86 pending	1491
Mar.	18	44	Lynch-Chizek pending motion to bracket lost. Lynch-Chizek motion to return to committee lost. Schmit amendment lost	1493
Mar.	18	44	DeCamp amendment to committee amendment printed	1497
Mar.	18	44	DeCamp amendment #2608 printed	1511
Mar.	19	45	Vickers amendment lost. DeCamp pending amendment p. 1497 withdrawn. DeCamp pending amendment #2608 p. 1511 lost. Advanced for Review	1541
Mar.	20	46	Placed on Select File - AM5384	1586
Mar.	25	48	Landis amendment to amendment #2586 printed	1662
Apr.	1	51	AM5384 (E & R) adopted. Landis pending amendment p. 1662 and Warner amendment adopted. Schmit amendment #2793, DeCamp and Hefner amendments lost. Advanced for Engrossment	1821
Apr.	2	52	Correctly Engrossed	1883
Apr.	4	54	Nichol motion to suspend rules prevailed	1964

Apr. 4 54	Failed on Final Reading w/E 30-15-4	1966
Apr. 4 54	Final Reading 29-14-6	1967
Apr. 4 54	DeCamp motion to reconsider action of Final Reading w/E withdrawn	1969
Apr. 4 54	Correctly Enrolled. Speaker signed	1970
Apr. 4 54	Hoagland explanation of vote. Presented to Governor (4/4)	1978
Apr. 14 58	Approved by Governor (4/10)	2229

LEGISLATIVE BILL 1250A. By Appropriations Committee

Mar. 12 40	Read first time. Placed on General File	1353
Mar. 19 45	Advanced for Review	1543
Mar. 20 46	Placed on Select File - AM5385	1586
Apr. 1 51	AM5385 (E & R) adopted. Warner amendments adopted. Schmit motion to indefinitely postpone lost. Advanced for Engrossment	1824
Apr. 2 52	Correctly Engrossed	1883
Apr. 2 52	ER0190 change	1885
Apr. 4 54	Nichol motion to suspend rules prevailed	1964
Apr. 4 54	Failed on Final Reading w/E 29-17-3	1967
Apr. 4 54	Final Reading 30-16-3	1968
Apr. 4 54	Correctly Enrolled. Speaker signed	1970
Apr. 4 54	Hoagland explanation of vote. Presented to Governor (4/4)	1978
Apr. 14 58	Approved by Governor (4/10)	2229

LEGISLATIVE BILL 1251. By Appropriations Committee

Mar. 12 40	Warner motion to suspend rules to introduce bill prevailed	1348
Mar. 12 40	Read first time	1349
Mar. 12 40	Warner motion to suspend rules prevailed. Placed on General File	1350
Mar. 17 43	Nichol-Haberman-Schmit-DeCamp-Baack- Lamb-Scofield amendment #2559 printed	1462
Mar. 17 43	Wesely amendment and Landis-Goodrich- Withem-Chizek-Baack-Smith-Marsh- Scofield amendment #2574 printed	1480
Mar. 18 44	Morehead amendment #2553 printed	1515
Mar. 19 45	Nichol amendment #2598 printed	1549
Mar. 20 46	Wesely pending amendment p. 1480 lost. Landis et al pending amendment #2574 p. 1480 adopted	1571

CHRONOLOGY OF BILLS

2765

Mar. 20	46	Haberman amendment lost. Haberman amendment and Nichol et al pending amendment #2559 p. 1462 withdrawn. Morehead pending amendment #2553 p. 1515 and Nelson amendment lost	1576
Mar. 20	46	Chambers amendment printed	1583
Mar. 24	47	Chizek-Hall-R. Johnson-Labedz amendment adopted. Chambers pending amendment p. 1583, Vickers, Lamb, Vickers, and Vickers-R. Johnson amendments lost. Advanced for Review	1613
Mar. 24	47	Remmers amendment printed	1622
Mar. 24	47	Chambers amendment printed	1653
Mar. 25	48	Vickers amendment #2712 (1) printed	1691
Mar. 25	48	Vickers amendment #2713 (2) printed	1692
Mar. 25	48	Chambers amendment printed	1697
Mar. 27	50	Placed on Select File - AM5397	1775
Mar. 27	50	Warner amendment #2754 printed	1787
Mar. 27	50	Hannibal amendment #2767 printed	1808
Mar. 27	50	Sieck amendment #2667 printed	1809
Apr. 1	51	AM5397 (E & R) adopted. Nichol pending amendment #2598 p. 1549 adopted. Remmers pending amendment p. 1622 and Morehead amendment lost	1828
Apr. 1	51	Vickers pending amendment #2712 (1) p. 1691 and Warner pending amendment #2754 p. 1787 adopted. Vickers pending amendment #2713 (2) p. 1692 lost. Chambers pending amendment p. 1697, Sieck pending amendment #2667 p. 1809, and Hannibal pending amendment #2767 p. 1808 withdrawn	1839
Apr. 1	51	Sieck amendment #2787 adopted. Marsh amendment #2780, Goodrich, Chronister-Sieck-Hoagland, and R. Johnson amendments lost. Wesely-Baack-Sieck-Lynch amendment pending	1843
Apr. 1	51	Wesely et al pending amendment p. 1843 lost. Chambers motion to bracket until 4/2 pending	1854
Apr. 2	52	Chambers pending motion p. 1854 to bracket withdrawn. V. Johnson amendment #2821 and Chambers pending amendment p. 1653 adopted. Wesely amendment #2809 and R. Johnson amendment lost. Lamb amendment	

		withdrawn	1860
Apr.	2	52 Hefner-Peterson-DeCamp amendment lost.	
		Advanced for Engrossment	1865
Apr.	2	52 Correctly Engrossed. ER0191 change	1896
Apr.	3	53 Beyer amendment #2909 printed	1962
Apr.	4	54 Nichol motion to suspend rules prevailed	1964
Apr.	4	54 Final Reading w/E 37-5-7	1965
Apr.	4	54 Speaker signed	1970
Apr.	4	54 Hoagland explanation of vote.	
		Presented to Governor (4/4)	1978
Apr.	14	58 Approved by Governor with line-item reductions (4/10)	2230
Apr.	14	58 Appropriations Committee report.	
		Appropriations Committee motion to override line-item vetoes sustained division of question. Appropriations Committee motion (1) to override veto prevailed 37-9-3	2280
Apr.	14	58 Appropriations Committee motion (2) to override veto prevailed 35-12-2.	
		Appropriations Committee motion to override line-item vetoes sustained division of question. Appropriations Committee motion (1) to override veto prevailed 36-9-4. Appropriations Committee motion (2) to override veto prevailed 30-14-5. Appropriations Committee motion to override line-item vetoes sustained division of question. Appropriations Committee motion (1) to override veto prevailed 32-12-5. Appropriations Committee motion (2) to override veto prevailed 31-12-6. Appropriations Committee motion to override line-item vetoes sustained division of question. Appropriations Committee motion (1) to override veto prevailed 31-16-2. Appropriations Committee motion (2) to override veto failed 27-19-3	2283
Apr.	14	58 Pappas motion to override veto failed 8-28-13. Hall motion to override veto failed 10-30-9	2295
Apr.	14	58 DeCamp motion to suspend rules withdrawn. R. Johnson-Schmit motion to override	

CHRONOLOGY OF BILLS

2767

		veto failed 18-23-8	2297
Apr. 15	59	Corrections	2331
Apr. 15	59	Lynch motion to reconsider action on line-item vetos laid over	2331
Apr. 16	60	Lynch pending motion to reconsider action on veto prevailed. Lynch motion to override veto prevailed 30-18-1	2452
Apr. 16	60	Communication. Certificate	2459
Apr. 16	60	Communication. Certificate	2460
Apr. 16	60	Communication. Certificate	2461
Apr. 16	60	Communication. Certificate	2462
Apr. 16	60	Communication. Certificate	2463
Apr. 16	60	Communication. Certificate	2464
Apr. 16	60	Communication. Certificate	2465
Apr. 16	60	Communication. Certificate	2466
Apr. 24	AJ	Message from Secretary of State	2487
Apr. 24	AJ	Certificates (8) from Secretary of State	2488-2495

LEGISLATIVE BILL 1252. By Appropriations Committee

Mar. 12	40	Warner motion to suspend rules to introduce bill prevailed	1348
Mar. 12	40	Read first time. Warner motion to suspend rules prevailed. Placed on General File	1350
Mar. 25	48	Advanced for Review	1658
Mar. 27	50	Placed on Select File - AM5399	1777
Mar. 27	50	Hannibal amendment #2766 printed	1809
Apr. 2	52	AM5399 (E & R) adopted. Hannibal pending amendment #2766 p. 1809 withdrawn. Warner amendment adopted. Advanced for Engrossment	1867
Apr. 2	52	Correctly Engrossed	1896
Apr. 4	54	Nichol motion to suspend rules prevailed	1964
Apr. 4	54	Final Reading w/E 41-4-4	1969
Apr. 4	54	Speaker signed	1970
Apr. 4	54	Hoagland explanation of vote. Presented to Governor (4/4)	1978
Apr. 14	58	Approved by Governor with line-item reductions (4/10)	2230
Apr. 14	58	Appropriations Committee report	2280
Apr. 16	60	Warner motion to override veto prevailed 30-14-5	2451
Apr. 16	60	Communication. Certificate	2466
Apr. 24	AJ	Corrected Communication and Certificate	2472
Apr. 24	AJ	Message from Secretary of State	2485

Apr. 24	AJ	Certificate from Secretary of State	2486
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LEGISLATIVE BILL 1253. By Appropriations Committee

Mar. 12	40	Warner motion to suspend rules to introduce bill prevailed	1349
Mar. 12	40	Read first time. Warner motion to suspend rules prevailed. Placed on General File	1350
Mar. 25	48	Advanced for Review	1659
Mar. 27	50	Placed on Select File - AM5398	1777
Apr. 2	52	AM5398 (E & R) adopted. Advanced for Engrossment	1886
Apr. 3	53	Correctly Engrossed	1944
Apr. 9	57	Final Reading w/E 42-0-7	2201
Apr. 9	57	President signed	2220
Apr. 14	58	Presented to Governor (4/10)	2222
Apr. 15	59	Approved by Governor (4/14)	2333

LEGISLATIVE BILL 1254. By Appropriations Committee

Mar. 12	40	Warner motion to suspend rules to introduce bill prevailed	1349
Mar. 12	40	Read first time. Warner motion to suspend rules prevailed. Placed on General File	1350
Mar. 25	48	Advanced for Review	1659
Mar. 27	50	Placed on Select File	1778
Apr. 2	52	Advanced for Engrossment	1886
Apr. 3	53	Correctly Engrossed	1944
Apr. 9	57	Final Reading 43-0-6	2202
Apr. 9	57	President signed	2220
Apr. 14	58	Presented to Governor (4/10)	2222
Apr. 15	59	Approved by Governor (4/14)	2333

LEGISLATIVE BILL 1255. By Business and Labor Committee

Mar. 14	42	Barrett motion to introduce bill prevailed. Read first time	1431
Mar. 14	42	Referred to Committee on Business and Labor ..	1440
Mar. 17	43	Notice of hearing (3/25)	1463
Mar. 26	49	Placed on General File - Com am #2729	1727
Apr. 1	51	Committee amendment #2729 adopted. Advanced for Review	1820
Apr. 3	53	Placed on Select File - AM5420	1934
Apr. 8	56	AM5420 (E & R) adopted. Barrett amendment #2961 and Pappas amendment	

CHRONOLOGY OF BILLS

2769

		adopted. Chambers amendment ruled not germane. Advanced for Engrossment	2100
Apr.	9	57 Correctly Engrossed	2170
Apr.	9	57 ER0240 change	2171
Apr.	15	59 Nichol motion to suspend rules prevailed	2385
Apr.	15	59 Final Reading w/E 38-0-11	2404
Apr.	15	59 President signed	2408
Apr.	16	60 Presented to Governor (4/16)	2409
Apr.	24	AJ Approved by Governor (4/19)	2475

LEGISLATIVE BILL 1256. By Business and Labor Committee

Mar.	14	42 Barrett motion to introduce bill prevailed. Read first time	1431
Mar.	14	42 Referred to Committee on Business and Labor ..	1440
Mar.	17	43 Notice of hearing (3/25)	1463
Mar.	26	49 Placed on General File	1727
Apr.	1	51 Advanced for Review	1820
Apr.	3	53 Placed on Select File - AM5421	1934
Apr.	8	56 AM5421 (E & R) adopted. Advanced for Engrossment	2100
Apr.	9	57 Correctly Engrossed	2170
Apr.	15	59 Nichol motion to suspend rules prevailed	2385
Apr.	15	59 Final Reading w/E 35-5-9	2405
Apr.	15	59 President signed	2408
Apr.	16	60 Presented to Governor (4/16)	2409
Apr.	24	AJ Approved by Governor (4/18)	2474

LEGISLATIVE BILL 1257. By Business and Labor Committee

Mar.	14	42 Barrett motion to introduce bill prevailed	1431
Mar.	14	42 Read first time	1432
Mar.	14	42 Referred to Committee on Business and Labor ..	1440
Mar.	17	43 Notice of hearing (3/25)	1463
Mar.	26	49 Indefinitely postponed	1728

LEGISLATIVE BILL 1258. By Speaker Nichol at request of Governor

Mar.	19	45 Read first time	1543
Mar.	19	45 Referred to Committee on Revenue. Notice of hearing (3/26)	1545
Mar.	27	50 Placed on General File - Com am #2689	1772
Apr.	2	52 Committee amendment #2689 adopted. Hefner-Remmers-Sieck-Nichol-Baack-	

		Eret-Lamb-Nelson amendment #2814 lost.	1867
Apr.	2 52	V. Johnson amendment #2839 adopted. Smith amendment lost. Advanced for Review	1876
Apr.	4 54	Placed on Select File - AM5422	1979
Apr.	7 55	AM5422 (E & R) adopted. Advanced for Engrossment	2067
Apr.	7 55	V. Johnson amendment #2715 printed	2068
Apr.	7 55	Lynch amendment #2884 printed	2073
Apr.	8 56	Correctly Engrossed	2118
Apr.	8 56	ER0234 change	2119
Apr.	14 58	Returned to Select File for V. Johnson amendment. V. Johnson pending amendment #2715 p. 2068 adopted. Advanced for Re-Engrossment. Lynch motion to return to Select File lost	2320
Apr.	14 58	Correctly Re-Engrossed (Correction)	2328
Apr.	14 58	ER0260 change	2329
Apr.	16 60	Correction	2409
Apr.	16 60	Nichol motion to suspend rules prevailed	2410
Apr.	16 60	Final Reading w/E 42-6-1	2442
Apr.	16 60	President signed	2449
Apr.	16 60	Presented to Governor (4/16)	2459
Apr.	24 AJ	Approved by Governor (4/17)	2473

LEGISLATIVE BILL 1258A. By Nichol

Apr.	1 51	Read first time. Placed on General File	1842
Apr.	2 52	Advanced for Review	1877
Apr.	4 54	Placed on Select File	1979
Apr.	7 55	Advanced for Engrossment	2067
Apr.	8 56	Correctly Engrossed	2118
Apr.	8 56	ER0239 change	2119
Apr.	16 60	Nichol motion to suspend rules prevailed	2410
Apr.	16 60	Final Reading 43-5-1	2443
Apr.	16 60	President signed	2449
Apr.	16 60	Presented to Governor (4/16)	2459
Apr.	24 AJ	Approved by Governor (4/17)	2473

LEGISLATIVE BILL 1259. By Appropriations Committee

Mar.	27 50	Warner motion to introduce bill prevailed. Read first time	1755
Mar.	27 50	Warner motion to suspend rules prevailed. Placed on General File	1756
Apr.	2 52	Advanced for Review	1886

CHRONOLOGY OF BILLS

2771

Apr.	4	54	Placed on Select File - AM5424	1979
Apr.	7	55	AM5424 (E & R) adopted. Advanced for Engrossment	2067
Apr.	8	56	Correctly Engrossed	2118
Apr.	14	58	Returned to Select File for Vickers amendment. Vickers amendment adopted. Advanced for Re-Engrossment	2325
Apr.	14	58	Correctly Re-Engrossed	2328
Apr.	14	58	ER0264 change	2330
Apr.	16	60	Nichol motion to suspend rules prevailed	2410
Apr.	16	60	Final Reading w/E 44-0-5	2444
Apr.	16	60	President signed	2449
Apr.	16	60	Presented to Governor (4/16)	2459
Apr.	24	AJ	Approved by Governor (4/19)	2475

**CHRONOLOGY OF CONSTITUTIONAL
AMENDMENT RESOLUTIONS**

**EIGHTY-NINTH LEGISLATURE
SECOND SESSION
1986**

LEGISLATIVE RESOLUTION 7CA. By Wesely

Jan. 8 1	Title	67
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE RESOLUTION 8CA. By Beutler

Jan. 8 1	Title	67
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE RESOLUTION 9CA. By Vickers, DeCamp

Jan. 8 1	Title	68
Jan. 21 9	Vickers motion to withdraw resolution laid over	423
Jan. 22 10	Vickers pending motion p. 423 prevailed. Withdrawn	437

LEGISLATIVE RESOLUTION 11CA. By V. Johnson

Jan. 8 1	Title	69
Apr. 16 60	Indefinitely postponed	2469

**LEGISLATIVE RESOLUTION 12CA. By V. Johnson, DeCamp,
Beutler, Hoagland**

Jan. 8 1	Title	70
Apr. 16 60	Indefinitely postponed	2469

LEGISLATIVE RESOLUTION 13CA. By DeCamp

Jan. 8 1	Title	72
Jan. 30 16	Indefinitely postponed	600

LEGISLATIVE RESOLUTION 16CA. By DeCamp, Baack

Jan.	8	1	Title	75
Jan.	24	12	Conway amendment #1851 printed	498
Jan.	27	13	DeCamp pending amendment #0636 p. 1039, First Session, withdrawn. V. Johnson motion to indefinitely postpone prevailed. Indefinitely postponed	524
Jan.	28	14	Lynch motion to reconsider action of indefinitely postponement laid over	548
Feb.	4	18	Lynch pending motion p. 548 to reconsider prevailed. Placed on General File	633
Feb.	18	26	Attorney General's Opinion to Pappas	810
Feb.	18	26	Attorney General's Opinion to DeCamp	812
Feb.	24	30	DeCamp amendment #1726 printed	967
Mar.	25	48	DeCamp-Nichol-Conway-Scofield amendment #2587 printed separate. Notice of hearing (3/31) (Informational hearing on amendment #2587)	1674
Mar.	25	48	Vickers amendment #2716 to amendment #2587 printed	1697
Apr.	7	55	DeCamp request to bracket. Chambers objected. DeCamp motion to bracket prevailed. Bracketed	2080
Apr.	9	57	DeCamp request to unbracket. Wesely objected. DeCamp motion to unbracket prevailed. Conway pending amendment #1851 p. 498, DeCamp pending amendment #1726 p. 967, DeCamp-Conway-Scofield pending amendment #2587 p. 1674 and Vickers pending amendment #2716 p. 1697 withdrawn. Chambers motion to indefinitely postpone lost. Lundy motion to suspend rules and permit consideration of Lundy- Hefner-Chronister-Sieck-Lamb-Rupp-Pappas amendment #2974 laid over	2194
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE RESOLUTION 18CA. By Schmit

Jan.	8	1	Title	75
Jan.	21	9	Schmit amendment #1755 printed	431
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE RESOLUTION 19CA. By Withem, DeCamp, Vickers, Hartnett, Marsh, Lynch

**CHRONOLOGY OF CONSTITUTIONAL
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Jan.	8	1	Title	78
Feb.	11	23	Withem motion to withdraw resolution laid over	741
Feb.	12	24	Withem pending motion p. 741 prevailed. Withdrawn	755

LEGISLATIVE RESOLUTION 26CA. By Withem

Jan.	8	1	Title	79
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE RESOLUTION 29CA. By Beutler

Jan.	8	1	Title	80
Jan.	30	16	Placed on General File - Com am #1892	599
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE RESOLUTION 30CA. By Chambers

Jan.	8	1	Title	81
Apr.	16	60	Indefinitely postponed	2469

**LEGISLATIVE RESOLUTION 32CA. By Speaker Nichol at request
of Governor**

Jan.	8	1	Title	82
Feb.	19	27	Hoagland amendments I and II printed	883
Feb.	20	28	Hoagland-Rupp amendment #2181 to committee amendment adopted. Hoagland pending amendments I and II p. 883 withdrawn. Failed to advance for Engrossment. Stands indefinitely postponed	887
Feb.	21	29	Conway motion to reconsider motion to advance for Engrossment laid over	925

LEGISLATIVE RESOLUTION 34CA. By Rupp, Labedz

Jan.	8	1	Title	83
Jan.	30	16	Placed on General File - Com am #1847	600
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE RESOLUTION 35CA. By Schmit

Jan.	8	1	Title	84
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Jan. 17	8	Passed over	380
Feb. 24	30	DeCamp amendment #2228 printed	962
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE RESOLUTION 36CA. By Hoagland, Nelson, Beutler, Lundy, V. Johnson, Miller, Smith

Jan. 8	1	Title	85
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE RESOLUTION 304CA. By Warner

Jan. 8	1	Read first time	125
Jan. 8	1	Referred to Reference Committee	126
Jan. 9	2	Referred to Committee on Constitutional Revision and Recreation	171
Jan. 16	7	Notice of hearing (1/23)	341
Jan. 30	16	Indefinitely postponed	600

LEGISLATIVE RESOLUTION 305CA. By Chizek, Hefner, Beutler

Jan. 8	1	Read first time	126
Jan. 8	1	Referred to Reference Committee	128
Jan. 9	2	Referred to Committee on Constitutional Revision and Recreation	171
Jan. 23	11	Notice of hearing (1/30)	479
Feb. 13	25	Placed on General File - Com am #2092	799
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE RESOLUTION 306CA. By DeCamp

Jan. 8	1	Read first time	128
Jan. 8	1	Referred to Reference Committee	129
Jan. 9	2	Referred to Committee on Constitutional Revision and Recreation	171
Jan. 15	6	Rogers name added	325
Jan. 16	7	Notice of hearing (1/24)	355
Feb. 10	22	Placed on General File	722
Feb. 12	24	Attorney General's Opinion #86011 to DeCamp ..	751
Feb. 12	24	Attorney General's Opinion #86012 to Rupp	753
Apr. 16	60	Indefinitely postponed	2469

LEGISLATIVE RESOLUTION 307CA. By V. Johnson

Jan. 8	1	Read first time	134
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**CHRONOLOGY OF CONSTITUTIONAL
AMENDMENT RESOLUTIONS**

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Jan.	8	1	Referred to Reference Committee	135
Jan.	9	2	Referred to Committee on Constitutional Revision and Recreation	171
Jan.	30	16	Notice of hearing (2/20)	599
Feb.	18	26	Attorney General's Opinion #86018 to Rupp	814
Feb.	24	30	Indefinitely postponed	953

LEGISLATIVE RESOLUTION 309CA. By Barrett

Jan.	8	1	Read first time	154
Jan.	8	1	Referred to Reference Committee	156
Jan.	10	3	Referred to Committee on Constitutional Revision and Recreation	217
Jan.	16	7	Notice of hearing (1/23)	341
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE RESOLUTION 310CA. By Abboud

Jan.	10	3	Read first time	224
Jan.	10	3	Referred to Reference Committee	225
Jan.	13	4	Referred to Committee on Constitutional Revision and Recreation	242
Jan.	16	7	Notice of hearing (1/24)	355
Jan.	30	16	Indefinitely postponed	600

**LEGISLATIVE RESOLUTION 311CA. By Lundy, Rupp, Hefner,
Pappas, Sieck, Conway, Chronister, Lamb**

Jan.	10	3	Read first time	228
Jan.	10	3	Referred to Reference Committee	229
Jan.	13	4	Referred to Committee on Constitutional Revision and Recreation	242
Jan.	22	10	Conway name withdrawn	447
Jan.	30	16	Notice of hearing (2/27)	599
Feb.	25	31	Notice of hearing (Room change)	995
Mar.	4	36	Placed on General File	1152
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE RESOLUTION 314CA. By Warner

Jan.	10	3	Read first time	234
Jan.	10	3	Referred to Reference Committee	235
Jan.	14	5	Referred to Committee on Constitutional Revision and Recreation	278

Jan. 30	16	Notice of hearing (2/20)	599
Feb. 24	30	Indefinitely postponed	953

LEGISLATIVE RESOLUTION 318CA. By Rupp

Jan. 14	5	Read first time	280
Jan. 14	5	Referred to Reference Committee	282
Jan. 15	6	Referred to Committee on Constitutional Revision and Recreation	311
Jan. 30	16	Notice of hearing (2/27)	599
Feb. 19	27	Rupp priority resolution	856
Feb. 25	31	Notice of hearing (Room change)	995
Mar. 11	39	Placed on General File - Com am #2410	1299
Mar. 24	47	Committee amendment #2410 lost. Abboud motion to indefinitely postpone lost. Advanced for Review	1643
Mar. 26	49	Pappas amendment #2693 printed	1736
Apr. 1	51	Placed on Select File	1838
Apr. 2	52	Pappas name added	1903
Apr. 7	55	Lundy-Chronister-Lamb amendment #2952 printed	2095
Apr. 8	56	Pappas motion to suspend rules lost. V. Johnson motion to suspend rules prevailed. V. Johnson amendment adopted. Lundy et al pending amendment #2952 p. 2095 withdrawn. Advanced for Engrossment	2153
Apr. 8	56	V. Johnson, Hoagland, DeCamp and Chambers names added	2156
Apr. 9	57	Correctly Engrossed	2194
Apr. 15	59	Nichol motion to suspend rules prevailed	2385
Apr. 15	59	Final Reading 36-3-10	2406
Apr. 15	59	President signed	2408
Apr. 16	60	Presented to Secretary of State (4/16)	2409

LEGISLATIVE RESOLUTION 319CA. By Withem

Jan. 14	5	Read first time	286
Jan. 14	5	Referred to Reference Committee	287
Jan. 16	7	Referred to Committee on Constitutional Revision and Recreation	337
Jan. 23	11	Notice of hearing (1/30)	479
Feb. 19	27	Constitutional Revision and Recreation Committee priority resolution	856
Feb. 21	29	Placed on General File - Com am #2191	926
Apr. 16	60	Indefinitely postponed	2469

**CHRONOLOGY OF CONSTITUTIONAL
AMENDMENT RESOLUTIONS**

2779

LEGISLATIVE RESOLUTION 321CA. By Hefner, Lundy

Jan.	15	6	Read first time	318
Jan.	15	6	Referred to Reference Committee	320
Jan.	16	7	Referred to Committee on Constitutional Revision and Recreation	337
Jan.	23	11	Notice of hearing (1/30)	479
Feb.	13	25	Indefinitely postponed	800

LEGISLATIVE RESOLUTION 322CA. By DeCamp

Jan.	16	7	Read first time	342
Jan.	16	7	Referred to Reference Committee	343
Jan.	17	8	Referred to Committee on Constitutional Revision and Recreation	362
Jan.	30	16	Notice of hearing (2/7)	599
Feb.	19	27	Labeledz priority resolution	855
Feb.	25	31	Placed on General File	1010
Mar.	14	42	Lundy-Hoagland-Barrett-Peterson-Abboud- Chronister-Goll-Miller-Landis-Rogers- Beyer-Sieck-L. Johnson-Hefner-Lamb- Eret-Remmers-R. Johnson-Carsten-Pirsch- Marsh-Nelson-Smith-Morehead motion to indefinitely postpone printed	1416
Mar.	20	46	DeCamp amendment #2600 printed	1598
Apr.	16	60	Indefinitely postponed	2469

LEGISLATIVE RESOLUTION 326CA. By Pappas

Jan.	17	8	Read first time	366
Jan.	17	8	Referred to Reference Committee	367
Jan.	21	9	Referred to Committee on Constitutional Revision and Recreation	412
Jan.	30	16	Notice of hearing (2/13)	599
Feb.	21	29	Indefinitely postponed	927

2780

**LEGISLATIVE BILLS AND
CONSTITUTIONAL AMENDMENT RESOLUTIONS
BY INTRODUCERS**

CHRIS ABOUD

LB

- 91* Appropriate funds to Coordinating Commission for Postsecondary Education for nonpublic school.
- 172* Require tax levy reduction upon property valuation increase.
- 222 Capital Companies Tax Credit Act.
- 285* Establish additional factors for issuance of certificates of need.
- 318* Nebraska Cosmetology Act.
- 494* Change provisions for increasing gas rates in municipalities.
- 664* Change provisions for closed meetings of public bodies.
- 761 Provide continued jurisdiction by fire protection districts over annexed territory.
- 788* Change various provisions under Child Pornography Prevention Act.
- 805* Change number of juvenile court judges in certain counties.
- 805A* Appropriation Bill.
- 806 Change purchasing procedures for political subdivisions.
- 824* Reduce driver license fees.
- 850*** Adopt Research and Development Authority Act; repeals Small Business Authority Act.
- 965* Create the Economic Advisory Commission.
- 967* Change provisions of Small Business Development Authority Act.
- 979 Adopt Proceeds of Stories of Felons' Act.
- 1038* Appropriate funds for clinical veterinary training facility/food process center.
- 1040 Create High Technology and Food Processing Commission.
- 1072 Establish a tax credit for certain on-the-job training programs.
- 1124* Adopt Employment Expansion and Investment Incentive Act.

- 1127 Adopt Agricultural Products Development Act.
- 1187 Prohibit telephone companies from charging its customers certain expenses.
- 1188 Limit use of sinking funds by certain political subdivisions.

LR

- 310CA Allow counties to exempt certain property from taxation.

DENNIS BAACK**LB**

- 91* Appropriate funds to Coordinating Commission for Postsecondary Education for nonpublic school.
- 122* Establish a separate permit fee for overweight grain trucks.
- 190* Establish Nebraska Future Fund from cigarette tax proceeds.
- 333* Establish provisions regarding child abuse and neglect.
- 461* Establish provisions for public radio.
- 506* Eliminate associate nursing degree programs as University's sole responsibility.
- 516* Change district and county judicial districts.
- 791* Change penalty provisions for child pornography.
- 802* Eliminate time limit on power to levy taxes by technical community colleges.
- 997A* Appropriation Bill.
- 1038* Appropriate funds for clinical veterinary training facility/food process center.
- 1059* Restrict technical community college boards from opening or closing campuses.
- 1222* Redefine lottery and other gambling terms.

LR

- 16CA* Repeal Initiative 300.

WILLIAM E. BARRETT**LB**

- 44* Limits liability of emergency medical technicians when performing aid.
- 190* Establish Nebraska Future Fund from cigarette tax proceeds.
- 333* Establish provisions regarding child abuse and neglect.
- 333A Appropriation Bill.
- 471* Change provisions for fee collection by State Fire Marshal.
- 506* Eliminate associate nursing degree programs as

BILLS AND CONSTITUTIONAL AMENDMENT
RESOLUTIONS BY INTRODUCERS

2783

- University's sole responsibility.
- 516* Change district and county judicial districts.
- 593 Change various provisions relating to insurance.
- 663* Require disclosure of risks concerning abortion procedures.
- 670 Require Educational Service Units to follow public letting procedures.
- 794* Change retirement and termination benefits of county employee retirement system.
- 811* Substitute a term in workers' compensation provisions.
- 812 Provide residency requirements for certain county officers.
- 813 Authorize alleged father to institute paternity proceeding.
- 814 Eliminate Legislature's Telecommunications Committee.
- 824* Reduce driver license fees.
- 901 Change provisions for employer contributions to experience account.
- 927* Allow certain accountants to prepare financial documents for grain dealers.
- 966* Establish provisions for travel and tourism.
- 967* Change provisions of Small Business Development Authority Act.
- 1016* Nebraska Agricultural Development Act.
- 1036* Establish provisions for self-insurance of workers' compensation.
- 1037* Allow use of Second Injury Fund for administrative expenses.
- 1038* Appropriate funds for clinical veterinary training facility/food process center.
- 1053* Remove Jail Standards Board from Crime Commission.
- 1076* Change provisions for refunds on manufacturing and processing equipment.
- 1126* Change provisions for nonresident high school tuition.
- 1222* Redefine lottery and other gambling terms.
- 1239* Exempt political subdivisions from Environmental Protection Act.
- LR**
- 309CA Remove Lieutenant Governor from presiding over Legislature.

CHRIS BEUTLER

- LB**
- 91* Appropriate funds to Coordinating Commission for Postsecondary Education for nonpublic school.

- 146* Provide concurrent jurisdiction in divorce cases for county/district courts.
- 170 Change penalty for Class II felonies.
- 217* Petroleum Products and Hazardous Substances Storage and Handling Act.
- 217A Appropriation Bill.
- 234 Change age limits for compulsory education.
- 367 Establish a criminal prosecution division in Attorney General's office.
- 367A Appropriation Bill.
- 370 Provide that divorce decree becomes final upon entry.
- 463* Establish provisions regarding nitrate-nitrogen contamination of ground water.
- 464* Provide a penalty for unauthorized use of telecommunications services.
- 474* Erosion and Sediment Control Act.
- 514 State Defender Act.
- 515 Change provisions for advertisements in political campaigns.
- 516* Change district and county judicial districts.
- 517 Provide for acceptance of certain railroad property by Game and Parks.
- 519 Change bond issuance for industrial development.
- 520 Uniform Arbitration Act.
- 521 Change provisions for sentencing of offenders.
- 581* Authorize NIFA to purchase certain municipal bonds.
- 772* Prohibit certain activities by military organizations.
- 850*** Adopt Research and Development Authority Act; repeals Small Business Authority Act.
- 894* Provide for control of contaminants in ground water.
- 965* Create the Economic Advisory Commission.
- 966* Establish provisions for travel and tourism.
- 967* Change provisions of Small Business Development Authority Act.
- 974* Provide for award of litigation expenses in certain cases.
- 988* Appropriate funds to district courts for probation office merger.
- 989 Provide for retention elections for municipal judges.
- 990 Eliminate statutory criteria for appropriations.
- 991 Allow state librarian to sell superseded Nebraska statutes.
- 992 Change provisions governing Administrative Rules and Regulations.
- 993 Repeal Unicameral Research Institute and Legislative Council Executive Director.

**BILLS AND CONSTITUTIONAL AMENDMENT
RESOLUTIONS BY INTRODUCERS**

2785

- 994 Delete provisions governing the 1943 Statute Commission.
- 995 Delete provisions for Executive Board approval of revenue bond plans.
- 996 Delete references to Legislative Council Budget Committee.
- 999* Change provisions regarding foreclosure on farm mortgages.
- 1016* Nebraska Agricultural Development Act.
- 1076* Change provisions for refunds on manufacturing and processing equipment.
- 1199* Adopt Environmental Response and Liability Act.
- 1224 Allow misdemeanor cases to use community service as sentence.
- 1225 Change provisions for office of ombudsman.
- 1226* Adopt Athlete Agents Registration Act.
- 1227 Change provisions for space in Capitol Building.

LR

- 8CA Establish an equal rights amendment to state constitution.
- 12CA* Change provisions for impeaching a public official.
- 29CA Change provisions for salary and expenses for legislators.
- 36CA* Establish membership for governing board for university and state colleges.
- 305CA* Allow county boards to exempt property from taxation for new/expanding business.

EMIL E. BEYER, JR.

LB

- 172* Require tax levy reduction upon property valuation increase.
- 333* Establish provisions regarding child abuse and neglect.
- 603* Change filing requirements for secured transactions under UCC.
- 663* Require disclosure of risks concerning abortion procedures.
- 783 Change provisions for operating an overweight motor vehicle.
- 784 Eliminate State Patrol's school bus inspection duties.
- 785 Provide representation on rural and suburban fire protection boards.
- 786* Establish limitations for noise on recreational vehicles/model airplanes.
- 787* Change provisions for tire requirements.
- 791* Change penalty provisions for child pornography.

- 823* Provide additional definitions of aggravating circumstances for homicides.
- 824* Reduce driver license fees.
- 1020* Change provision for use of Highway Trust Fund.
- 1229 Give county courts concurrent jurisdiction over misdemeanors and infractions.

CALVIN F. CARSTEN**LB**

- 131* Change provisions relating to optometry practice.
- 489* Change provisions for liability for drainage.
- 581* Authorize NIFA to purchase certain municipal bonds.
- 647* Require availability of group long-term-care insurance policies.
- 663* Require disclosure of risks concerning abortion procedures.
- 791* Change penalty provisions for child pornography.
- 804* Create Alzheimer's Disease Task Force.
- 804A Appropriation Bill.
- 870* Provides for the investment and allocation of Cash Reserve Fund interest.
- 927* Allow certain accountants to prepare financial documents for grain dealers.
- 992A Appropriation Bill.
- 1038* Appropriate funds for clinical veterinary training facility/food process center.
- 1049* Provide for interstate agreements for special education.
- 1049A* Appropriation Bill.
- 1112* Adopt Nebraska Range Authority Act.
- 1126* Change provisions for nonresident high school tuition.

ERNIE CHAMBERS**LB**

- 70 Eliminate the death penalty.
- 71* Increase speed limit on interstates to 65 mph.
- 72 Adopt Sports Wagering Act.
- 72A Appropriation Bill.
- 73 Establish maximum fees for attorneys performing probate services.
- 201* Establish a high-risk pregnancy support program.
- 206* Establish pay equity provisions in state government.
- 237 Require tape recording of disciplinary hearings at correctional facility.
- 237A Appropriation Bill.

BILLS AND CONSTITUTIONAL AMENDMENT
RESOLUTIONS BY INTRODUCERS

2787

- 499 Treat UNL football players as University employees.
- 600A* Increase the speed limit on interstates.
- 632* Increase payments for dependent children.
- 667* Real Estate Consumer Rights Act.
- 671 Require labeling of gasohol pumps.
- 875 Elect the Attorney General on nonpartisan basis.
- 876 Change provisions for Omaha City Council elections.
- 877 Eliminate alienation of affections and criminal conversation as crimes.
- 878 Eliminate social security numbers from drivers licenses.
- 957 Change provisions for cost of blood alcohol tests.
- 999* Change provisions regarding foreclosure on farm mortgages.
- 1048* Provide cost of living adjustment in Omaha school retirement program.
- 1129* Change provisions for preretirement death benefits for school employees.
- 1141 Repeal provisions for attorney's liens.
- 1246 Authorize investment in African Development Bank.
- LR**
- 30CA Allow graduates of Nebraska accredited law schools to not join bar association.
- 318CA* Change percentage of signatures required for initiatives and referendums.

JERRY CHIZEK

LB

- 91* Appropriate funds to Coordinating Commission for Postsecondary Education for nonpublic school.
- 131* Change provisions relating to optometry practice.
- 172* Require tax levy reduction upon property valuation increase.
- 256 Change disability compensation for state's public safety personnel.
- 257 Require Director of Personnel to direct state employer-employee relations.
- 333* Establish provisions regarding child abuse and neglect.
- 440 Create the Henry Fonda Film and Television Office.
- 455* Career Teacher Incentive Act.
- 491 Change a provision relating to jurisdiction to control pollution.
- 511* Restrict water impoundment projects in Douglas County.
- 512* Change provisions for county engineers and surveyors.

- 663* Require disclosure of risks concerning abortion procedures.
- 771 Change bonding requirements for law enforcement reserve officers.
- 772* Prohibit certain activities by military organizations.
- 786* Establish limitations for noise on recreational vehicles/model airplanes.
- 834* Eliminate School Foundation and Equalization Act; creates School Finance Act.
- 984 Change provisions for allowing defendants to demand a jury trial.
- 1016* Nebraska Agricultural Development Act.
- 1036* Establish provisions for self-insurance of workers' compensation.
- 1037* Allow use of Second Injury Fund for administrative expenses.
- 1051* Establish provisions for asbestos control.
- 1051A* Appropriation Bill.
- 1053* Remove Jail Standards Board from Crime Commission.
- 1199* Adopt Environmental Response and Liability Act.
- LR**
- 305CA* Allow county boards to exempt property from taxation for new/expanding business.

HARRY B. CHRONISTER

LB

- 78* Establish provisions for regional development councils.
- 105* Provide visitation rights for grandparents and grandchildren.
- 131* Change provisions relating to optometry practice.
- 190* Establish Nebraska Future Fund from cigarette tax proceeds.
- 277* Respiratory Care Act.
- 277A* Appropriation Bill.
- 291 Ophthalmic Dispensing Act.
- 291A Appropriation Bill.
- 333* Establish provisions regarding child abuse and neglect.
- 549* Require briefing sessions for new members of regional governing boards.
- 550* Prohibit mental health services administrators from private practice.
- 581* Authorize NIFA to purchase certain municipal bonds.
- 623 Require domestic animals to have vaccinations for rabies.
- 647* Require availability of group long-term-care insurance

BILLS AND CONSTITUTIONAL AMENDMENT
RESOLUTIONS BY INTRODUCERS

2789

- policies.
- 663* Require disclosure of risks concerning abortion procedures.
- 778* Change provisions for action by Nebraska Natural Resources Commission on recommendations.
- 823* Provide additional definitions of aggravating circumstances for homicides.
- 824* Reduce driver license fees.
- 912* Change provisions for expenditures of certain state college funds.
- 945* Provide for transfer of mentally retarded to community-based programs.
- 964* Require Economic Development Department to contract with UNL for high-tech industrial research.
- 965* Create the Economic Advisory Commission.
- 966* Establish provisions for travel and tourism.
- 967* Change provisions of Small Business Development Authority Act.
- 1038* Appropriate funds for clinical veterinary training facility/food process center.
- 1039* Change provisions for educational service units.
- 1041* Provide for distributing proceeds from exotic horse racing wagers.
- 1051* Establish provisions for asbestos control.
- 1053* Remove Jail Standards Board from Crime Commission.
- LR**
- 311CA* Authorize the keeping of fire arms.

GERALD A. CONWAY

LB

- 133* Provide work-study program at postsecondary institutions.
- 144* Nebraska Electronic Lottery Act.
- 333* Establish provisions regarding child abuse and neglect.
- 461* Establish provisions for public radio.
- 477* Provide for medical histories in adoption cases and access to records.
- 480* Enterprise Zone Demonstration Act.
- 494* Change provisions for increasing gas rates in municipalities.
- 639* Provide for contracting to receive information in adoption cases.
- 657 Change provisions for prohibited discounts to liquor

- retailers.
- 663* Require disclosure of risks concerning abortion procedures.
- 772* Prohibit certain activities by military organizations.
- 788* Change various provisions under Child Pornography Prevention Act.
- 801* Specify conditions for stop orders for registration statements for securities.
- 849*** Adopt Agricultural Revitalization Authority Act.
- 863* Allows first and second class cities additional sales tax.
- 891* Change provisions for investment of funds by county court clerks.
- 911* Change provisions for retail liquor and bottle club licenses.
- 912* Change provisions for expenditures of certain state college funds.
- 955* Provide provisions for reentering the school retirement system.
- 964* Require Economic Development Department to contract with UNL for high-tech industrial research.
- 965* Create the Economic Advisory Commission.
- 966* Establish provisions for travel and tourism.
- 967* Change provisions of Small Business Development Authority Act.
- 969* Provide for a display permit for fireworks.
- 1016* Nebraska Agricultural Development Act.
- 1021* Adopt Nebraska State Lottery Act.
- 1041* Provide for distributing proceeds from exotic horse racing wagers.
- 1041A Appropriation Bill.
- 1050 Issue special license plates for disabled veterans.
- 1053* Remove Jail Standards Board from Crime Commission.
- 1065 Provide a sales tax exemption for senior citizen centers.
- 1066 Allow mailing of certain documents by certified or registered mail.
- 1076* Change provisions for refunds on manufacturing and processing equipment.
- 1112* Adopt Nebraska Range Authority Act.
- 1124* Adopt Employment Expansion and Investment Incentive Act.
- 1150 Provide for licensure of financial planners.
- 1185* Adopt Local Option Electronic Lottery Act.
- 1209* Authorize long-range computer plan for state colleges.

BILLS AND CONSTITUTIONAL AMENDMENT
RESOLUTIONS BY INTRODUCERS

2791

JOHN W. DECAMP

LB

- 63* Establish criterion to determine if bank is unsound.
- 78* Establish provisions for regional development councils.
- 105* Provide visitation rights for grandparents and grandchildren.
- 107 Adopt Business Trust Act.
- 131* Change provisions relating to optometry practice.
- 174 Change appeal procedures for property value adjustments.
- 177 Limit the right of privacy at correctional facilities.
- 178 Provide runoff primary elections.
- 179 Ensure access to businesses during construction.
- 192 Change provisions for registration of securities.
- 194 Require title insurance agents to be licensed abstracters.
- 206* Establish pay equity provisions in state government.
- 230 Eliminate false advertisement or statements provision under NPAD Act.
- 277* Respiratory Care Act.
- 277A* Appropriation Bill.
- 278* Authorize NIFA to issue bonds for agriculture and failed financial institutions.
- 296 Change definition of active solar space heating systems.
- 297 Extend termination date for tax credit on renewable energy source system.
- 325A Appropriation Bill.
- 402 Authorize early teacher retirement upon reaching age/service combination.
- 403 Authorize teacher retirement after 35 years of service, regardless of age.
- 451 Require loan approval to spouses of bank directors by Board of Directors.
- 452* Change provisions for bank holding companies.
- 453 Establish a restriction on bank holding companies.
- 454 Establish retirement plan for police officers of second class cities.
- 467 Change membership provisions for State Racing Commission.
- 468 Establish the Big Dome, Train, and Plane Commission.
- 469* Nebraska Export Finance Act.
- 477* Provide for medical histories in adoption cases and access to records.
- 527* Change district court clerks and employees to state employees.

- 573* Adopt Underinsured Motorist Insurance Coverage Act.
- 601* Authorize intrastate long-distance telecommunication services.
- 603* Change filing requirements for secured transactions under UCC.
- 604 Require reporting certain UCC information to Secretary of State.
- 604A Appropriation Bill.
- 685 Provide funding for community mental health programs and facilities.
- 686 Change provision for surety bonds by prepaid dental service corporations.
- 691 Exempt from taxation real estate owned by insolvent banks.
- 776 Change provisions for public service commissioners holding other positions.
- 789 Provide tax setting duties for Board of Equalization.
- 798 Change the parimutuel wagering tax.
- 800 Adopt Tax Delinquency Amnesty Act.
- 801* Specify conditions for stop orders for registration statements for securities.
- 807* Eliminate provisions relating to cabooses.
- 815* Allow certain sales of agricultural equipment under sales tax exemption.
- 823* Provide additional definitions of aggravating circumstances for homicides.
- 835 Establishes procedures limiting rate increases during deregulation of telecommunications.
- 874 Eliminate alienation of affect, criminal conversation, adultery as crimes.
- 880 Limit damages in professional negligence cases.
- 881 Change provisions for anhydrous ammonia tanks.
- 891* Change provisions for investment of funds by county court clerks.
- 892 Provide for validity of future advances based upon mortgage on real property.
- 893 Change provisions for shareholder rights during mergers.
- 907 Change notice requirements for acquiring control of banks.
- 908 Change provisions for Director of Banking's powers regarding credit unions.
- 909 Allow banks to act as personal representative of an estate.
- 910 Provide for assessment on bank holding companies.
- 911* Change provisions for retail liquor and bottle club

BILLS AND CONSTITUTIONAL AMENDMENT
RESOLUTIONS BY INTRODUCERS

2793

- licenses.
- 927* Allow certain accountants to prepare financial documents for grain dealers.
- 973 Change provisions relating to credit unions.
- 974* Provide for award of litigation expenses in certain cases.
- 976 Modify restrictions on loans to bank officials.
- 983 Provide for processing of certain loans within lending limits.
- 1007* Change recourse provisions of the Grain Buyer Act.
- 1020* Change provision for use of Highway Trust Fund.
- 1021* Adopt Nebraska State Lottery Act.
- 1025 Adopt Name Protection Act.
- 1031 Adoption Information Act.
- 1035 Change residency provisions for boards of directors of banks.
- 1038* Appropriate funds for clinical veterinary training facility/food process center.
- 1039* Change provisions for educational service units.
- 1042 Limit use of the word "bank".
- 1045 Authorize additional investments by domestic insurance companies.
- 1053* Remove Jail Standards Board from Crime Commission.
- 1076* Change provisions for refunds on manufacturing and processing equipment.
- 1123* Authorize the formation of a banker's banks.
- 1125 Change provisions of Nebraska Insurance Guaranty Association Act.
- 1128* Redefine the term "person".
- 1136 Allow banks to own investment companies.
- 1149 Allow legislators to participate in state employees retirement system.
- 1158 Establish provisions for absentee ballots to persons outside U.S.
- Change requirements for trust companies.
- 1181 Change provisions for loans by transaction cards.
- 1182* Allow municipal cooperative financing meetings outside the state.
- 1205 Provide for decrease in cash reserves by counties.
- 1207 Eliminate references to agents in risk management program.
- 1208 Provide powers for regional park authorities under Interlocal Cooperation Act.
- 1223* Require written consent as condition for valid liens.
- 1235

- 1243 Provide when a bank is liable for early payment of postdated checks.

LR

- 9CA* Require the Legislature to provide equal educational opportunities.
 12CA* Change provisions for impeaching a public official.
 13CA Establish Legislative Compensation Commission to recommend Legislative salaries.
 16CA* Repeal Initiative 300.
 19CA* Require schools to have financial resources for quality educational programs.
 306CA* Allow student regents to vote.
 318CA* Change percentage of signatures required for initiatives and referendums.
 322CA Require establishment of a lottery program.

DONALD ERET**LB**

- 63* Establish criterion to determine if bank is unsound.
 91* Appropriate funds to Coordinating Commission for Postsecondary Education for nonpublic school.
 190* Establish Nebraska Future Fund from cigarette tax proceeds.
 227 Require certain irrigation methods when applying fertilizers/pesticides.
 228* Provide reimbursement to schools for vehicles using ethanol.
 322 The Commercial Feed Act.
 396* Building Construction Act.
 443 Provide for designating restricted zones for aerial pesticide application.
 555 Require Agriculture Department to publish a directory of commodity prices.
 638 Prohibit the sale of commodities below a minimum price.
 667* Real Estate Consumer Rights Act.
 710* Authorize substitutions for required courses by school boards.
 791* Change penalty provisions for child pornography.
 802* Eliminate time limit on power to levy taxes by technical community colleges.
 914 Change definition of qualified claimant for homestead exemptions.
 967* Change provisions of Small Business Development Authority Act.

**BILLS AND CONSTITUTIONAL AMENDMENT
RESOLUTIONS BY INTRODUCERS**

2795

- 978 Revive provisions relating to driver education courses.
- 999* Change provisions regarding foreclosure on farm mortgages.
- 1000 Change provisions governing limited, learners, and special drivers permits.
- 1016* Nebraska Agricultural Development Act.
- 1034 Remove liability of school board members for insufficient transportation expense.
- 1038* Appropriate funds for clinical veterinary training facility/food process center.
- 1126* Change provisions for nonresident high school tuition.
- 1183* Change provisions for sale of property by Aeronautics Department.
- 1230* Establish provisions for ethanol production.

JAMES E. GOLL

LB

- 355 Require licensing for athletic trainers.
- 355A Appropriation Bill.
- 426 Establish provisions for qualifying wages for unemployment benefits.
- 572* Change provisions for dental practice and hygienists.
- 757 Change provisions for school district membership reports and aid determination.
- 757A Appropriation Bill.
- 758 Exempt purchases by drainage districts from sales tax.
- 759 Permit the hauling of certain motor vehicles.
- 760 Provide penalties for operating or dealing with a chop shop.
- 851A Appropriation Bill.
- 870* Provides for the investment and allocation of Cash Reserve Fund interest.
- 1038* Appropriate funds for clinical veterinary training facility/food process center.
- 1105A Appropriation Bill.

GLENN A. GOODRICH

LB

- 91* Appropriate funds to Coordinating Commission for Postsecondary Education for nonpublic school.
- 190* Establish Nebraska Future Fund from cigarette tax proceeds.
- 325* Change provisions of state employees' retirement plan.

- 333* Establish provisions regarding child abuse and neglect.
- 471* Change provisions for fee collection by State Fire Marshal.
- 621 Change beginning year for renewing certificates by land surveyors.
- 632* Increase payments for dependent children.
- 645* Allow real estate brokers to deposit funds in savings and loan institutions.
- 645A* Appropriation Bill.
- 663* Require disclosure of risks concerning abortion procedures.
- 788* Change various provisions under Child Pornography Prevention Act.
- 805* Change number of juvenile court judges in certain counties.
- 823* Provide additional definitions of aggravating circumstances for homicides.
- 865* Authorizes State Board of Education to issue bonds and make loans.
- 870* Provides for the investment and allocation of Cash Reserve Fund interest.
- 962 Change provisions of the Educational Facilities Authority/library books as project.
- 963 Establish equal provisions for state and federal credit unions.
- 1048* Provide cost of living adjustment in Omaha school retirement program.
- 1052* Provide equal powers for state and federal savings and loan associations.
- 1076* Change provisions for refunds on manufacturing and processing equipment.
- 1140 Adopt Legislators' Retirement Act.
- 1202 Provide for depositing public funds in building and loan associations.

REX HABERMAN

LB

- 122* Establish a separate permit fee for overweight grain trucks.
- 123 Eliminate special permits for garbage trucks.
- 144* Nebraska Electronic Lottery Act.
- 146* Provide concurrent jurisdiction in divorce cases for county/district courts.
- 219* Provide sales tax exemption for farm trucks and

BILLS AND CONSTITUTIONAL AMENDMENT
RESOLUTIONS BY INTRODUCERS

2797

- machinery materials.
- 219A Appropriation Bill.
- 428 Eliminate county weed control authorities.
- 481 Require law enforcement agencies to be notified of furloughs.
- 536 Require agency rules to be sent to legislative committees.
- 600A* Increase the speed limit on interstates.
- 603* Change filing requirements for secured transactions under UCC.
- 650 Change membership of Education Commission of the state.
- 768 Eliminate provisions for tractor engine testing.
- 769 Exempt physicians from liability for statements on waiving seat belts.
- 770 Increase registration fee for alcoholic liquors license.
- 791* Change penalty provisions for child pornography.
- 807* Eliminate provisions relating to cabooses.
- 815* Allow certain sales of agricultural equipment under sales tax exemption.
- 882* Prohibit issuing liquor licenses based on local governing body recommendation.
- 885 Allow certain counties to appoint public defenders.
- 927* Allow certain accountants to prepare financial documents for grain dealers.
- 981 Authorize motor vehicle coverage by certain out-of-state insurance companies.
- 1021* Adopt Nebraska State Lottery Act.
- 1076* Change provisions for refunds on manufacturing and processing equipment.
- 1154 Repeal exemption from sales tax for food.
- 1155 Eliminate provisions for special assessments in agricultural use zones.
- 1156 Provide for classifying telecommunications companies and services.
- 1157 Raise taxes on parimutuel wagering.
- 1184 Provide conditions for cancellation of insurance policies.

TIMOTHY J. HALL

LB

- 71* Increase speed limit on interstates to 65 mph.
- 164* County Peace Officers Retirement Act.
- 172* Require tax levy reduction upon property valuation increase.

- 286* Nebraska Social Work Licensing Act.
- 298 Change interest rates on judgments and decrees.
- 477* Provide for medical histories in adoption cases and access to records.
- 556* Increase homestead tax exemption.
- 644* Provide for appointing deputies to aid voter registration.
- 663* Require disclosure of risks concerning abortion procedures.
- 791* Change penalty provisions for child pornography.
- 864* Allow special license plates for Pearl Harbor survivors.
- 911* Change provisions for retail liquor and bottle club licenses.
- 917 Change provisions of employment security law.
- 945* Provide for transfer of mentally retarded to community-based programs.
- 988* Appropriate funds to district courts for probation office merger.
- 1012* Increase tax which may be levied for metropolitan transit authority.
- 1021* Adopt Nebraska State Lottery Act.
- 1051* Establish provisions for asbestos control.
- 1212 Change computation for depositing vehicles sales tax in Highway Allocation Fund.
- 1213 Change provisions for previous conviction in determining DWI penalty.
- 1214 Change eligibility provisions for jury trials in county court.
- 1215 Adopt Health and Fitness Disclosure Act.
- 1219 Finance the State Patrol from the Highway Trust Fund.

GARY E. HANNIBAL

LB

- 172* Require tax levy reduction upon property valuation increase.
- 243* Dietician and Nutritionist Licensing Act.
- 289 Change provisions for suits against employees of political subdivisions.
- 471* Change provisions for fee collection by State Fire Marshal.
- 561 Exempt certain medical related oxygen equipment from taxation.
- 572* Change provisions for dental practice and hygienists.
- 578* Require licensing of out-of-state pharmacies doing business in Nebraska.

**BILLS AND CONSTITUTIONAL AMENDMENT
RESOLUTIONS BY INTRODUCERS**

2799

- 807* Eliminate provisions relating to cabooses.
- 870* Provides for the investment and allocation of Cash Reserve Fund interest.
- 879 Eliminate provisions for plumbing boards in Omaha.
- 966* Establish provisions for travel and tourism.
- 967* Change provisions of Small Business Development Authority Act.
- 1036* Establish provisions for self-insurance of workers' compensation.
- 1037* Allow use of Second Injury Fund for administrative expenses.
- 1038* Appropriate funds for clinical veterinary training facility/food process center.
- 1151 Provide for biennial registration of passenger vehicles and motorcycles.

BILL HARRIS

LB

- 290 Adjust retirement benefits of certain Nebraska University employees.
- 311A Appropriation Bill.
- 452* Change provisions for bank holding companies.
- 799* Exclude volunteer research service from the term employment.
- 802* Eliminate time limit on power to levy taxes by technical community colleges.
- 863* Allows first and second class cities additional sales tax.
- 927* Allow certain accountants to prepare financial documents for grain dealers.
- 1076* Change provisions for refunds on manufacturing and processing equipment.
- 1118* Establish rate regulation provision for certain telephone companies.
- 1120* Lower general rate of interest.
- 1129* Change provisions for preretirement death benefits for school employees.
- 1175* Provide licensing requirements for farm breweries.
- 1206* Change provisions for electing Lincoln school board members.
- 1222* Redefine lottery and other gambling terms.
- 1230* Establish provisions for ethanol production.

D. PAUL HARTNETT**LB**

- 105* Provide visitation rights for grandparents and grandchildren.
- 110* Reduce administrative fee for sales tax collections.
- 131* Change provisions relating to optometry practice.
- 144* Nebraska Electronic Lottery Act.
- 164* County Peace Officers Retirement Act.
- 172* Require tax levy reduction upon property valuation increase.
- 190* Establish Nebraska Future Fund from cigarette tax proceeds.
- 206* Establish pay equity provisions in state government.
- 286* Nebraska Social Work Licensing Act.
- 330* Provide for state payment of commitment costs.
- 640* Change membership composition of bridge commission.
- 663* Require disclosure of risks concerning abortion procedures.
- 788* Change various provisions under Child Pornography Prevention Act.
- 834* Eliminate School Foundation and Equalization Act; creates School Finance Act.
- 882* Prohibit issuing liquor licenses based on local governing body recommendation.
- 911* Change provisions for retail liquor and bottle club licenses.
- 935 Change provisions of the Bingo and Lottery Control Act.
- 960 Provide for notice publication in areas without newspapers.
- 961* Change the percent of school aid to districts with membership changes.
- 1012* Increase tax which may be levied for metropolitan transit authority.
- 1016* Nebraska Agricultural Development Act.
- 1039* Change provisions for educational service units.
- 1053* Remove Jail Standards Board from Crime Commission.
- 1062* Authorize certain Class III schools to opt out of ESUs.
- 1130* Require inspection of nonpublic school buses and vans.
- 1131* Authorize certain counties to contract with homeowners for road maintenance.
- 1137 Restrict borrowing and bond issuance by SIDs.
- 1138 Provide additional procedures for SID bonds, administrator appointments and notice requirement.
- 1185* Adopt Local Option Electronic Lottery Act.

**BILLS AND CONSTITUTIONAL AMENDMENT
RESOLUTIONS BY INTRODUCERS**

2801

- 1186 Authorize establishing storm water improvement project areas.
- 1192 Adopt Club Contract Protection Act.
- 1193 Exempt social security benefits from state income tax.
- 1194 Create Silver-Haired Legislature Operations Fund from income tax checkoff.
- 1195 Create Homestead Exemption Fund from severance tax.
- 1195A Appropriation Bill.
- 1196 Provide for a cash reserve limitation for political subdivisions.
- 1197 Adopt Public Safety Communications Act.
- 1198 Create Highway Improvement Bond Fund.

LR

- 19CA* Require schools to have financial resources for quality educational programs.

ELROY M. HEFNER

LB

- 125 Change provisions for claim forms for Small Claims Court.
- 147* Provide duties for Social Services Director concerning nursing homes.
- 190* Establish Nebraska Future Fund from cigarette tax proceeds.
- 226* Change provisions relating to bad checks.
- 489* Change provisions for liability for drainage.
- 506* Eliminate associate nursing degree programs as University's sole responsibility.
- 549* Require briefing sessions for new members of regional governing boards.
- 550* Prohibit mental health services administrators from private practice.
- 663* Require disclosure of risks concerning abortion procedures.
- 788* Change various provisions under Child Pornography Prevention Act.
- 802* Eliminate time limit on power to levy taxes by technical community colleges.
- 823* Provide additional definitions of aggravating circumstances for homicides.
- 824* Reduce driver license fees.
- 868 Redesignates certain days as holidays.
- 872A Appropriation Bill.

- 882* Prohibit issuing liquor licenses based on local governing body recommendation.
- 894* Provide for control of contaminants in ground water.
- 911* Change provisions for retail liquor and bottle club licenses.
- 965* Create the Economic Advisory Commission.
- 967* Change provisions of Small Business Development Authority Act.
- 987 Provide for the awarding of expenses for frivolous law suits.
- 1016* Nebraska Agricultural Development Act.
- 1018* Allow liquor licensing decisions to be made by municipalities.
- 1038* Appropriate funds for clinical veterinary training facility/food process center.
- 1041* Provide for distributing proceeds from exotic horse racing wagers.
- 1043* Eliminate deducting professional/labor dues from salaries of school employment.
- 1076* Change provisions for refunds on manufacturing and processing equipment.
- 1122 Allow county names on prestige plates.
- 1124* Adopt Employment Expansion and Investment Incentive Act.
- 1124A* Appropriation Bill.
- 1126* Change provisions for nonresident high school tuition.
- 1222* Redefine lottery and other gambling terms.

LR

- 305CA* Allow county boards to exempt property from taxation for new/expanding business.
- 311CA* Authorize the keeping of fire arms.
- 321CA* Require Legislature to fund new political subdivisions programs.

MARGE HIGGINS**LB**

- 44* Limits liability of emergency medical technicians when performing aid.
- 105* Provide visitation rights for grandparents and grandchildren.
- 131* Change provisions relating to optometry practice.
- 144* Nebraska Electronic Lottery Act.
- 206* Establish pay equity provisions in state government.
- 243* Dietician and Nutritionist Licensing Act.

**BILLS AND CONSTITUTIONAL AMENDMENT
RESOLUTIONS BY INTRODUCERS**

2803

- 276* Provide optional health insurance coverage for former/retiree's spouse.
- 305* Change provisions for supplemental Medicare insurance.
- 603* Change filing requirements for secured transactions under UCC.
- 647* Require availability of group long-term-care insurance policies.
- 663* Require disclosure of risks concerning abortion procedures.
- 667* Real Estate Consumer Rights Act.
- 667A Appropriation Bill.
- 791* Change penalty provisions for child pornography.
- 823* Provide additional definitions of aggravating circumstances for homicides.
- 824* Reduce driver license fees.
- 882* Prohibit issuing liquor licenses based on local governing body recommendation.
- 911* Change provisions for retail liquor and bottle club licenses.
- 988* Appropriate funds to district courts for probation office merger.
- 1016* Nebraska Agricultural Development Act.
- 1021* Adopt Nebraska State Lottery Act.
- 1230* Establish provisions for ethanol production.

PETER HOAGLAND

LB

- 90* Change provisions for depositions in child assault cases.
- 91* Appropriate funds to Coordinating Commission for Postsecondary Education for nonpublic school.
- 105* Provide visitation rights for grandparents and grandchildren.
- 153* Provide for suspension or revocation of drivers license.
- 172* Require tax levy reduction upon property valuation increase.
- 190* Establish Nebraska Future Fund from cigarette tax proceeds.
- 206* Establish pay equity provisions in state government.
- 361 Require autopsies upon unexpected death of young children.
- 362* Change provisions and responsibility for accident reports.
- 448 Change provisions relating to domestic abuse.
- 516* Change district and county judicial districts.

- 522 Change limitation for certain claims; provide federal court jurisdiction.
- 524 Require motorcyclists to wear protective helmets.
- 525 Transfer marriage duties to county clerks.
- 526 Authorize first class notification for foster care court proceedings.
- 529 Provide for clerk magistrates rather than associate county judges.
- 563* Establish provisions for state-owned historical properties.
- 631 Change provisions for driving while intoxicated.
- 631A Appropriation Bill.
- 664* Change provisions for closed meetings of public bodies.
- 772* Prohibit certain activities by military organizations.
- 788* Change various provisions under Child Pornography Prevention Act.
- 797* Adopt Nebraska Trade Secrets Act.
- 805A* Appropriation Bill.
- 822 Change membership of Public Employees Retirement Board.
- 902* Exclude Omaha from natural resources districts.
- 956* Provide restitution as a possible condition of parole.
- 958 Establish maximum and minimum weekly workers' compensation benefits.
- 965* Create the Economic Advisory Commission.
- 966* Establish provisions for travel and tourism.
- 967* Change provisions of Small Business Development Authority Act.
- 999* Change provisions regarding foreclosure on farm mortgages.
- 1220 Provide a sales tax exemption for fine arts museums.
- 1221 Provide for sabbatical leave for judges.
- 1222* Redefine lottery and other gambling terms.
- 1231 Allow credit unions to be trustees of trust deeds.
- 1233 Change various provisions of the criminal code.
- 1241 Provide a parole review schedule.
- 1242 Provide a review procedure for the Parole Board.
- 1245 Change procedures for motions to suppress in criminal cases.

LR

- 12CA* Change provisions for impeaching a public official.
- 36CA* Establish membership for governing board for university and state colleges.
- 318CA* Change percentage of signatures required for initiatives and referendums.

BILLS AND CONSTITUTIONAL AMENDMENT
RESOLUTIONS BY INTRODUCERS

2805

LOWELL C. JOHNSON

LB

- 105* Provide visitation rights for grandparents and grandchildren.
- 390* Provide a medical expense account for state employees.
- 494* Change provisions for increasing gas rates in municipalities.
- 643* Burial Pre-Need Act.
- 645* Allow real estate brokers to deposit funds in savings and loan institutions.
- 645A* Appropriation Bill.
- 663* Require disclosure of risks concerning abortion procedures.
- 788* Change various provisions under Child Pornography Prevention Act.
- 870* Provides for the investment and allocation of Cash Reserve Fund interest.
- 882* Prohibit issuing liquor licenses based on local governing body recommendation.
- 911* Change provisions for retail liquor and bottle club licenses.
- 1036* Establish provisions for self-insurance of workers' compensation.
- 1037* Allow use of Second Injury Fund for administrative expenses.
- 1038* Appropriate funds for clinical veterinary training facility/food process center.
- 1052* Provide equal powers for state and federal savings and loan associations.

ROD JOHNSON

LB

- 65 Provide for additional services to gifted children.
- 91* Appropriate funds to Coordinating Commission for Postsecondary Education for nonpublic school.
- 124 Extend termination date for ground water conservation districts.
- 190* Establish Nebraska Future Fund from cigarette tax proceeds.
- 284* Nebraska Chemigation Act.
- 284A Appropriation Bill.
- 333* Establish provisions regarding child abuse and neglect.

- 459 Change provisions for Agriculture Department's participation in noxious weed control.
- 461* Establish provisions for public radio.
- 464* Provide a penalty for unauthorized use of telecommunications services.
- 571 Establish special provisions for mutual aid plans for Mennonites.
- 768A Appropriation Bill.
- 802* Eliminate time limit on power to levy taxes by technical community colleges.
- 818 Create a plan to encourage ethanol production and use.
- 849*** Adopt Agricultural Revitalization Authority Act.
- 898A Appropriation Bill.
- 899A Appropriation Bill.
- 900A Appropriation Bill.
- 918 Require Board of Regents to develop plan for Institute of Agriculture and Natural Resources.
- 927* Allow certain accountants to prepare financial documents for grain dealers.
- 937 Provide for an adjustment of beef checkoff fees.
- 964* Require Economic Development Department to contract with UNL for high-tech industry research.
- 965* Create the Economic Advisory Commission.
- 966* Establish provisions for travel and tourism.
- 967* Change provisions of Small Business Development Authority Act.
- 985* Authorize public power and irrigation districts to have a lien on crops.
- 999* Change provisions regarding foreclosure on farm mortgages.
- 1016* Nebraska Agricultural Development Act.
- 1038* Appropriate funds for clinical veterinary training facility/food process center.
- 1075* Prohibit creating new school district in certain areas.
- 1172* Adopt Higher Education Planning and Review Act; eliminate Postsecondary Education Coordinating Commission.
- 1176* Provide for animal damage control aides; change provisions for predatory animals.
- 1183* Change provisions for sale of property by Aeronautics Department.
- 1199* Adopt Environmental Response and Liability Act.
- 1211* Adopt Low-Level Radioactive Waste Disposal Act.
- 1211A Appropriation Bill.

**BILLS AND CONSTITUTIONAL AMENDMENT
RESOLUTIONS BY INTRODUCERS**

2807

- 1216* Provide for inspecting export grain for foreign materials.
- 1217* Eliminate net worth restrictions on borrowers from NIFA.
- 1230* Establish provisions for ethanol production.
- 1237 Adopt Grain Warehouse Act.
- 1238 Change provisions relating to brands on livestock.
- 1239* Exempt political subdivisions from Environmental Protection Act.
- 1240 Require the licensing of warehouses not used for grain or agriculture.

VARD R. JOHNSON

LB

- 142 Create the Nebraska Sentencing Guidelines Commission.
- 144* Nebraska Electronic Lottery Act.
- 145 Provide early retirement program for certain university faculty members.
- 153* Provide for suspension or revocation of drivers license.
- 153A Appropriation Bill.
- 172* Require tax levy reduction upon property valuation increase.
- 201* Establish a high-risk pregnancy support program.
- 201A Appropriation Bill.
- 202 Establish legislative campaign fund from voluntary checkoff on tax forms.
- 206* Establish pay equity provisions in state government.
- 267 Provide for registration of dental assistants.
- 285* Establish additional factors for issuance of certificates of need.
- 333* Establish provisions regarding child abuse and neglect.
- 478 Change provisions for rehabilitation services for the blind.
- 594 Change information required on tax notices.
- 595 Change provisions for appeals from county civil service system.
- 632* Increase payments for dependent children.
- 632A Appropriation Bill.
- 681* Require Board of Educational Lands and Funds to acquire agricultural land.
- 712 Change amount of homestead exemption.
- 774A Appropriation Bill.
- 819 Change provisions for cancellation of tax bills for special assessments.
- 820 Change provisions for lunch periods for teachers.
- 866 Changes provisions for filing reports by school districts

- and audits.
- 1009 Change definition of standard of need for medical assist in Douglas County.
- 1010 Change membership and duty provisions of county school reorganization commissions.
- 1012* Increase tax which may be levied for metropolitan transit authority.
- 1027A Appropriation Bill.
- 1028A Appropriation Bill.
- 1030 Change provisions relating to premium taxes.
- 1032 Authorize the deposit of public funds in credit unions.
- 1061 Change rates and method for determining individual income tax.
- 1111 Establish community antenna television service as public service entity.
- 1114 Change various provisions relating to premium tax.
- 1114A Appropriation Bill.
- 1135 Adopt Indigent Medical Care Trust Fund Act.
- 1143A Appropriation Bill.
- 1179 Allow prevailing employers reasonable attorney fees in certain court cases.
- 1249 Require corporations acquiring farm land to submit reports.

LR

- 11CA Authorize giving or loaning of the credit of state for public purposes.
- 12CA* Change provisions for impeaching a public official.
- 36CA* Establish membership for governing board for university and state colleges.
- 307CA Including all land in districts with K through 12th grade education.
- 318CA* Change percentage of signatures required for initiatives and referendums.

BERNICE LABEDZ**LB**

- 91* Appropriate funds to Coordinating Commission for Postsecondary Education for nonpublic school.
- 105* Provide visitation rights for grandparents and grandchildren.
- 131* Change provisions relating to optometry practice.
- 172* Require tax levy reduction upon property valuation increase.
- 206* Establish pay equity provisions in state government.

BILLS AND CONSTITUTIONAL AMENDMENT
RESOLUTIONS BY INTRODUCERS

2809

- 276* Provide optional health insurance coverage for former/retiree's spouse.
- 333* Establish provisions regarding child abuse and neglect.
- 465* Provide salary increases for conservation officers.
- 512* Change provisions for county engineers and surveyors.
- 556* Increase homestead tax exemption.
- 556A Appropriation Bill.
- 584* Increase maximum characters on prestige plates.
- 603* Change filing requirements for secured transactions under UCC.
- 644* Provide for appointing deputies to aid voter registration.
- 647* Require availability of group long-term-care insurance policies.
- 663* Require disclosure of risks concerning abortion procedures.
- 667* Real Estate Consumer Rights Act.
- 762 Establish Great Plains, Inc. as a tax exempt corporation.
- 791* Change penalty provisions for child pornography.
- 799* Exclude volunteer research service from the term employment.
- 864* Allow special license plates for Pearl Harbor survivors.
- 869* Eliminate corporate surety bonds/insurance policy requirements for accountants.
- 911* Change provisions for retail liquor and bottle club licenses.
- 988* Appropriate funds to district courts for probation office merger.
- 1012* Increase tax which may be levied for metropolitan transit authority.
- 1021* Adopt Nebraska State Lottery Act.
- 1123* Authorize the formation of a banker's banks.
- 1128* Redefine the term "person".
- 1131* Authorize certain counties to contract with homeowners for road maintenance.
- 1159 Eliminate provisions for peace bonds.
- LR**
- 34CA* Provide legislative salaries equal to minimum wage rate.

HOWARD A. LAMB

LB

- 38A Appropriation Bill.
- 44* Limits liability of emergency medical technicians when performing aid.

- 135 Provide for third party rights under Uniform Fraudulent Conveyance Act.
- 136 Change membership of State Claims Board.
- 466 Change procedures for license revocation by Bureau of Examining Boards.
- 599 Authorize petty cash fund for State Treasurer to cash state employees' checks.
- 663* Require disclosure of risks concerning abortion procedures.
- 710* Authorize substitutions for required courses by school boards.
- 753 Authorize additional tax levy for certain hospital districts.
- 823* Provide additional definitions of aggravating circumstances for homicides.
- 896 Change provisions for application of rules of the road to persons working on highways.
- 1038* Appropriate funds for clinical veterinary training facility/food process center.
- 1043* Eliminate deducting professional/labor dues from salaries of school employees.
- 1054 Require probation administrator to approve pretrial diversion programs.
- 1118* Establish rate regulation provision for certain telephone companies.
- 1126* Change provisions for nonresident high school tuition.
- 1133* Change provisions for Coordinating Commission for Postsecondary Education.
- 1223* Provide powers for regional park authorities under Interlocal Cooperation Act.

LR

- 311CA* Authorize the keeping of fire arms.

DAVID LANDIS**LB**

- 68 Authorize local support of before and after school daycare services.
- 69* Prohibit intimidation of victims and witnesses of crimes.
- 206* Establish pay equity provisions in state government.
- 217* Petroleum Products and Hazardous Substances Storage and Handling Act.
- 246 Eminent Scholar Program.
- 399 Change provisions relating to platting and subdivisions.
- 400 Change sales tax provisions for mobile homes.
- 480* Enterprise Zone Demonstration Act.

BILLS AND CONSTITUTIONAL AMENDMENT
RESOLUTIONS BY INTRODUCERS

2811

- 546 Change procedure for calculating retirement benefits for part-time school employees.
- 548 Change provisions prohibiting certain contracts and employment by public officers.
- 635 Permit loan transactions between official and domestic insurance companies.
- 639* Provide for contracting to receive information in adoption cases.
- 754* Adopt Rights of the Terminally Ill Act.
- 821 Create Nebraska Natural Gas Service Commission.
- 882* Prohibit issuing liquor licenses based on local governing body recommendation.
- 927* Allow certain accountants to prepare financial documents for grain dealers.
- 964* Require Economic Development Department to contract with UNL for high-tech industry research.
- 965* Create the Economic Advisory Commission.
- 966* Establish provisions for travel and tourism.
- 967* Change provisions of Small Business Development Authority Act.
- 1004* Adopt Motorcycle Safety Education Act.
- 1004A Appropriation Bill.
- 1068 Eliminate the requirement that deeds contain social security numbers.
- 1069* Provide a uniform method for valuing tangible personal property.
- 1110 Create retirement committee for Lincoln firefighter/police pension system.
- 1206* Change provisions for electing Lincoln school board members.
- 1222* Redefine lottery and other gambling terms.

RAY E. LUNDY

LB

- 69* Prohibit intimidation of victims and witnesses of crimes.
- 90* Change provisions for depositions in child assault cases.
- 288* Change provisions for taking or keeping library materials.
- 494* Change provisions for increasing gas rates in municipalities.
- 572* Change provisions for dental practice and hygienists.
- 581* Authorize NIFA to purchase certain municipal bonds.
- 647* Require availability of group long-term-care insurance policies.

- 773* Require warning labels on smokeless tobacco products and advertisements.
- 823* Provide additional definitions of aggravating circumstances for homicides.
- 863* Allows first and second class cities additional sales tax.
- 865* Authorizes State Board of Education to issue bonds and make loans.
- 870* Provides for the investment and allocation of Cash Reserve Fund interest.
- 882* Prohibit issuing liquor licenses based on local governing body recommendation.
- 890* Change ballot provisions for municipal sales tax election.
- 911* Change provisions for retail liquor and bottle club licenses.
- 912* Change provisions for expenditures of certain state college funds.
- 1018* Allow liquor licensing decisions to be made by municipalities.
- 1026 Exempt pensions and retirement accounts from creditors.
- 1036* Establish provisions for self-insurance of workers' compensation.
- 1036A Appropriation Bill.
- 1037* Allow use of Second Injury Fund for administrative expenses.
- 1037A Appropriation Bill.
- 1038* Appropriate funds for clinical veterinary training facility/food process center.
- 1201 Change provisions for overloading motor vehicles.
- LR**
- 36CA* Establish membership for governing board for university and state colleges.
- 311CA* Authorize the keeping of fire arms.
- 321CA* Require Legislature to fund new political subdivisions programs.

DANIEL C. LYNCH**LB**

- 82 Change provisions for reimbursing commitment costs for Douglas County Hospital.
- 82A Appropriation Bill.
- 91* Appropriate funds to Coordinating Commission for Postsecondary Education for nonpublic school.
- 105* Provide visitation rights for grandparents and grandchildren.

BILLS AND CONSTITUTIONAL AMENDMENT
RESOLUTIONS BY INTRODUCERS

2813

- 172* Require tax levy reduction upon property valuation increase.
- 190* Establish Nebraska Future Fund from cigarette tax proceeds.
- 206* Establish pay equity provisions in state government.
- 303 Prohibit employers from failing to make employee benefit payments.
- 330* Provide for state payment of commitment costs.
- 480* Enterprise Zone Demonstration Act.
- 573* Adopt Underinsured Motorist Insurance Coverage Act.
- 574 Provide for financing to political subdivisions through NIFA.
- 575 Require unique color for minors' drivers licenses.
- 575A Appropriation Bill.
- 578* Require licensing of out-of-state pharmacies doing business in Nebraska.
- 578A Appropriation Bill.
- 663* Require disclosure of risks concerning abortion procedures.
- 888 Eliminate county assessors' authority to appoint assistants.
- 889 Change content requirements for county budget statements.
- 902* Exclude Omaha from natural resources districts.
- 903 Require reporting of fraudulent insurance transactions.
- 945* Provide for transfer of mentally retarded to community-based programs.
- 959 Require Economic Development Department to issue a housing authority manual.
- 959A Appropriation Bill.
- 1012* Increase tax which may be levied for metropolitan transit authority.
- 1021* Adopt Nebraska State Lottery Act.
- 1022* Establish provisions for pay increases for state employees.
- 1039* Change provisions for educational service units.
- 1051* Establish provisions for asbestos control.
- 1053* Remove Jail Standards Board from Crime Commission.
- 1118* Establish rate regulation provision for certain telephone companies.
- 1130* Require inspection of nonpublic school buses and vans.
- 1160 Change controlled substances schedule.
- 1161 Increase the oil and gas severance tax rate.
- 1162 Change zoning jurisdictions for cities and counties.

- 1163 Provide for election of housing authority commissioners.
- 1164 Provide political subdivision governing boards shall serve as housing authority commissioner.
- 1165 Adopt Motor Vehicle Licensing and Parking for Handicapped Persons Act.

LR

- 19CA* Require schools to have financial resources for quality educational programs.

SHIRLEY MARSH**LB**

- 79 Provide award of court costs and attorney's fees in child support cases.
- 91* Appropriate funds to Coordinating Commission for Postsecondary Education for nonpublic school.
- 95* Declare the paddlefish the official state fish.
- 206* Establish pay equity provisions in state government.
- 286* Nebraska Social Work Licensing Act.
- 288* Change provisions for taking or keeping library materials.
- 320* Adult Protective Services Act.
- 333* Establish provisions regarding child abuse and neglect.
- 476 Require joggers on highways to wear reflective clothing.
- 572* Change provisions for dental practice and hygienists.
- 572A Appropriation Bill.
- 676 Provide insurance reimbursements for nurse practitioner-anesthetists.
- 754* Adopt Rights of the Terminally Ill Act.
- 773* Require warning labels on smokeless tobacco products and advertisements.
- 788* Change various provisions under Child Pornography Prevention Act.
- 870* Provides for the investment and allocation of Cash Reserve Fund interest.
- 911* Change provisions for retail liquor and bottle club licenses.
- 1024 Recognize foreign adoption decrees.
- 1044* Adopt Tobacco Products Tax Act.
- 1057 Change provisions for long-term student discipline.
- 1067 Provide for health insurance coverage for services by nurse practitioner-anesthetists.

LR

- 19CA* Require schools to have financial resources for quality educational programs.

BILLS AND CONSTITUTIONAL AMENDMENT
RESOLUTIONS BY INTRODUCERS

2815

JERRY D. MILLER

LB

- 190* Establish Nebraska Future Fund from cigarette tax proceeds.
- 333* Establish provisions regarding child abuse and neglect.
- 507 Change a deduction for inheritance tax.
- 763 Require reporting/confidentiality of poisoning and other diseases.
- 791* Change penalty provisions for child pornography.
- 966* Establish provisions for travel and tourism.
- 1017* Change definition of auctioneers as retailers for sales tax collection.
- 1038* Appropriate funds for clinical veterinary training facility/food process center.
- 1055 Provide for access to developmental disability records.
- 1073 Eliminate Nongame and Endangered Species Conservation Act and Fund.
- 1189 Change powers of Water Management Board regarding nongame and endangered species.
- 1209* Authorize long-range computer plan for state colleges.
- 1222* Redefine lottery and other gambling terms.

LR

- 36CA* Establish membership for governing board for university and state colleges.

PATRICIA S. MOREHEAD

LB

- 206* Establish pay equity provisions in state government.
- 286* Nebraska Social Work Licensing Act.
- 286A Appropriation Bill.
- 320* Adult Protective Services Act.
- 394 Change provisions relating to milk.
- 581* Authorize NIFA to purchase certain municipal bonds.
- 647* Require availability of group long-term-care insurance policies.
- 754* Adopt Rights of the Terminally Ill Act.
- 791* Change penalty provisions for child pornography.
- 850*** Adopt Research and Development Authority Act; repeals Small Business Authority Act.
- 850A Appropriation Bill.
- 882* Prohibit issuing liquor licenses based on local governing body recommendation.
- 911* Change provisions for retail liquor and bottle club

- licenses.
- 964* Require Economic Development Department to contract with UNL for high-tech industry research.
- 1016* Nebraska Agricultural Development Act.
- 1017* Change definition of auctioneers as retailers for sales tax collection.
- 1018* Allow liquor licensing decisions to be made by municipalities.
- 1038* Appropriate funds for clinical veterinary training facility/food process center.
- 1049* Provide for interstate agreements for special education.
- 1059* Restrict technical community college boards from opening or closing campuses.
- 1112* Adopt Nebraska Range Authority Act.
- 1133* Change provisions for Coordinating Commission for Postsecondary Education.

ARLENE NELSON**LB**

- 91* Appropriate funds to Coordinating Commission for Postsecondary Education for nonpublic school.
- 190* Establish Nebraska Future Fund from cigarette tax proceeds.
- 305* Change provisions for supplemental Medicare insurance.
- 333* Establish provisions regarding child abuse and neglect.
- 461* Establish provisions for public radio.
- 644* Provide for appointing deputies to aid voter registration.
- 773* Require warning labels on smokeless tobacco products and advertisements.
- 796* Change the authority to levy taxes for technical community colleges.
- 802* Eliminate time limit on power to levy taxes by technical community colleges.
- 882* Prohibit issuing liquor licenses based on local governing body recommendation.
- 911* Change provisions for retail liquor and bottle club licenses.
- 913* Require statement by county treasurers of when school funds are distributed.
- 955* Provide provisions for reentering the school retirement system.
- 965* Create the Economic Advisory Commission.
- 966* Establish provisions for travel and tourism.
- 967* Change provisions of Small Business Development

BILLS AND CONSTITUTIONAL AMENDMENT
RESOLUTIONS BY INTRODUCERS

2817

- Authority Act.
- 1016* Nebraska Agricultural Development Act.
- 1038* Appropriate funds for clinical veterinary training facility/food process center.
- 1039* Change provisions for educational service units.
- 1062* Authorize certain Class III schools to opt out of ESUs.
- 1112* Adopt Nebraska Range Authority Act.
- 1230* Establish provisions for ethanol production.

LR

- 36CA* Establish membership for governing board for university and state colleges.

WILLIAM E. NICHOL

LB

- 88 Provide sales tax exemption for nonprofit voluntary health organizations.
- 105* Provide visitation rights for grandparents and grandchildren.
- 190* Establish Nebraska Future Fund from cigarette tax proceeds.
- 198** Provide deficiency appropriations for state government.
- 199** Appropriate funds for state government and capital construction expenses.
- 286* Nebraska Social Work Licensing Act.
- 288* Change provisions for taking or keeping library materials.
- 506* Eliminate associate nursing degree programs as University's sole responsibility.
- 755 Require registration of athletic agents.
- 756 Convey an easement to city of Gering.
- 796* Change the authority to levy taxes for technical community colleges.
- 802* Eliminate time limit on power to levy taxes by technical community colleges.
- 823* Provide additional definitions of aggravating circumstances for homicides.
- 824* Reduce driver license fees.
- 837** Restrict collective bargaining in state agencies.
- 838** Appropriate funds for expenses of Nebraska state government.
- 839** Deficiency appropriations.
- 840** Appropriate funds for state officers salaries.
- 841** Appropriate funds for legislators' salaries.
- 842** Change provisions for capital construction.

- 843** Eliminates certain qualifications for directors and department heads.
- 844** Exempt certain employees from the state personnel system.
- 845** Transfer duties of Motor Vehicles Department to Revenue and Roads Departments.
- 846** Provide tax credits for investing in insolvent industrial loan companies.
- 847** Provide for payment of vehicle sales tax proceeds to Commonwealth Receiver.
- 848** Places the Board of Barber Examiners under Department of Health.
- 849*** Adopt Agricultural Revitalization Authority Act.
- 850*** Adopt Research and Development Authority Act; repeals Small Business Authority Act.
- 851** Revises process for vehicle id certificates; creates Nebraska State Patrol fund.
- 852** Authorize transfers from Fairgrounds Building Fund to the General Fund.
- 853** Creates the State Fire Marshal Cash Fund.
- 854** Creates a Department of Natural Resources.
- 855** Creates the Department of Cultural Affairs.
- 856** Creates the Department of Professional Licensure.
- 857** Creates a Department of Public Safety.
- 858** Eliminates local and state foster care review boards.
- 859** Creates the Department of Banking, Finance and Insurance.
- 860** Merges Public Employees Retirement Board with Nebraska Investment Council.
- 861** Create a division of Communication and Data Systems.
- 862** Allow for gubernatorial appointment of certain directors.
- 911* Change provisions for retail liquor and bottle club licenses.
- 913* Require statement by county treasurers of when school funds are distributed.
- 936** Establish the Tax Administration Cash Fund in the Revenue Department.
- 1014** Transfer rehabilitation services to Social Services Department.
- 1029** Adopt Financial Integrity Act.
- 1038* Appropriate funds for clinical veterinary training facility/food process center.
- 1063 Allow municipalities to establish a license tax on dogs.
- 1148 Prohibit fraudulent leasing of motor vehicles.

BILLS AND CONSTITUTIONAL AMENDMENT
RESOLUTIONS BY INTRODUCERS

2819

- 1226* Adopt Athlete Agents Registration Act.
1258** Provide limits on homestead exemptions for elderly and disabled vets.
1258A Appropriation Bill.
LR
32CA** Alter the number of members on University Board of Regents.

JAMES E. PAPPAS

LB

- 55 Adopt Nebraska Marital Property Act.
57 Restrict opening and closing dates for school terms.
58 Adopt Motor Fuel Marketing Act.
59 Allow creditors of state agencies to charge interest.
74 Change age requirement for retired state employees wanting health insurance.
78* Establish provisions for regional development councils.
105* Provide visitation rights for grandparents and grandchildren.
143 Change provisions for interest rates and payment of installment loan contracts.
144* Nebraska Electronic Lottery Act.
144A Appropriation Bill.
150 Require a response to complaints regarding telephone/telegraph services.
161 Railroad Inspection Act.
172* Require tax levy reduction upon property valuation increase.
190* Establish Nebraska Future Fund from cigarette tax proceeds.
243* Dietician and Nutritionist Licensing Act.
243A Appropriation Bill.
262 Require gas stations to have public restrooms.
275 American Indian Arts and Crafts Sales Act.
276* Provide optional health insurance coverage for former/retiree's spouse.
325* Change provisions of state employees' retirement plan.
379 Apply State Electrical Act to certain persons.
463* Establish provisions regarding nitrate-nitrogen contamination of ground water.
465* Provide salary increases for conservation officers.
469* Nebraska Export Finance Act.
601* Authorize intrastate long-distance telecommunication

- services.
- 603* Change filing requirements for secured transactions under UCC.
- 643* Burial Pre-Need Act.
- 643A Appropriation Bill.
- 663* Require disclosure of risks concerning abortion procedures.
- 695 Provide for reorganizing public postsecondary education in Nebraska.
- 701 Change provisions relating to hearing aid dispensers.
- 706 Provide early retirement program for certain state college faculty members.
- 764 Change provisions for calculating early retirement benefits for school employees.
- 765 Allow Department of Economic Development additional powers for property within its jurisdiction.
- 766 Declare NEBRASKAland Days the official state celebration.
- 767 Allow auxiliary bank office in cities with failed banking institutions.
- 791* Change penalty provisions for child pornography.
- 831 Change provisions for tax levy powers of fire protection districts.
- 832 Mandates sellers of agricultural seeds to provide test results.
- 833 Provides an exception to load requirements for garbage trucks.
- 863* Allows first and second class cities additional sales tax.
- 869* Eliminate corporate surety bonds/insurance policy requirements for accountants.
- 890* Change ballot provisions for municipal sales tax election.
- 899* Change provisions of Nebraska Seed Law.
- 911* Change provisions for retail liquor and bottle club licenses.
- 913* Require statement by county treasurers of when school funds are distributed.
- 953 Require petroleum retailers to make gasohol available.
- 980 Adopt County Option Revenue Act.
- 1013 Abolish provisions relating to out-of-state high school tuition.
- 1021* Adopt Nebraska State Lottery Act.
- 1076* Change provisions for refunds on manufacturing and processing equipment.
- 1144 Require sellers of agricultural chemicals to submit reports.

**BILLS AND CONSTITUTIONAL AMENDMENT
RESOLUTIONS BY INTRODUCERS**

2821

- 1145 Change requirement for property tax payment prior to motor vehicle registration.
- 1146 Change provisions for Corn Development Board.
- 1147 Establish special procedures for large civil action judgments.
- 1153 Change sales tax provisions for warranties, guarantees and maintenance agreements.
- 1182* Change provisions for loans by transaction cards.
- LR**
- 311CA* Authorize the keeping of fire arms.
- 318CA* Change percentage of signatures required for initiatives and referendums.
- 326CA Require certain trains have cabooses.

RICHARD PETERSON

LB

- 189 Establish provisions for towing and storing motor vehicles.
- 226* Change provisions relating to bad checks.
- 286* Nebraska Social Work Licensing Act.
- 318* Nebraska Cosmetology Act.
- 489* Change provisions for liability for drainage.
- 506* Eliminate associate nursing degree programs as University's sole responsibility.
- 549* Require briefing sessions for new members of regional governing boards.
- 550* Prohibit mental health services administrators from private practice.
- 663* Require disclosure of risks concerning abortion procedures.
- 773* Require warning labels on smokeless tobacco products and advertisements.
- 788* Change various provisions under Child Pornography Prevention Act.
- 791* Change penalty provisions for child pornography.
- 815* Allow certain sales of agricultural equipment under sales tax exemption.
- 823* Provide additional definitions of aggravating circumstances for homicides.
- 824* Reduce driver license fees.
- 1001 Change provisions for bee keeping.
- 1001A Appropriation Bill.
- 1038* Appropriate funds for clinical veterinary training

- facility/food process center.
- 1039* Change provisions for educational service units.
- 1041* Provide for distributing proceeds from exotic horse racing wagers.
- 1043* Eliminate deducting professional/labor dues from salaries of school employees.
- 1126* Change provisions for nonresident high school tuition.
- 1222* Redefine lottery and other gambling terms.

CAROL MCBRIDE PIRSCH

LB

- 69* Prohibit intimidation of victims and witnesses of crimes.
- 110* Reduce administrative fee for sales tax collections.
- 172* Require tax levy reduction upon property valuation increase.
- 376 Allow aggregation of theft amounts to determine offense classification.
- 377 Allow prosecuting attorney witness discovery before trial.
- 540 Change provisions for crime victim's reparations.
- 543 Provide for disposing of seized property-contraband.
- 544 Change provisions relating to petitions and protests for public improvements.
- 663* Require disclosure of risks concerning abortion procedures.
- 669 Establish provisions for reciprocal insurance exchange.
- 823* Provide additional definitions of aggravating circumstances for homicides.
- 824* Reduce driver license fees.
- 902* Exclude Omaha from natural resources districts.
- 956* Provide restitution as a possible condition of parole.
- 1016* Nebraska Agricultural Development Act.
- 1236 Change provisions for plea agreements and victims and witnesses of crimes.

R. WILEY REMMERS

LB

- 91* Appropriate funds to Coordinating Commission for Postsecondary Education for nonpublic school.
- 105* Provide visitation rights for grandparents and grandchildren.
- 131* Change provisions relating to optometry practice.
- 131A* Appropriation Bill.
- 219* Provide sales tax exemption for farm trucks and machinery materials.

BILLS AND CONSTITUTIONAL AMENDMENT
RESOLUTIONS BY INTRODUCERS

2823

- 333* Establish provisions regarding child abuse and neglect.
- 504 Prohibit probation/sentence suspension; require counseling in drug abuse.
- 663* Require disclosure of risks concerning abortion procedures.
- 773* Require warning labels on smokeless tobacco products and advertisements.
- 788* Change various provisions under Child Pornography Prevention Act.
- 790 Specify to whom provisions for reckless and careless driving shall apply.
- 791* Change penalty provisions for child pornography.
- 823* Provide additional definitions of aggravating circumstances for homicides.
- 824* Reduce driver license fees.
- 912* Change provisions for expenditures of certain state college funds.
- 969* Provide for a display permit for fireworks.
- 975 Eliminate exception relating to possession/sale of explosive materials.
- 1016* Nebraska Agricultural Development Act.
- 1038* Appropriate funds for clinical veterinary training facility/food process center.
- 1044* Adopt Tobacco Products Tax Act.
- 1049* Provide for interstate agreements for special education.
- 1049A* Appropriation Bill.
- 1053* Remove Jail Standards Board from Crime Commission.
- 1112* Adopt Nebraska Range Authority Act.
- 1126* Change provisions for nonresident high school tuition.
- 1209* Authorize long-range computer plan for state colleges.

CARSON H. ROGERS

LB

- 44* Limits liability of emergency medical technicians when performing aid.
- 50 Prohibit school districts from forming corporations to issue bonds.
- 131* Change provisions relating to optometry practice.
- 489* Change provisions for liability for drainage.
- 513 Provide employment preferences for veterans and spouses.
- 663* Require disclosure of risks concerning abortion procedures.
- 775 Adopt Pseudorabies Control Act.

- 775A Appropriation Bill.
- 791* Change penalty provisions for child pornography.
- 968 Provide for agricultural production inputs liens.
- 1016* Nebraska Agricultural Development Act.
- 1038* Appropriate funds for clinical veterinary training facility/food process center.
- 1056 Change the time for setting county officers' salaries.
- LR**
- 306CA* Allow student regents to vote.

LEE RUPP**LB**

- 78* Establish provisions for regional development councils.
- 95* Declare the paddlefish the official state fish.
- 105* Provide visitation rights for grandparents and grandchildren.
- 333* Establish provisions regarding child abuse and neglect.
- 465* Provide salary increases for conservation officers.
- 506* Eliminate associate nursing degree programs as University's sole responsibility.
- 558 Establish permit to keep wild birds or animals.
- 572* Change provisions for dental practice and hygienists.
- 663* Require disclosure of risks concerning abortion procedures.
- 777* Increase membership on State Racing Commission/provide appointment from districts.
- 778* Change provisions for action by Nebraska Natural Resources Commission on recommendations.
- 788* Change various provisions under Child Pornography Prevention Act.
- 791* Change penalty provisions for child pornography.
- 803 Change the number of horse races which may be held weekly.
- 897 Change provisions for merging Class I schools.
- 913* Require statement by county treasurers of when school funds are distributed.
- 1022* Establish provisions for pay increases for state employees.
- 1041* Provide for distributing proceeds from exotic horse racing wagers.
- 1075* Prohibit creating new school district in certain areas.
- 1152 Permit hunting or trapping in wildlife management areas.

LR

- 34CA* Provide legislative salaries equal to minimum wage rate.
- 311CA* Authorize the keeping of fire arms.

BILLS AND CONSTITUTIONAL AMENDMENT
RESOLUTIONS BY INTRODUCERS

2825

- 318CA* Change percentage of signatures required for initiatives and referendums.

LORAN SCHMIT

LB

- 92 Provide for merger of judges' retirement plans; changes benefit amounts and years.
- 93 Change provisions for judges' retirement plan.
- 105* Provide visitation rights for grandparents and grandchildren.
- 159 Provide salary increase for judges.
- 228* Provide reimbursement to schools for vehicles using ethanol.
- 239 Establish County Attorneys' Continuing Legal Education Fund.
- 243* Dietician and Nutritionist Licensing Act.
- 278* Authorize NIFA to issue bonds for agriculture and failed financial institutions.
- 285* Establish additional factors for issuance of certificates of need.
- 300 Change provisions relating to drivers licenses and accident reports.
- 301 Adopt certain federal regulations for motor carrier safety.
- 302 Establish provision to change number of natural resource district directors.
- 309* Change provisions for revocation of ground water use permits.
- 310 Water Well Contractors' Licensing Act.
- 310A Appropriation Bill.
- 386 Provide for integrated water management systems plan.
- 452* Change provisions for bank holding companies.
- 465* Provide salary increases for conservation officers.
- 474A Appropriation Bill.
- 511* Restrict water impoundment projects in Douglas County.
- 584* Increase maximum characters on prestige plates.
- 584A Appropriation Bill.
- 603* Change filing requirements for secured transactions under UCC.
- 610 Provide duties for Supreme Court for child support collection.
- 613 Authorize state investment officer to require pledging of assets.
- 617 Provide air pollution emission standards.

- 663* Require disclosure of risks concerning abortion procedures.
- 777* Increase membership on State Racing Commission/provide appointment from districts.
- 778* Change provisions for action by Nebraska Natural Resources Commission on recommendations.
- 779 Revocation of employment driving permit; knowledge test for learners permit.
- 780 Provide responsibility for maintaining copy of odometer statement.
- 781 Require disclosure of insurance coverage for rental aircraft.
- 799* Exclude volunteer research service from the term employment.
- 867* Increases the tax on leaded fuels.
- 886 Change provisions for well drillers certificates and registrations.
- 894* Provide for control of contaminants in ground water.
- 894A Appropriation Bill.
- 927* Allow certain accountants to prepare financial documents for grain dealers.
- 945* Provide for transfer of mentally retarded to community-based programs.
- 946 Change provisions of Interstate Compact on Agricultural Grain Marketing.
- 947 Change provisions for taxation of gasohol.
- 948 Change reporting requirements for public power districts.
- 949 Change provisions for public power districts and directors.
- 956* Provide restitution as a possible condition of parole.
- 965* Create the Economic Advisory Commission.
- 966* Establish provisions for travel and tourism.
- 967* Change provisions of Small Business Development Authority Act.
- 1041* Provide for distributing proceeds from exotic horse racing wagers.
- 1076* Change provisions for refunds on manufacturing and processing equipment.
- 1077 Require notification of aerial application of certain poisons.
- 1112* Adopt Nebraska Range Authority Act.
- 1118* Establish rate regulation provision for certain telephone companies.
- 1119 Change provisions relating to telecommunications.
- 1120* Lower general rate of interest.

BILLS AND CONSTITUTIONAL AMENDMENT
RESOLUTIONS BY INTRODUCERS

2827

- 1121 Eliminate appointment of superintendent of ditch/canal and creation of water districts.
- 1182* Change provisions for loans by transaction cards.
- 1199* Adopt Environmental Response and Liability Act.
- 1210 Change provisions for transfer of water.
- 1211* Adopt Low-Level Radioactive Waste Disposal Act.
- 1216* Provide for inspecting export grain for foreign materials.
- 1217* Eliminate net worth restrictions on borrowers from NIFA.
- 1218 Provide a moratorium on farm foreclosures.
- 1230* Establish provisions for ethanol production.
- 1230A Appropriation Bill.
- 1248 Provide a tax on interest income.

LR

- 18CA Expand the scope of water projects for which state can issue bonds.
- 35CA Authorize state appropriation to Agricultural Bank.

SANDRA K. SCOFIELD

LB

- 90* Change provisions for depositions in child assault cases.
- 110* Reduce administrative fee for sales tax collections.
- 122* Establish a separate permit fee for overweight grain trucks.
- 137 Create a fund for surveillance of grain warehouses.
- 190* Establish Nebraska Future Fund from cigarette tax proceeds.
- 286* Nebraska Social Work Licensing Act.
- 333* Establish provisions regarding child abuse and neglect.
- 457* Hazardous Materials Disclosure Act.
- 461* Establish provisions for public radio.
- 465* Provide salary increases for conservation officers.
- 579 Licensed Professional Counselor Act.
- 579A Appropriation Bill.
- 639* Provide for contracting to receive information in adoption cases.
- 642 Change provisions for access to student's school records.
- 830 Authorize municipalities to issue promissory notes.
- 870* Provides for the investment and allocation of Cash Reserve Fund interest.
- 912* Change provisions for expenditures of certain state college funds.
- 966* Establish provisions for travel and tourism.
- 967* Change provisions of Small Business Development

- Authority Act.
- 977* Require Economic Development Department to administer Community Development Block Grant program.
- 1002* Modify agenda and voting requirements of open meetings law.
- 1003* Modify provisions regarding natural gas rate increases.
- 1016* Nebraska Agricultural Development Act.
- 1038* Appropriate funds for clinical veterinary training facility/food process center.
- 1115 Provide compensation for damage done by game animals.
- 1116 Require the removal of deer, antelope or elk damaging property.
- 1117 Change provisions relating to uranium mining.
- 1133* Change provisions for Coordinating Commission for Postsecondary Education.
- 1173 Establish a restriction on aquifers used for drinking water.
- 1174 Establish provisions for restoration of aquifers.
- 1175* Provide licensing requirements for farm breweries.

HAROLD F. SIECK

LB

- 54 Adopt Public Education Income Tax Act.
- 91* Appropriate funds to Coordinating Commission for Postsecondary Education for nonpublic school.
- 131* Change provisions relating to optometry practice.
- 131A* Appropriation Bill.
- 147* Provide duties for Social Services Director concerning nursing homes.
- 190* Establish Nebraska Future Fund from cigarette tax proceeds.
- 228* Provide reimbursement to schools for vehicles using ethanol.
- 312* Change provisions for Litter Reduction and Recycling Act.
- 374 Increase per diem payment of NRD Board members.
- 474* Erosion and Sediment Control Act.
- 506* Eliminate associate nursing degree programs as University's sole responsibility.
- 596 Establish assistance for direct marketing programs for agricultural products.
- 663* Require disclosure of risks concerning abortion procedures.
- 773* Require warning labels on smokeless tobacco products

BILLS AND CONSTITUTIONAL AMENDMENT
RESOLUTIONS BY INTRODUCERS

2829

- and advertisements.
- 787* Change provisions for tire requirements.
- 802* Eliminate time limit on power to levy taxes by technical community colleges.
- 824* Reduce driver license fees.
- 882* Prohibit issuing liquor licenses based on local governing body recommendation.
- 890* Change ballot provisions for municipal sales tax election.
- 911* Change provisions for retail liquor and bottle club licenses.
- 920* Change the title and manner of appointment of the Natural Resources director.
- 945* Provide for transfer of mentally retarded to community-based programs.
- 956* Provide restitution as a possible condition of parole.
- 966* Establish provisions for travel and tourism.
- 967* Change provisions of Small Business Development Authority Act.
- 985* Authorize public power and irrigation districts to have a lien on crops.
- 986 Establish standards for organic foods.
- 1016* Nebraska Agricultural Development Act.
- 1038* Appropriate funds for clinical veterinary training facility/food process center.
- 1112* Adopt Nebraska Range Authority Act.
- 1126* Change provisions for nonresident high school tuition.
- 1132 Provide for restoration practices for land prone to wind erosion.
- 1177 Change references to persons with mental retardation or illness.
- 1178 Impose sales tax on food for soil and water conservation purposes.
- 1199* Adopt Environmental Response and Liability Act.
- 1216* Provide for inspecting export grain for foreign materials.
- LR**
- 311CA* Authorize the keeping of fire arms.

JACKLYN SMITH

LB

- 91* Appropriate funds to Coordinating Commission for Postsecondary Education for nonpublic school.
- 190* Establish Nebraska Future Fund from cigarette tax proceeds.

- 286* Nebraska Social Work Licensing Act.
- 288* Change provisions for taking or keeping library materials.
- 320* Adult Protective Services Act.
- 333* Establish provisions regarding child abuse and neglect.
- 534 Provide annual evaluations of probationary school superintendents.
- 791* Change penalty provisions for child pornography.
- 796* Change the authority to levy taxes for technical community colleges.
- 802* Eliminate time limit on power to levy taxes by technical community colleges.
- 804* Create Alzheimer's Disease Task Force.
- 829 Provide long-term care management services for elderly.
- 829A Appropriation Bill.
- 945* Provide for transfer of mentally retarded to community-based programs.
- 964* Require Economic Development Department to contract with UNL for high-tech industry research.
- 965* Create the Economic Advisory Commission.
- 966* Establish provisions for travel and tourism.
- 967* Change provisions of Small Business Development Authority Act.
- 1004* Adopt Motorcycle Safety Education Act.
- 1016* Nebraska Agricultural Development Act.
- 1041* Provide for distributing proceeds from exotic horse racing wagers.
- 1051* Establish provisions for asbestos control.
- 1112* Adopt Nebraska Range Authority Act.
- 1230* Establish provisions for ethanol production.
- LR**
- 36CA* Establish membership for governing board for university and state colleges.

TOM VICKERS

LB

- 131* Change provisions relating to optometry practice.
- 133* Provide work-study program at postsecondary institutions.
- 156 Time to Learn Act.
- 205 Provide additional powers and duties for NETV.
- 206* Establish pay equity provisions in state government.
- 309* Change provisions for revocation of ground water use permits.

BILLS AND CONSTITUTIONAL AMENDMENT
RESOLUTIONS BY INTRODUCERS

2831

- 388 Change provisions for reorganization of Class II school district.
- 415A Appropriation Bill.
- 416 Change provisions relating to firefighter's hours of duty.
- 455* Career Teacher Incentive Act.
- 457* Hazardous Materials Disclosure Act.
- 461* Establish provisions for public radio.
- 489* Change provisions for liability for drainage.
- 495 Change provisions for accrediting private schools.
- 506* Eliminate associate nursing degree programs as University's sole responsibility.
- 563* Establish provisions for state-owned historical properties.
- 572* Change provisions for dental practice and hygienists.
- 641 Allow nonresident tuition waiver for students with high academic qualifications.
- 661 Provide for Public Service Commission to settle certain railroad disputes.
- 681* Require Board of Educational Lands and Funds to acquire agricultural land.
- 793 Establish provisions for the George Norris House.
- 794* Change retirement and termination benefits of county employee retirement system.
- 795 Allow Agriculture Department to collect fees for statistical information publications.
- 795A Appropriation Bill.
- 796* Change the authority to levy taxes for technical community colleges.
- 799* Exclude volunteer research service from the term employment.
- 802* Eliminate time limit on power to levy taxes by technical community colleges.
- 808 Authorize the reclamation of cemetery lots.
- 811* Substitute a term in workers' compensation provisions.
- 867* Increases the tax on leaded fuels.
- 894* Provide for control of contaminants in ground water.
- 954 Allow the creation of additional improvement areas.
- 955* Provide provisions for reentering the school retirement system.
- 997A* Appropriation Bill.
- 1015 Require financial institutions to give notice of the right of setoff.
- 1016* Nebraska Agricultural Development Act.
- 1022* Establish provisions for pay increases for state employees.

- 1049* Provide for interstate agreements for special education.
- 1112* Adopt Nebraska Range Authority Act.
- 1166 Allow voting in primary elections regardless of political party affiliation.
- 1167 Provide conditions for reimbursing nursing homes.
- 1168 Utilize severance tax proceeds for Professional Staff Development Fund.
- 1169 Change consideration factors for interbasin water transfers.
- 1170 Change basis for representation at state political party conventions.
- 1171 Create State Office for Economic, Commercial, and Human Development.
- 1172* Adopt Higher Education Planning and Review Act; eliminate Postsecondary Education Coordinating Commission.
- 1172A Appropriation Bill.
- 1176* Provide for animal damage control aides; change provisions for predatory animals.
- 1185* Adopt Local Option Electronic Lottery Act.
- 1199* Adopt Environmental Response and Liability Act.
- 1230* Establish provisions for ethanol production.

LR

- 9CA* Require the Legislature to provide equal educational opportunities.
- 19CA* Require schools to have financial resources for quality educational programs.

JEROME WARNER**LB**

- 31 Change provisions relating to Governor's appropriation bill.
- 31A Appropriation Bill.
- 32 Change certain fees charged by sheriffs.
- 35 Change provisions relating to highway funds.
- 43 Change the salaries of constitutional officers.
- 43A Appropriation Bill.
- 45 Change provisions relating to objections to nomination certificates.
- 46 Issue handicapped parking permits to persons with temporary handicap.
- 212 Change provisions regarding disposition of unclaimed property.
- 258 Provide for biennial appropriations.

BILLS AND CONSTITUTIONAL AMENDMENT
RESOLUTIONS BY INTRODUCERS

2833

- 260 Change provisions for MBA degree at state colleges.
- 261 Change provisions for instructional review in postsecondary education.
- 390* Provide a medical expense account for state employees.
- 425 Eliminate registration requirement for electric utility bonds.
- 502 Establish provisions for interexchange telecommunications services.
- 572* Change provisions for dental practice and hygienists.
- 720 Require legislative approval of certain Industrial Relations Commission orders.
- 835A Appropriation Bill.
- 870* Provides for the investment and allocation of Cash Reserve Fund interest.
- 919 Establish a fee schedule for court reporters.
- 920* Change the title and manner of appointment of the Natural Resources director.
- 1038* Appropriate funds for clinical veterinary training facility/food process center.
- 1120* Lower general rate of interest.
- 1133* Change provisions for Coordinating Commission for Postsecondary Education.
- 1199* Adopt Environmental Response and Liability Act.
- 1222* Redefine lottery and other gambling terms.
- 1244 Adopt Intergovernmental Data Communications Act.
- LR**
- 304CA Provide for biennial legislative sessions and eliminate length restriction.
- 314CA Require certain proceeds be used for highway construction.

DON WESELY

LB

- 84 Change provisions for Class IV school districts.
- 110* Reduce administrative fee for sales tax collections.
- 167 Change provisions relating to confinement of mentally ill persons.
- 169 Appropriate funds for renovation of Morrill Hall.
- 201* Establish a high-risk pregnancy support program.
- 248A Appropriation Bill.
- 251A Appropriation Bill.
- 311 Establish provisions for early retirement by public employees.

- 312* Change provisions for Litter Reduction and Recycling Act.
- 314 Change provisions regarding certificate of need.
- 316 Provide funds for state projects to increase energy efficiency.
- 318* Nebraska Cosmetology Act.
- 318A Appropriation Bill.
- 320* Adult Protective Services Act.
- 362* Change provisions and responsibility for accident reports.
- 380 Establish recycling for state office wastepapers; repeal Resource Conservation Act.
- 390* Provide a medical expense account for state employees.
- 396* Building Construction Act.
- 431 Change provisions relating to energy conservation.
- 433 Provide powers and duties related to mental health services for children.
- 497 Amusement Ride Act.
- 550* Prohibit mental health services administrators from private practice.
- 565 Confidentiality of Patient Care Information Act.
- 566 Nebraska Science and Technology Authority Act.
- 567 Establish cost-of-living increases for public employees retirement plans.
- 654A Appropriation Bill.
- 655 Provide for retirement systems for combined police/fire department employees.
- 674 Create a combined State Alcoholism and Drug Abuse Advisory Committee.
- 675 Create State Mental Health Advisory Committee.
- 773* Require warning labels on smokeless tobacco products and advertisements.
- 791* Change penalty provisions for child pornography.
- 792 Authorize funds for energy projects for county and city public buildings.
- 797* Adopt Nebraska Trade Secrets Act.
- 799* Exclude volunteer research service from the term employment.
- 802* Eliminate time limit on power to levy taxes by technical community colleges.
- 850*** Adopt Research and Development Authority Act; repeals Small Business Authority Act.
- 887 Declare vacancy on technical community college board when member has unexcused absence.
- 911* Change provisions for retail liquor and bottle club

BILLS AND CONSTITUTIONAL AMENDMENT
RESOLUTIONS BY INTRODUCERS

2835

- licenses.
- 915 Eliminate provisions relating to open enrollment for health maintenance organizations.
- 916 Adopt Medically Indigent Act.
- 925A Appropriation Bill.
- 933 Change provisions for disputes submitted to Power Review Board.
- 934 Provide duties to Power Review Board prior to approving construction.
- 938 Change the eligibility requirement for state employee retirement plan.
- 964* Require Economic Development Department to contract with UNL for high-tech industry research.
- 965* Create the Economic Advisory Commission.
- 966* Establish provisions for travel and tourism.
- 967* Change provisions of Small Business Development Authority Act.
- 1016* Nebraska Agricultural Development Act.
- 1022* Establish provisions for pay increases for state employees.
- 1046 Change provisions relating to infant testing.
- 1047 Authorize Health Department to establish fees for certain lab tests.
- 1051* Establish provisions for asbestos control.
- 1051A* Appropriation Bill.
- 1058 Adopt Chronic Diseases Program.
- 1060A Appropriation Bill.
- 1069* Provide a uniform method for valuing tangible personal property.
- 1078 Change provisions for appeal of committee decisions of Certificate of Need Act.
- 1079 Change provisions for emergency vehicles; change provisions for competency certificates.
- 1108 Change a term used in definition of unlawful employment practice.
- 1113 Adopt Family Farmland Reserve Act.
- 1124* Adopt Employment Expansion and Investment Incentive Act.
- 1124A* Appropriation Bill.
- 1134 Increase supplemental retirement benefits planned for teachers.
- 1222* Redefine lottery and other gambling terms.
- 1228 Provide for removal of eyes by certain persons under Anatomical Gift Act.

LR

- 7CA Permit state to guarantee loans for energy conservation devices.

RON WITHEM**LB**

- 164* County Peace Officers Retirement Act.
172* Require tax levy reduction upon property valuation increase.
190* Establish Nebraska Future Fund from cigarette tax proceeds.
206* Establish pay equity provisions in state government.
333* Establish provisions regarding child abuse and neglect.
434 Provide for reimbursement to franchise holders.
436 Change provisions for speed limits during highway construction.
437 Restrict following distances for motor vehicles.
438 Dental Anesthesia Act.
438A Appropriation Bill.
461* Establish provisions for public radio.
471* Change provisions for fee collection by State Fire Marshal.
483 Change provisions for election of trustees in SID's.
484 Change provisions for information filing by new SID's.
485 Provide method for computing workers compensation insurance premiums.
531 Change provisions for collecting delinquent real estate taxes.
586 Change various provisions for emergency medical services.
640* Change membership composition of bridge commission.
751 Provide limit on operating reserve cash funds of school districts/change aid.
752 Require minimum balance in Cash Reserve Fund.
782 Change provisions relating to nursing homes.
786* Establish limitations for noise on recreational vehicles/model airplanes.
826 Change provisions for anatomical gifts.
827 Change provisions for determining equalization aid for schools.
828 Require anti-scald devices on tubs or shower fixtures.
834* Eliminate School Foundation and Equalization Act; creates School Finance Act.
836 Change provisions for Board of Examiners in Dentistry.
961* Change the percent of school aid to districts with

BILLS AND CONSTITUTIONAL AMENDMENT
RESOLUTIONS BY INTRODUCERS

2837

- membership changes.
- 965* Create the Economic Advisory Commission.
- 967* Change provisions of Small Business Development Authority Act.
- 982 Exempt civil authorities from liability during emergency situations.
- 988* Appropriate funds to district courts for probation office merger.
- 1006 Eliminate prohibition on state employees holding political party offices.
- 1019 Require Labor Commissioner to notify employers of proposed contributions rate change.
- 1069* Provide a uniform method for valuing tangible personal property.
- 1070 Provide for reporting of nonattendance by students to county attorney.
- 1074 Establish a requirement for instruments recorded with register of deeds.

LR

- 19CA* Require schools to have financial resources for quality educational programs.
- 26CA Change provisions for reading a bill on final passage.
- 319CA Authorize vocational schools to incur indebtedness.

- * With others.
- ** At the request of the Governor.
- *** With others and at the request of the Governor.

**LEGISLATIVE BILLS AND
CONSTITUTIONAL AMENDMENT RESOLUTIONS
BY INTRODUCERS**

ADMINISTRATIVE RULES AND REGULATIONS REVIEW

LB

- 449 Change rule making procedures for administrative agencies.

AGRICULTURE AND ENVIRONMENT

LB

- 898 Change provisions relating to milk and milk products.
899* Change provisions of Nebraska Seed Law.
900 Change provisions relating to milk quality.
1007* Change recourse provisions of the Grain Buyer Act.
1008 Change provisions for uranium mining.

APPROPRIATIONS

LB

- 1080 Repeal review requirement for nonstate funds received by state agencies.
1081 Eliminate color photographs on driver licenses.
1082 Change the limitation on public transportation aid.
1083 Change eligibility provisions for ADC.
1084 Change provisions for ADC payments for unborn children.
1085 Change eligibility provisions for medical assistance.
1086 Eliminate provisions of the Protection From Domestic Abuse Act.
1087 Change funding provisions for Nebraska Cancer Research Fund.
1088 Eliminate Certificate of Need Review Committee; provide Health Department with powers.
1089 Eliminate statutory provisions for various advocacy agencies.
1090 Change provisions for accreditation standards and teacher certification.
1091 Merge Schools for the Deaf and Visually Handicapped.
1092 Change provisions for state reimbursement for special education programs.
1093 Change provisions for reimbursement for transportation and resident care for special education.
1094 Eliminate the public hearing of the Equal Opportunity Commission.

BILLS AND CONSTITUTIONAL AMENDMENT
RESOLUTIONS BY INTRODUCERS

2839

- 1095 Eliminate reimbursement for expenses of Nebraska Arts Council members.
- 1096 Change statutory provisions for Curtis School of Agriculture.
- 1097 Eliminate power to commit certain persons to state institutions for evaluations.
- 1098 Eliminate the Youth Diagnostic and Rehabilitation Center.
- 1099 Eliminate the operation of Youth Development Center-Geneva.
- 1100 Repeal Vietnam Veterans Education Loan Act.
- 1101 Change provisions for aid to governmental subdivisions.
- 1102 Eliminate state participation in noxious weed control programs.
- 1103 Change provisions for registration of wells.
- 1104 Eliminate Tax Expenditure Reporting Act of 1979.
- 1105 Change provisions for county assessors' training costs and examination fees.
- 1106 Eliminate furnishing certain forms by Revenue Department.
- 1190 Create a cash fund in Department of Social Services.
- 1191 Eliminate provisions for medically handicapped children.
- 1250 Establish procedures for salary adjustments for state employees.
- 1250A Appropriation Bill.
- 1251 Appropriate funds for state government expenses.
- 1252 Appropriate funds for capital construction.
- 1253 Provide for state liability for medicaid claims.
- 1254 Repeal sunset provisions for Social Services Department to contract for services.
- 1259 Appropriate funds for payment of civil action claims against the state.

BANKING, COMMERCE AND INSURANCE

LB

- 825 Define birthday of Martin Luther King, Jr. as a legal holiday.
- 883 Adopt Political Subdivisions Group Self-insurance Pool Act.
- 884 Adopt Nebraska Fair Trade Practices Act.
- 895 Require reporting of mandated health coverage provisions.
- 1005 Change liability insurance provisions for health care

- providers.
1232 Provide for post-judgment and prejudgment interest.

BUSINESS AND LABOR

LB

- 719 Disallow certain claims against the State.
809 Change provisions relating to reporting of testimony before the Industrial Relations Commission.
810 Create Industrial Commission Act.
950 Change definitions of Employment Security Law.
951 Change provisions for quarterly reports in the Employment Security Law.
952 Change provisions regarding attorney's fees under Employment Security Law.
1023 Change provisions for erroneous, unlawful, or excessive payments of unemployment.
1203 Adopt Boiler Inspection Act.
1204 Rename an elevator code.
1255 Provide for payment of certain claims against the state.
1256 Provide for payment of certain teachers' claims against the state.
1257 Disallow certain claims against the state.

CONSTITUTIONAL REVISION AND RECREATION

LB

- 1234 Increase hotel occupancy sales tax and provide funding for state parks.

EDUCATION

LB

- 414 Require all counties to be part of educational service units.
415 Vocational Education Incentive Funding Act.
418 Provide for establishing community education programs.
419 Change provisions for transportation allowances for pupils.
607 Change provisions for equalization aid and incentive payments to schools.
636 Establish a method for ESU employees to become tenured.
714 Change provisions relating to special education programs.
940 Provide transportation of handicapped children.
941 Change provisions for submitting special education plans and budgets.
942 Change reimbursement provisions for handicapped

BILLS AND CONSTITUTIONAL AMENDMENT
RESOLUTIONS BY INTRODUCERS

2841

- children.
- 943 Require ESUs to maintain special education divisions.
- 944 Encourage cooperative joint and reciprocal programs for postsecondary education.
- 997 Change provisions for teachers' contracts and certification.
- 998 Establish limit on biennial secondary course offerings in private school.

EXECUTIVE BOARD

LB

- 729 Revisor bill to change a provision on allocation of street funds.
- 730 Revisor bill relating to fraternal benefit societies.
- 731 Revisor bill relating to motor vehicle inspection.
- 732 Revisor bill to harmonize public service provisions with legislation.
- 733 Revisor bill relating to hospital authorities.
- 734 Revisor bill relating to police judges.
- 735 Revisor bill relating to civil procedure.
- 736 Revisor bill to repeal terminated Petroleum Products Act.
- 737 Revisor bill relating to food sales tax credit and certain tax litigation.
- 738 Revisor bill relating to Nebraska Capital Construction Fund.
- 739 Revisor bill relating to Cash Reserve Fund.
- 740 Revisor bill relating to certain school districts becoming ESUs.
- 741 Revisor bill relating to Civil Administrative Code of 1919.
- 742 Revisor bill relating to Beatrice State Developmental Center.
- 743 Revisor bill relating to Nebraska Center for Women.
- 744 Revisor bill to delete obsolete railroad penalty.
- 745 Revisor bill relating to obsolete provisions of performance review and audit.
- 746 Revisor bill relating to transfer of state building administrator.
- 747 Revisor bill deleting provisions governing accounts/vouchers of Tax Commissioner.
- 748 Revisor bill repealing obsolete statutes on tax accounts of Commissioner.
- 749 Revisor bill to change a reference to county court jurisdiction.

- 750 Revisor bill to delete a reference to municipal courts.

GOVERNMENT, MILITARY AND VETERANS AFFAIRS

LB

- 928 Authorize Risk Manager to procure insurance for state vehicles.
929 Change provisions for distribution of governmental funds.
930 Change provisions for duplicate warrants, petty cash fund and processing payroll.
931 Change provisions for tuition credit for National Guard members.
932 Authorize expense payments to certain job applicants.
1033 Change provisions relating to elections.

HEALTH AND HUMAN SERVICES (Formerly Public Health and Welfare)

LB

- 248 Establish standards for home health agencies.
251 Require skilled nursing facilities to be certified for Medicare participants.
654 Change provisions for nursing home licenses.
921 Change provisions for intermediate health care facility.
922 Delete matching funds for comprehensive community mental health services on Indian reservations.
923 Change provisions for guardianships of children and detention and placement of juveniles.
924 Provide licensure of interim health care facilities for develop disabled.
925 Provide for funding of cancer registry.
926 Adopt Uniform Licensing Law.
1060 Radiation Control Act.

JUDICIARY

LB

- 411 Change provisions regarding contributory negligence.
490 Change provisions for abuse of children and incompetent or disabled persons.
527* Change district court clerks and employees to state employees.
528 Allow community service as a sentencing alternative.
530 Allow reduction of sentences.
600 Establish provisions for child support.
626 Provide for employment driving permits.
716 Change discovery of trial information; provide for venue

**BILLS AND CONSTITUTIONAL AMENDMENT
RESOLUTIONS BY INTRODUCERS**

2843

- in court actions.
- 1011 Transfer licensing duties of private detectives to State Patrol.
- 1064 Prohibit controlled substance analogs.
- 1071 Establish a crime of terroristic threats.
- 1107 Establish definition and provisions for possessing machine guns.
- 1109 Provide notice requirements for injunctions.
- 1247 Change provisions for probation.

MISCELLANEOUS SUBJECTS

LB

- 288* Change provisions for taking or keeping library materials.
- 871 Eliminate provisions for beneficial interest in liquor licenses.
- 872 Provide for printing of regulations by Liquor Control Commission.
- 873 Change provisions for bingo, lotteries, raffles and gift enterprises.

NEBRASKA RETIREMENT SYSTEMS

LB

- 348 Change provisions for certain state administered retirement plans.
- 351 Redefine military service in judges' retirement plan.
- 352 Change provisions of first class city police officers/firefighters retirement plan.
- 1139 Change provisions for state administered employee retirement plans.
- 1200 Conform state administered employee retirement systems with federal tax provisions.

**PUBLIC HEALTH AND WELFARE
(See Health and Human Services)**

PUBLIC WORKS

LB

- 284* Nebraska Chemigation Act.
- 474* Erosion and Sediment Control Act.

REVENUE

LB

- 539 Change language relating to sales and income tax rate.

- 774 Establish provisions for taxing financial institutions.
- 816 Change valuation methods of motor vehicles for taxation.
- 817 Change various provisions for property taxation.
- 1027 Exempt certain sales of farm/business machinery; change credit gas containers.
- 1028 Change taxation definition of "engaged in business in this State".
- 1142 Authorize Tax Commission to adjust state income tax rate based on federal.
- 1143 Adopt Petroleum Products Act.
- 1180 Provide a sales tax on services.

SELECT COMMITTEE ON EARLY CHILDHOOD SPECIAL EDUCATION

LB

- 904 Abolish the Nebraska Coordinating Council for the Handicapped.
- 905 Require screening of infants for hearing impairment.
- 906 Change provisions for special education services.
- 939 Change provisions for special education plans and budget requests.

URBAN AFFAIRS

LB

- 970 Provide for special meetings to fill city council or village board vacancy.
- 971 Change requirements for protesting a zoning change in Omaha.
- 972 Reduce the number of city codes which must be on file.
- 977* Require Economic Development Department to administer Community Development Block Grant program.
- 1002* Modify agenda and voting requirements of open meetings law.
- 1003* Modify provisions regarding natural gas rate increases.
- * With others.
- ** At the request of the Governor.
- *** With others and at the request of the Governor.

LEGISLATIVE BILLS AND RESOLUTIONS REFERRED TO COMMITTEE

Administrative Rules and Regulations Review

Chairperson - Gary E. Hannibal

449 536

Agriculture and Environment

Chairperson - Rod Johnson

137	463	795	946	1102	1183
217	474	818	953	1113	1199
227	491	832	985	1127	1211
284	555	849	986	1132	1216
312	596	898	1001	1144	1237
322	617	899	1007	1146	1238
380	638	900	1008	1173	1239
394	671	927	1016	1174	1240
443	768	937	1077	1176	1249
459	775				

Appropriations

Chairperson - Jerome Warner

31	199	752	847	988	1082
35	212	838	851	1020	1087
59	258	839	852	1022	1190
91	390	840	853	1038	1198
169	465	841	870	1080	1219
198	599	842			

Banking, Commerce and Insurance

Chairperson - John W. DeCamp

63	135	192	278	298	434
74	136	194	296	305	451
107	143	276	297	431	452

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453	667	883	963	1035	1181
469	669	884	964	1040	1182
480	676	892	966	1042	1184
571	681	893	967	1045	1192
573	686	895	968	1052	1202
574	691	903	973	1066	1208
581	767	907	976	1112	1215
593	781	908	981	1120	1217
603	792	909	983	1123	1231
604	801	910	1005	1125	1232
613	850	915	1015	1136	1235
635	859	928	1025	1150	1243
645	869	959	1032	1171	1246
647	880				

Business and Labor

Chairperson - William Barrett

256	485	809	950	1036	1203
257	497	810	951	1037	1204
303	513	811	952	1043	1255
416	719	837	958	1094	1256
426	720	901	1019	1108	1257
457	799	917	1023	1179	

Constitutional Revision and Recreation

Chairperson - Lee Rupp

517	1234	LR16CA	LR32CA	LR305CA	LR314CA
558	LR7CA	LR18CA	LR34CA	LR306CA	LR318CA
1073	LR8CA	LR19CA	LR35CA	LR307CA	LR319CA
1115	LR9CA	LR26CA	LR36CA	LR309CA	LR321CA
1116	LR11CA	LR29CA	LR82	LR310CA	LR322CA
1152	LR12CA	LR30CA	LR304CA	LR311CA	LR326CA
1189	LR13CA				

Education

Chairperson - Thomas Vickers

50	68	156	234	261	415
57	84	205	246	388	418
65	133	228	260	414	419

BILLS AND RESOLUTIONS IN COMMITTEE 2847

455	670	834	940	1010	1090
461	695	865	941	1013	1091
478	710	866	942	1034	1092
495	714	887	943	1039	1093
506	751	897	944	1049	1096
534	757	906	961	1057	1126
607	784	912	962	1059	1133
636	796	913	978	1062	1172
641	802	918	997	1070	1206
642	820	939	998	1075	1209
650	827				

Executive Board

Chairperson - Calvin Carsten

991	993	994	995	996	1225
992					

Government, Military and Veterans Affairs

Chairperson - David Landis

32	471	765	857	932	1100
43	499	776	861	965	1158
45	511	777	862	970	1166
78	512	785	875	1006	1170
178	563	806	876	1014	1188
206	566	812	878	1033	1196
316	595	843	885	1056	1207
428	621	844	929	1063	1223
440	644	855	930	1074	1227
467	664	856	931	1089	1244

Health and Human Services (Formerly Public Health and Welfare)

Chairperson - Don Wesely

44	243	285	355	550	623
82	248	286	396	565	632
131	251	291	433	572	643
147	262	314	438	578	654
167	267	318	466	579	674
201	277	333	549	586	675

LEGISLATIVE JOURNAL

685	826	905	945	1060	1088
701	828	916	1009	1067	1135
754	829	921	1046	1078	1167
763	836	922	1047	1083	1177
773	848	924	1051	1084	1191
782	858	925	1055	1085	1228
804	904	926	1058		

Judiciary

Chairperson - Peter Hoagland

55	330	525	788	984	1141
69	361	526	791	987	1147
70	362	527	797	989	1148
73	367	528	805	999	1159
79	370	529	813	1011	1160
90	376	530	823	1024	1213
105	377	540	874	1026	1214
125	411	543	877	1031	1218
142	448	600	881	1053	1221
146	464	610	891	1054	1224
159	477	626	919	1064	1226
170	481	631	923	1071	1229
177	490	639	956	1086	1233
189	504	663	957	1097	1236
226	514	716	969	1098	1241
237	516	755	974	1099	1242
239	520	760	975	1107	1245
289	521	771	979	1109	1247
320	522	772	982	1128	

Miscellaneous Subjects

Chairperson - Elroy M. Hefner

58	275	756	814	882	1021
72	288	762	868	911	1095
95	379	766	871	935	1175
144	515	770	872	960	1185
202	548	793	873	1018	1222
230	657	803			

Nebraska Retirement Systems

Chairperson - Bill Harris

92	325	403	706	938	1134
93	348	454	764	955	1139
145	351	546	794	1048	1140
164	352	567	822	1110	1149
290	402	655	860	1129	1200
311					

Public Health and Welfare
(See Health and Human Services)**Public Works**

Chairperson - Loran Schmit

71	374	661	833	949	1131
122	386	759	835	1000	1145
123	436	769	845	1004	1151
124	437	778	854	1050	1156
150	468	779	864	1079	1169
153	476	780	886	1081	1186
161	489	783	894	1103	1187
179	502	786	896	1118	1197
300	524	787	902	1119	1201
301	575	790	920	1121	1210
302	584	807	933	1122	1230
309	601	821	934	1130	LR345
310	640	831	948		

Revenue

Chairperson - Vard R. Johnson

54	400	712	816	889	1027
88	425	753	817	890	1028
110	507	758	819	914	1029
172	531	774	824	936	1030
174	539	789	846	947	1041
190	556	798	863	980	1044
219	561	800	867	1012	1061
222	594	815	888	1017	1065

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1068	1104	1117	1154	1178	1212
1069	1105	1124	1155	1180	1220
1072	1106	1142	1157	1193	1248
1076	1111	1143	1161	1194	1258
1101	1114	1153	1168	1195	

Urban Affairs

Chairperson - Ron Withem

46	494	808	971	1003	1163
399	519	830	972	1137	1164
483	544	879	977	1138	1165
484	761	954	1002	1162	1205

***Joint Committee**

SUMMARY OF LEGISLATION

The following table shows the final disposition:

Length 60 days

Total Number of Bills Introduced, 89th Legislature	1259
Total Number of Bills Introduced, 1st Session	728
Total Number of Bills Introduced, 2nd Session	531
Total Number of Carryover Bills, 1st Session	332
Total Number of "A" Bills Introduced, 89th Legislature	115
Total Number of Carryover "A" Bills, 1st Session	25
Total Number of New "A" Bills, 2nd Session	58
Total Number of Resolutions Introduced, 89th Legislature (including CA)	446
Total Number of Resolutions Introduced, 1st Session	303
Total Number of Resolutions Introduced, 2nd Session	143
Total Number of CA Resolutions Introduced, 89th Legislature ..	43
Total Number of CA Resolutions Passed, 89th Legislature	2
Total Number of Bills to Become Law, 2nd Session	316

Approved by Governor, (309):

43	217A	318A	464	550	645Ae
43A	258	322	471	558e	663
68	267	325	474	561	674
74	275	325A	474A	563	675
79	277	333	481	572	701
84	277A	333A	483	572A	729
92e	284	351	484	573	730
105	284A	355	491e	575	731
122	286	355A	494	575A	732
124	286A	374	504	579	733
125	298	379	512	579A	734
131	300	380	525	593e	735
131A	301	419	528	595e	736
137e	302	425	529e	599e	737
143	305	433	530	600	738
153e	309	436	531	621	739
153A	310	437	534	640e	741
172	310A	438	540	642	742
174	311e	438A	543	643	743
212	311A	448e	546e	643A	744
217	318	461	548	644	745

746	804e	881	948	1012	1114Ae
747	804A	885	949	1016	1123
748	807	886	950e	1017	1124
749	808	887	956	1025	1124A
750	809	888	960e	1027	1131
753e	811	889	963e	1027A	1143
756	812	890	965	1035	1143A
757	813	891e	969	1036	1158
757A	816	894	971	1036A	1159
759	817	894A	973e	1037	1160
762	820	895	975	1037A	1177
763	825e	896	983e	1038e	1184
765	831	900e	988e	1041e	1190
768e	833	900A	991	1041Ae	1208
768Ae	835	901	992	1045	1228
771	835A	904	992A	1047	1229e
772e	840e	907	993	1048	1230e
774	841e	908e	994	1049e	1230A
774A	842e	909	995	1049Ae	1241
775	849e	910	996	1051	1242
775A	850e	911e	997e	1051A	1246
779	850A	912	997A	1052	1250
780	851e	921	999	1056	1250A
781	851Ae	922	1001e	1063	1253e
782	853	925	1001Ae	1080	1254
783e	864	925A	1004	1093	1255e
788	869e	926e	1004A	1105	1256e
795	870e	929	1005	1105A	1258e
795A	871	930	1007	1108	1258A
796	877	931	1008	1114e	1259e
799e	878	942			

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967e

Returned by Governor w/o Approval, (14):

778	635e	1203	959A	201	90
829	237	959	603	201A	600A
829A	237A				

Passed Notwithstanding Objections of Governor, (6):

839e	1251e*	539	1252e	516	1129
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Became Law Without Governor's Signature, 0.

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Failed on Final Reading, (3):

645 1172 1142

Resolution CA delivered to Secretary of State, (1):

LR318CA

Indefinitely Postponed, (601):

31	145	256	414	511	623
31A	146	257	415	513	626
32	147	260	415A	514	631
35	150	261	416	515	631A
38A	156	276	418	517	632
44	159	278	426	519	632A
45	164	285	428	520	636
46	167	289	431	521	638
50	169	290	434	522	639
54	170	291	440	524	641
55	177	291A	443	526	650
57	178	296	449	527	654
58	179	297	451	536	654A
59	189	303	452	544	655
63	190	312	453	549	657
65	192	314	454	555	661
69	194	316	455	556e	664
70	198	320	457	556Ae	667
71	199	330	459	565	667A
72	202	348	463	566	669
72A	205	352	465	567	670
73	206	361	466	571	671
78	219	362	467	574	676
82	219A	367	468	578	681
82A	222	367A	469	578A	685
88	226	370	476	581	686
91	227	376	477	584	691
93	228	377	478	584A	695
95	230	386	480	586	706
107	234	388	485	594	710
110	239	390	489	596	712
123	243	394	490	601	714
133	243A	396	495	604	716
135	246	399	497	604A	719
136	248	400	499	607	720
142	248A	402	502	610	740
144	251	403	506	613	751
144A	251A	411	507	617	752

754	836	913	979	1055	1104
755	837	914	980	1057	1106
758	838	915	981	1058	1107
760	843	916	982	1059	1109
761	844	917	984	1060	1110
764	845	918	985	1060A	1111
766	846	919	986	1061	1112
767	847	920	987	1062	1113
769	848	923	989	1064	1115
773	852	924	998	1065	1116
776	854	927	1000	1066	1117
777	855	928	1002	1067	1118
784	856	932	1003	1068	1119
785	857	933	1006	1069	1120
786	858	934	1009	1070	1121
787	859	935	1010	1071	1122
789	860	936	1011	1072	1125
790	861	937	1013	1073	1126
791	862	938	1014	1074	1127
792	863	939	1015	1075	1130
793	865	940	1018	1076	1132
794	866	941	1019	1078	1133
797	867	943	1020	1079	1134
798	868	944	1021	1081	1135
800	872	945	1022	1082	1136
801	872A	946	1023	1083	1137
802	873	947	1024	1084	1138
803	874	951	1026	1085	1139
805	875	952	1028	1086	1140
805A	876	953	1028A	1087	1141
806	879	954	1029	1088	1144
810	880	955	1030	1089	1145
814	882	957	1031	1090	1146
815	883	958	1032	1091	1148
819	892	961	1033	1092	1149
821	893	962	1034	1094	1150
822	897	964	1039	1095	1151
823	898	966	1040	1096	1152
824	898A	968	1042	1097	1153
826	899e	970	1043	1098	1154
827	899Ae	972	1044	1099	1155
828	902	974	1046	1100	1156
830	903	976	1050	1101	1157
832	905	977	1053	1102	1161
834	906	978	1054	1103	1162

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1164	1185	1202	1220	1243	LR32CA
1165	1186	1204	1221	1244	LR34CA
1166	1187	1205	1222	1245	LR35CA
1167	1188	1206	1223	1247	LR36CA
1168	1189	1207	1224	1248	LR304CA
1169	1191	1209	1225	1249	LR305CA
1170	1192	1210	1226	1257	LR306CA
1171	1193	1211	1227	LR7CA	LR307CA
1172A	1194	1211A	1231	LR8CA	LR309CA
1173	1195	1212	1232	LR11CA	LR310CA
1174	1195A	1213	1233	LR12CA	LR311CA
1175	1196	1214	1234	LR13CA	LR314CA
1176	1197	1215	1235	LR16CA	LR319CA
1178	1198	1216	1237	LR18CA	LR321CA
1179	1199	1217	1238	LR26CA	LR322CA
1181	1200	1218	1239	LR29CA	LR326CA
1182					

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161	647	884	1128	1180	LR9CA
262	770	990	1147	1236	LR19CA
288	818	1077			

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57	336	355	371	412	428
308	338	356	372	413	429
312	339	357	373	414	430
313	340	358	374	415	431
315	341	359	375	416	432
317	342	360	376	417	433
320	343	361	377	418	434
323	344	362	378	419	435
325	345	363	379	420	436
327	348	364	380	421	438
328	349	365	382	422	439
329	350	366	383	423	440
330	351	367	384	424	442
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#86023	1044
#86026	1135
#86027	1163
#86029	1226
#86030	1263
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#86032	1300
#86033	1355
#86034	1377
#86035	1380
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43-512.08	A	600	44-127.03	A	593
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43-604	A	1177	44-222	A	811
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43-611	A	941	44-310	A	1045
43-611	A	942	44-320	A	635
43-611	A	1093	44-359	A	811
43-611	A	1177	44-379	A	1184
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43-620	A	1177	44-513	A	676
43-621	A	1177	44-513	A	1067
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43-641	A	1093	44-10,106	A	1066
43-643	A	714	44-1206	A	811
43-643	A	906	44-1213	A	1030
43-643	A	939	44-1213	R	1114
43-643	A	941	44-1402	A	811
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43-647.01	A	1091	44-2406	A	811
43-648	A	714	44-2407	A	1030
43-648	A	906	44-2407	A	1114
43-648	A	929	44-2407	A	1125
43-648	A	939	44-2411	A	811
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46-659	A	894	48-626	A	426
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46-666	A	894	48-627	A	917
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46-673.09	A	894	48-646	A	952
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46-687	A	309	48-652	A	901
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48-808	A	809	53-103	A	872
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48-816	A	810	53-103	A	1175
48-816.02	A	810	53-105	A	857
48-817	A	720	53-107	A	862
48-818	A	720	53-117	A	1018
48-819	A	720	53-120	A	1018
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48-823	A	810	53-123	A	1175
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48-838	A	810	53-123.12	A	872
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48-1102	A	1108	53-124	A	872
48-1114	A	1108	53-124	A	1018
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Community education programs: encourages school districts and communities to develop(Vickers).....	330LR
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Transportation vehicles for special education: urge Education Department and DAS to examine alternative purchasing methods (Education Comm.).....	317LR
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